

Chapter 22.03. Use Standards

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22.03.01. General Provisions

- A. **Purpose.** The purpose of this Chapter is to establish the principal, accessory, and temporary uses allowed in each zoning district, including how they are regulated (permitted, conditional use, etc.) and required supplemental standards.
- B. **Applicability.** The uses and supplemental use standards established in this Chapter shall apply to all parcels within the City of Waukesha as detailed on the City of Waukesha Zoning Map.

22.03.02. Classification of Uses

- A. **General Use Types.** To regulate the use of land, general use types have been established. General use types provide a systematic basis for assigning land uses to appropriate categories with other similar uses. General use types classify land uses and activities based on common functional, product or physical characteristics.
 - 1. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.
 - 2. Where a general use definition contains a list of example uses, the list is to be considered non-inclusive. Uses shall be categorized through the Interpretation process established in **Section #####.**
- B. **Qualified Uses.**
 - 1. **Floor Dependent.**

- a. If a use includes “above ground floor only” in the title, it shall be allowed on the second story or higher of a building only.
- b. If a use does not include “above ground floor only” in the title, it shall be allowed on all building stories.

2. **Square Footage Dependent.**

- a. If a use includes a qualifying statement regarding square footage, such as “less than 15,000 sq ft” or “less than 40,000 sq ft,” the total footprint of the building in which the use may operate shall not exceed the specified square footage.
- b. If a use does not include a qualifying statement regarding square footage, the total footprint of the building in which the use may operate is not restricted, unless otherwise stated in this ordinance.

3. **Public or Private Designation.**

- a. If a use includes “public” in the title, it shall be owned and operated by a governmental entity, non-profit organization, or other nontaxing body.
- b. If a use includes “private” in the title, it shall be owned and operated by a for-profit organization or business.

C. **Principal Uses.**

1. **Allowance.**

- a. Principal uses are allowed by district as established in **Table ####** Principal Uses.
- b. A parcel may contain one or more principal uses.
- c. A development with multiple principal uses shall include only those principal uses designated in **Table ####** Principal Uses as allowed in the applicable zoning district, and each principal use shall be subject to all applicable supplemental standards.

2. **Use Categories.**

- a. **Residential.** Premises for long-term human habitation by means of ownership or rental, excluding short-term leasing or rental of less than 30 days.
- b. **Public and Institutional.** Any use that is not owned by one of the aforementioned organizations is private.
- c. **Commercial.** Premises for the commercial sale of merchandise, prepared foods, and food and drink consumption; the transaction of general business and the provision of services; and short-term human habitation, including daily and weekly rental.
- d. **Industrial and Automotive.** Premises for the creation, assemblage, storage, and repair of items including their wholesale or retail sale in addition to uses and premises dedicated to the sale, maintenance, servicing or storage of automobiles or similar

vehicles.

- D. **Accessory Uses.** Accessory uses are allowed by district, as established in Table ##### Accessory Uses, but only incidental to a legally established, conforming principal use.
- E. **Temporary Uses.** Temporary uses are allowed by district as established in Table ##### Temporary Uses.

22.03.03. Principal Uses

- A. **Principal Uses Table.** The following shall be used in the interpretation of Table #####.
 - 1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed principal uses subject to all applicable regulations of this Code.
 - 2. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Section ##### prior to establishment.
 - 3. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
 - 4. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in Section #####, it is determined that the use is a part of a general use type as described in Section #####.
 - 5. **Supplemental Standards.** If a use has supplemental standards, they are referenced in the Supplemental Standards column. Supplemental standards shall apply to the use, regardless of whether it is a permitted, or conditional use.
 - 6. **Overlay Districts.** Overlay districts are not included in Table ##### Principal Uses. The uses allowed within each overlay district shall generally follow the uses permitted in the underlying base district, except where specific regulations of the overlay district impose additional restrictions or allowances. The following provisions apply to specific overlay districts:
 - a. **PUD - Planned Unit Development Overlay District.** Development in the PUD district shall be allowed in accordance with the planned unit development approval process in Section ### and shall follow the uses permitted in the underlying base district, unless otherwise specified in this Code.
 - 7. **All Other Overlay Districts.**
 - a. Development within all other overlay districts, including ECO, FW, FF, GFP, FS, CN, and HPD shall generally be more restrictive than the underlying base district. These districts impose additional regulations to address specific concerns such as environmental protection, flood management, historical preservation, and public safety. Permitted uses may be limited or modified to meet the unique goals and objectives of each overlay district.

Table ##### Permitted Uses in Residential Districts

Permitted Uses	Supplemental Standards	RN-1	RN-2	RN-3	RN-4
Residential					
Child Day Care Home	#####				
Community Living Arrangement 8 or fewer residents	#####	P	P	P	P
Community Living Arrangement 9 or more residents	#####			C	C
Dwelling, Cottage Home/ Tiny Home Court	#####	P	P	P	P
Dwelling, Duplex; Side-by-side	#####		P	P	P
Dwelling, Duplex; Stacked	#####		P	P	P
Dwelling, Live-Work Unit	#####			C	P
Dwelling, Mobile Home Park	#####			P	P
Dwelling, Multi-unit Building Complex					P
Dwelling, Multi-Unit, above ground floor only	#####		C	P	P
Dwelling, Multi-Unit, more than 8 units	#####			P	P
Dwelling, Multi-unit, Rear Ground-Floor	#####			P	P
Dwelling, Multi-Unit; 5-8 units	#####			P	P
Dwelling, Quadplex	#####		P	P	P
Dwelling, Rowhome	#####		P	P	P
Dwelling, Single-Family, Detached		P	P	P	P
Dwelling, Triplex	#####		P	P	P
Foster Family Home		P	P	P	P
Public and Institutional					
College/University			C	C	C
Nursing Home				P	P
Parks and playgrounds		P	P	P	P
Place of Worship		C	C	C	C
Post Office					
Schools K-12	#####	C	C	C	
Commercial					
Bed and Breakfast	#####	C	C	C	P

Table #### Permitted Uses in Non-residential Districts											
Permitted Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I
Residential											
Dwelling, Live-Work Unit	####	P	C	C							
Dwelling, Multi-Unit, above Ground Floor Only	####	P	P	P							
Dwelling, Multi-unit, Rear Ground Floor	####	P	P	P	C						
Dwelling, Multi-Unit; 5-8 Units	####	P		P							
Duplex		P									
Community Living Arrangement	####										P
Single Family		P									
Dwelling, Multi-Unit; more than 8 units	####		P	C	C						
Dwelling, Rowhome	####	P									
Public and Institutional											
Alternative Education Facilities				C	C						P
Cemetery											P
Clinic		P	P	P	P			P	P		P
College/University			C	C	C						P
Community Services Facility			C	P	P						P
Crematory											P
Funeral Home		C		P	P						P
Hospital					C						P
Nursing Home			C								P
Parks and playgrounds											P
Place of Worship		P	P	P	P						P
Post Office		P	P	P	P	P	P	P	P		P
Private Place of Assembly		P	P	P	P						P
School, K-12	####										P
Theater		P	P	P	P						P
Vocational/Technical School		P	P	P	P				C		P
Commercial											

Table #### Permitted Uses in Non-residential Districts											
Permitted Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I
Adult-Oriented Establishment	####					P	P				
Animal Boarding Facility					P			P	P		
Animal Hospital		C		C	P			P	P		
Veterinarian Clinic		C	C	C	P				P		
Artisan Manufacturing	####	P	P	P	P	P	P	P	P		
Bar/Lounge/Tavern		P	P	P	P						
Bed and Breakfast	####										
Coffee Shop		P	P	P	P						
Commercial Adult and Child-care Centers		P	P	P	P			P	P		P
Commercial Kitchen			C		C	P	P	P	P		
Commercial Recreation, Indoor			P	P	P	C	C		P		
Commercial Recreation, Outdoor					C	C					
Co-Working Space		P	P	P	P			P	P		
Financial & Professional Services		P	P	P	P				P		P
Food Truck Court	####	C	P	P	P				P		
General Office		P	P	P	P	P	P	P	P		
General Retail (Greater than or equal to 15,000 SF)				P	P				P		
General Retail (less than 15,000 SF)		P	P	P	P				P		
General Services		P	P	P	P			P	P	P	P
Grocery Stores (greater than 25,000 SF)			C	P	P				P		
Grocery Stores (less than 25,000 SF)		P	P	P	P				P		
Hotels and Motels			P		P				C		

Table #### Permitted Uses in Non-residential Districts											
Permitted Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I
Meeting/Event Facility		P	P	P	P						
Micro-Brewery/Winery/ Distillery		P	P	P	P	P	P	P	P		
Personal Services		P	P	P	P				P		
Restaurant		P	P	P	P				P		
Industrial & Automotive											
Auto Dealership and Rental	####				C						
Brewery/Winery/ Distillery	####					P	P	P	P		
Car Wash	####			P	P						
Fleet Fueling Facility					P	C			P		
Garden Center (With Outdoor Storage)				P	P				P		
General Manufacturing						P	P	P	P		
Heavy Industrial, Indoor							P				
Heavy Industrial, Outdoor							P				
Light Industrial, Indoor						P	P	P	P		
Light Industrial, Outdoor						P	P	P	P		
Self-storage Facility	####					C					
Utility Infrastructure	####		C	C	C	C	P	C	C		P
Vehicle Fueling Station	####	C		P	P	C			P		
Vehicle Services - Major Repair/Body Work	####					P	P		P		
Vehicle Services - Minor Maintenance/Repair	####			P	P	P	P		P		
Wireless communications facility	####	C	C	C	C	C	P	C	C	C	C

22.03.04. Principal Use Supplemental Standards.

A. Residential Uses.

1. Community Living Arrangements and Adult Family Homes.

- a. All community based residential facilities shall comply with Wisconsin Statutes § 62.23(7)(i) and obtain all proper licensing.
- b. All adult family homes shall comply with Wisconsin Statutes § 62.23(7)(i) and § 50.01(1)(b), and obtain all proper licensing (§ 50.032 and §50.033).

2. Dwelling-Cottage Home/ Tiny Home Court.

- a. **Number of Cottage Courts.** A maximum of one cottage home/ tiny home court shall be allowed per development site.
- b. **Dwelling Units Standards.**
 - i. **Dwelling Unit Lot Standards.** If the dwelling-cottage home/ tiny home court buildings are located on individual lots, the following standards shall apply.
 - a) **Area.** The maximum area for each dwelling unit in a cottage home/ tiny home court shall be 1,000 square feet.
 - ii. **Size of Dwelling Units.**
 - (i) A dwelling-cottage home/ tiny home court building utilized as a dwelling shall have a maximum floor area of 1,000 square feet.
 - (ii) A dwelling-cottage home/ tiny home court building utilized as a common amenity space shall have a maximum floor area of 3,000 square feet.
 - iii. **Number of Dwelling Units.**
 - a) A maximum of one dwelling unit shall be allowed per building in a dwelling-cottage home/ tiny home court.
 - b) A dwelling-cottage home/ tiny home court development site shall have a minimum of 3 and a maximum of 12 buildings per site.
 - c) One of the allowed dwelling-cottage home/ tiny home court buildings may be utilized for common amenity space.
 - iv. **Building Orientation and Design.**
 - a) Buildings shall be oriented with their main entrance facing the shared common court open space, except for corner buildings.
 - b) Corner buildings shall be oriented with their main entrance facing either the shared common court open space or the public right-of-way.

- v. **Ingress/Egress Windows.** A minimum of one two by three foot window or a window meeting the ingress/egress requirements of the building code, shall be located on the front façade.
 - a) Buildings shall have a covered front porch meeting the following standards:
 - (i) **Width.** Eight feet minimum.
 - (ii) **Depth.** Six feet minimum.
 - (iii) **Height.** Seven feet from floor to bottom of ceiling.
 - vi. Permanent Foundation Required. Individual cottage home court/ tiny home buildings shall be affixed to the ground with a permanent foundation.
- c. **Common Court Open Space.**
- i. Buildings in a dwelling-cottage home/ tiny home court shall be arranged around a common court.
 - ii. The common court shall be open to and visible from the public right-of-way.
 - iii. The common court shall have a minimum area of 2,500 square feet.
 - iv. The common court shall have a minimum width of 30 feet as measured from the interior of the pedestrian walkway.
 - v. Required building setbacks do not count as common court open space.
 - vi. A maximum of 30 percent of a common court open space may be used for stormwater management if designed as a rain garden or bioswale.
- d. **Pedestrian Access.**
- i. A pedestrian walkway with a minimum width of five feet shall connect all buildings to the public right-of-way, common court open space, and parking areas.
 - ii. The pedestrian walkway shall be setback a minimum of six feet from building entrances.
- e. **Vehicle Access and Parking.**
- i. Parking and driveways shall be located to the rear of the buildings in a dwelling-cottage home court.
 - ii. Parking shall be accessed by an alley if an alley exists.
 - iii. If no alley exists, parking shall be accessed by a single driveway.
 - iv. The driveway shall be located either:

- a) From the secondary street for a corner development site, or
- b) To the interior side of the buildings on the development site.

3. Dwelling, Duplex; Side-by-side and Stacked.

- a. The primary entrance shall be oriented toward the designated front lot line
- b. A minimum of one window, meeting the ingress/egress requirements of the building code, shall be located on the front façade.
- c. The overall design shall ensure clear separation between the two units, with shared or distinct walls as applicable.
- d. If a garage is located on the front plane of the dwelling, it shall be set back a minimum of one foot from the front façade of the house.

4. Dwelling, Live-Work Unit.

- a. Construction shall meet requirements of the applicable Wisconsin building code.
- b. The work area shall occupy a maximum of 50 percent of the total unit.
- c. The work area shall be limited to the first or main floor only.
- d. A minimum of one person shall reside and be employed in the live-work unit.
- e. A maximum of five people who are not residents of the live-work unit may be employed in the work area at any one time.
- f. Live-work units shall be located in buildings meeting the mixed-use building design standards of **Section #####**.
- g. Allowed non-residential uses in a live-work unit shall include:
 - i. Artisan Manufacturing
 - ii. Personal Services
 - iii. Private Meeting/Event Facility
 - iv. Financial & Professional Services,
 - v. General Retail,
 - vi. General Office, and
 - vii. Restaurant, no drive-through.

5. Dwelling, Mobile Home Park.

- a. **State Licensing Requirements.** All mobile home park communities shall obtain and

maintain a valid license from the applicable state licensing authority.

- b. **Access and Circulation.** Access to and circulation within a mobile home park community shall meet the Internal Access Drive Standards of **Section #####**.
- c. **Rental Pads.**
 - i. A rental pad shall be provided on each mobile home park rental space.
 - ii. Rental pads shall be of sufficient size to accommodate the maximum length and width of the mobile home or tiny home to be placed upon it and shall be so located within the rental space to allow compliance with all setback requirements, especially in relation to the placement of porches, decks, carports, garages or other additions.
 - iii. **Dimensional Standards.**

Table ##### Mobile Home Park Community Rental Pad Dimensional Standards	
<i>Rental Pad Standards</i>	
Lot Area, Minimum (sq ft)	2,000
Lot Width, Minimum (ft)	25
<i>Setbacks for Pads Fronting Internal Access Drives</i>	
Front, Minimum (ft)	10
Side, Minimum (ft)	5
Rear, Minimum (ft)	10
<i>Setbacks for Pads Fronting Public Right of Way</i>	
Front, Minimum (ft)	20
Street Side, Minimum (ft)	20
Interior Side, Minimum (ft)	10
Rear, Minimum (ft)	10

- iv. **Accessory Community Buildings and Spaces.** Accessory community buildings and spaces are allowed within manufactured home communities, including but not limited to indoor storage facilities, outdoor recreational areas, laundry facilities, community rooms, or fitness facilities.
- 6. **Residence Hall.** All residence halls shall meet the building design standards (**Section #####**) applicable to multi-unit buildings.
 - a. **Single-Room Occupancy.**
 - b. **Multi-Unit Building.** All single room occupancies shall be located in a multi-unit building that meets the supplemental standards of **Section #####** in addition to the standards of this Section.

- c. **Building and Lot Standards.**
 - i. The minimum size of any sleeping room shall be 200 square feet per resident.
 - ii. Up to four occupants are permitted per room, in accordance with the **Rooming House License Ordinance.**
 - iii. Full kitchen facilities, consisting of a stove, oven, sink, refrigerator, food preparation area, and storage areas shall be provided and accessible to all residents.
 - iv. Signs, other than address/tenant identification signs which meet the requirements of **Section #####**, shall not be permitted.
 - d. **Tenancy Restrictions.** The minimum rental period of a single room occupancy shall be 30 days.
7. **Dwelling, Multi-Unit, more than 8 units.**
- a. **Vehicle Access and Parking.**
 - i. Parking and driveways shall be located to the rear of a multi-unit building.
 - ii. Parking shall be accessed by an alley if an alley exists.
 - iii. The driveway shall be located either:
 - a) From the secondary street for a corner development site, or
 - b) To the interior side of the multi-unit building
8. **Dwelling, Multi-Unit, Rear Ground-Floor.**
- a. A nonresidential area, with a minimum depth of 60 feet shall occupy the front façade of building.
 - b. The building entry for the rear ground floor multi-unit dwelling(s) shall be located on one of the following facades, listed in priority order:
 - i. Street-side façade,
 - ii. Rear façade,
 - iii. Front façade.
 - c. Dwelling, multi-unit, Rear Ground-Floor shall be in compliance with the building design standards established under **Section #####** of this Code.
9. **Dwelling, Multi-Unit Building Complex.**
- a. **Buildings in a Multi-Unit Building Complex.** All multi-unit buildings in a multi-family building complex shall meet the supplemental standards of **Section ###** in addition to the standards of this Section.

- b. **Balconies and Patios.**
 - i. Balconies and patios required in subsections ## and ## below are required on at least 25 percent of all multi-unit units per development site.
 - ii. Upper-story dwelling units adjacent to an existing or proposed street or internal access drive (per Section #####) shall incorporate a balcony or screened porch accessible from inside the dwelling unit with a minimum area of at least 25 square feet.
 - iii. Ground-level units adjacent to a sidewalk, walkway, or public open space shall include a patio or porch of at least 25 square feet in area.
 - iv. Balconies and patios required in ## and ## above shall either project or recess a minimum of two feet from the façade wall, as measured from the edge of the patio or railing, as appropriate, to the façade wall.
- c. **Upper Story Pedestrian Access.** Stairwells to upper story accessways serving two or more individual multi-unit units shall be located per Table #####.

Table #####: Upper Story Pedestrian Access		
Building Façade	Fully Enclosed Stairwell	Open Stairwell [1]
Front	Required	Prohibited
Street Side	Allowed	Allowed
Side, Rear	Allowed	Allowed
Notes		
[1] The visibility of an open stairwell from the public right of way or adjacent property shall be minimized through the use of decorative screening materials. Where screening is not possible, other decorative elements including but not limited to decorative awnings, railings, or stair treads may be approved by the Community Development Director or their Designee.		

- d. **Mass and Scale.** If the street-facing façade of a multi-unit building in a multi-unit building complex is more than 60 feet wide, the perceived mass and scale of the building shall be reduced by incorporating at least three of the following design elements that are consistent with the development’s architectural character to create distinctive variations in the façade:
 - i. Changes in texture, material, and color of wall surfaces at least every 60 feet;
 - ii. Pedestrian building pass-through;
 - iii. Eight-foot minimum step back of the entire front facade after the ground, second, or

third floor;

- iv. 20-foot minimum step back of 30 percent of the mass of the front façade after the ground floor in a manner that results in a “C” or “U” shaped building;
 - v. One-story minimum step down of height of the side or wing of a building.
- e. **Internal Access Drives.** Multi-Unit complexes shall meet the internal access drive standards established in **Chapter ###.**

10. Dwelling, Multi-Unit; 5-8 units.

a. **Vehicle Access and Parking.**

- i. Parking and driveways shall be located to the rear of a multi-unit building.
- ii. Parking shall be accessed by an alley if an alley exists.
- iii. If no alley exists, parking shall be accessed by a single driveway.
- iv. The driveway shall be located either:
 - a) From the secondary street for a corner development site, or
 - b) To the interior side of the multi-unit building.

11. Dwelling, Rowhome.

- a. **Orientation.** Rowhomes shall be oriented with their primary entrances either:
- i. **Toward the designated front lot line.** The primary entrance of end unit rowhomes on corner lots may be oriented toward the designated front or exterior side lot line.
 - ii. **Toward an internal courtyard space.** The primary entrance of end unit rowhomes closest to the designated front lot line shall be oriented toward the designated front lot line.
- b. **Garages.** If a garage is located on the front plane of the dwelling, it shall be set back a minimum of one foot from the front façade of the house.
- c. **Ingress/Egress Windows.** For each unit facing a front or exterior side lot line, a minimum of one window, meeting the ingress/egress requirements of the building code, shall be located on the front façade.
- d. **Rowhome Clusters.**
- i. Individual rowhome units shall be articulated through the exterior design of the rowhome cluster. This can be accomplished through dormers, porches, vertical design elements, varying roof forms, or other architectural devices.
 - ii. The maximum number of units in a rowhome cluster shall be eight.

- iii. The siting of the rowhome units in a cluster shall be staggered in order to define street edges, entry points, and public gathering spaces.

12. Dwelling, Single-Family; Detached.

- a. Any residentially zoned lot of any size that existed prior to the date of this Code adoption may allow a single-family dwelling, provided it meets all dimensional standards of the residential districts, except for lot area and width.
- b. The primary entrance shall be oriented toward the designated front lot line.
- c. A minimum of one window, meeting the ingress/egress requirements of the building code, shall be located on the front façade.
- d. The height of all garage doors shall not exceed eight feet, unless it is set back a minimum of 40 feet from the front and/or exterior side property line.
- e. If a garage is located on the front plane of the dwelling, it shall be set back a minimum of one foot from the front façade of the house.

13. Dwelling, Triplex and Quadplex.

- a. The primary entrance shall be oriented toward the designated front lot line.
- b. A minimum of one window, meeting the ingress/egress requirements of the building code, shall be located on the front façade.

B. Public and Institutional Uses.

1. Cemetery.

- a. **Minimum Lot Size.** A minimum of three contiguous acres shall be required to establish a cemetery not located on the same tract of land as a place of worship.
- b. **Minimum Yard Setback Requirements.**
 - i. The minimum yard setback required for all structures, excluding gatehouses, shall be 20 feet from any exterior property line. A gatehouse shall meet the setback requirements of the base zoning district in which it is located.
 - ii. The minimum yard setback required for mausoleums and columbaria adjacent to a street shall be equal to a principal building front yard setback in the district.

- 2. **Community Services Facility.** In the DC District, no more than one Community Services Facility shall be permitted per block face, unless otherwise approved through a conditional use permit or a specific zoning action.

- 3. **Nursing Home.** In the DC District, nursing homes shall be located on upper floors only, with commercial space required on the first floor. Dining rooms and other non-residential uses may be permitted on the first floor, provided commercial space requirements are still met.

4. **School, Elementary, High, Middle.**

- a. Athletic fields shall be buffered from adjacent property in a residential district with a Type ## or ## buffer as set forth in Section ####.
- b. Parking areas that directly face a residential district shall be buffered with a Type ## or ## buffer, as set forth in Section ####.
- c. Schools on properties that directly abut a residential district shall be buffered with a Type ## or ## buffer, as set forth in Section ####.
- d. Student pick-up/drop-off areas shall adhere to WisDOT standards for vehicular circulation and stacking regardless of roadway jurisdiction.
- e. Schools shall have access from a street with a minimum classification as collector.
- f. Schools over 50,000 square feet in size shall have at least two points of ingress/egress that are compliant with the driveway provisions in Section ####. This requirement is not applicable for adaptive reuse of existing buildings.

C. **Commercial Uses.**

1. **Artisan Manufacturing.**

- a. Outdoor storage shall be prohibited.
- b. Outdoor operations or activities may be approved with a temporary use permit.
- c. Artisan manufacturing shall not create or cause any perceptible noise, odor, smoke, electrical interference, or vibrations that constitute a public or private nuisance to neighboring properties.
- d. Retail sales of goods manufactured on-site shall be required and shall comprise a minimum of 25 percent of the total area of the building. Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows.

2. **Adult-Oriented Establishment.**

- a. **Location.** Adult-oriented establishments shall not locate within 1000 feet of any school, Place of Worship and shall not locate within 500 feet of a residential zones, public park or any other adult oriented establishment.
- b. **Standards of Measurement.** The distances provided in this section shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment to the nearest point of the parcel of property or land use district boundary relined from which the proposed land use is to be separated.

3. **Bed and Breakfast.**

- a. **Owner on Premises.** The owner shall permanently reside on the premises, in

accordance with state statutes and regulations.

b. Activities.

- i. Provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients, or as amended by state law.
 - ii. Activities and functions at the bed and breakfast home shall be provided for overnight guests only and shall be limited to breakfast and an afternoon and/or evening refreshment.
 - iii. In addition to the functions for overnight guests, the bed and breakfast home may have six private parties, receptions, or similar activities per year. In no way is this provision meant to restrict the owner/manager's use of their home for personal entertainment.
 - iv. One sign is permitted in accordance with the standards outlined in **Chapter ###** of this Code.
- c. A site plan and plan of operation shall be submitted to the Plan Commission. The site plan shall include a parking plan.
- d. Traffic conditions in the neighborhood shall not be adversely impacted by access to the property, traffic generated by the use, or any other aspects of the proposal.
- e. Adequate off-street parking shall be provided as set forth in **Section #####** of this ordinance.
- f. All requirements set forth in **Section 50.51(b)** of the Wisconsin Statutes and **Chapter HSS 197** of the Wisconsin Administrative Code shall be fully complied with. Necessary state permits and licenses shall have been secured.
- g. The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
- h. Individual rentals shall not exceed three weeks in length.
- i. Retail sales in a bed and breakfast establishment shall only be to guests.
- j. One exterior advertising sign, as approved by the Plan Commission, which shall not exceed four square feet in area and is compatible with the unique character of the building, may be erected on the premises.

4. Food Truck Court.

- a. A minimum of three food trucks shall be accommodated per food truck court.

22.03 | **Use Standards**
Principal Use Supplemental Standards.

- b. The maximum number of food trucks allowed on site will be dependent on the size of the lot and the site's ability to provide required electrical access and parking.
- c. A minimum of 10 feet of clearance shall be provided between all individual food trucks and from buildings.
- d. The area for a food truck court shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck court from parking shall provide visibility into the site and shall not exceed four feet in height.
- e. To create an inviting and attractive aesthetic environment, seating and shade elements shall be provided.
- f. Any food truck court shall not be located less than 750 feet from any other food truck court.
- g. Electrical service shall be provided to each food truck, no generators shall be allowed.
- h. Food trucks shall be inspected in accordance with the State of Wisconsin and Waukesha County.
- i. A permanent restroom facility shall be provided.
- j. The Food Truck Court shall be in compliance with the City's Mobile Food Vendor Ordinance #####.

5. Micro-Brewery/Winery/Distillery.

- a. A micro-brewery/winery/distillery shall include one or more accessory or principal uses such as a restaurant, retail, tasting room or other uses incidental to the brewery, distillery, or winery and open and accessible to the public.
- b. Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within a building.

D. Industrial and Automotive.

i. Auto Dealership and Rental.

- a. The minimum lot size for auto dealerships and rental facilities shall be three acres.
- b. Vehicle display areas shall:
 - i. Be exempt from interior parking lot landscape requirements.
 - ii. Be allowed to cluster required perimeter parking lot landscape requirements to preserve views of displayed vehicles.
 - iii. Be located on hard-surfaced areas as approved by the City Engineer.
- c. All displayed vehicles shall be operable and suitable for driving. Vehicles that are not operable or suitable for driving shall be stored indoors or in designated parking areas for no longer than 24 hours.
- d. Operations shall not create obstructions to traffic circulation on public streets.
- e. Operation shall be located on hard-surfaced areas as approved by the City Engineer.
- f. Operations shall not create obstructions to traffic circulation on public streets.
- g. Employee and customer parking spaces must be clearly signed. Service storage or sales inventory vehicles may not be parked in those spaces at any time.
- h. Vehicles may not be parked in pedestrian walkways, drive aisles, or landscape areas.
- i. Vehicle panic buttons should not be used except in cases of actual emergencies. They may not be used by dealership staff to locate parked vehicles.
- j. For dealerships adjacent to residential uses, outdoor P.A. systems may not be used.
- k. Gas pumps and repair bays at auto dealerships and rental facilities shall be set back a minimum of 35 feet from the street right-of-way, and 40 feet from side and rear lot lines.

2. Car Wash.

- a. Hours of operation shall be restricted to between 7:00 am and 9:00 pm only when adjacent to residential districts.
- b. All mechanical equipment, including self-service vacuum compressor units, shall be enclosed within a building.
- c. All facilities shall be designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential properties.

- d. All car wash facilities and accessory equipment such as vacuums, dryers, accessory buildings, etc. shall be set back a minimum of 100 feet from any residential districts.
 - e. If self-service vacuum facilities are provided:
 - i. They shall be setback a minimum of 20 feet from all property lines but no closer than 100 feet from residential lot lines.
 - ii. A minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuum facilities shall not interfere with circulation or entrance or exit drives.
 - f. All carwash facilities shall be equipped with, and maintain in operation, a water recycling system that shall recycle a minimum of 50 percent of the water being used by the facility.
 - g. Vehicle wash bays shall be set so the bay door is perpendicular to the street or otherwise be screened with a buffer from any residential property or the street right-of-way. A **Type ## or ## buffer** is required when the service bays directly face a residential property. A **Type ## or ## buffer** is required when the property abuts a residential lot at the rear, as set forth in **Section #####**.
3. **Vehicle Fueling Stations.** The entire building shall conform to the design standards established for the district in Section **#### of this Code**.
- a. Fuel Pumps and Canopies:
 - i. **Location.** All fuel pumps and canopies shall meet the setback requirements of the district.
 - ii. **Materials.**
 - a) Fuel pump canopy support columns shall be fully clad in the same material as the principal building, at least to the height of the top of the fuel pumps.
 - b) Rooflines and materials of canopies should tie into the architectural style of the principal structure.
 - iii. **Lighting.** Fuel pump canopy lighting shall be fully recessed.
4. **Vehicle Services - Minor Maintenance/Repair.**
- a. Vehicle service bays associated with vehicle services, minor maintenance/repair shall be located a minimum of 100 feet from any residential property line.
 - b. Vehicle service bay shall be set to the bay door perpendicular to the street or otherwise be screened with a buffer from any residential property or the street right-of-way. A **Type ## or ##** buffer is required when the service bays directly face a residential

property. A **Type ## or ##** buffer is required when the property abuts a residential lot at the rear, as set forth in **Section #####**.

- c. Operations shall be limited to between the hours of 7:00 am and 9:00 pm.

5. Vehicle Services, Major Repair/Body Work.

- a. **Location.** Shall be located no closer than 100 feet from properties with the following pre-existing uses:

- i. All residential uses,
- ii. Schools K-12,
- iii. Place of Worship,
- iv. College/University,
- v. Parks and playgrounds, and
- vi. Cemetery.

- b. This setback requirement shall not apply to educational institutions where vehicle repair or body work is conducted as part of a vocational or educational program.

- c. Vehicle service bays associated with vehicle services, minor maintenance/repair shall be located a minimum of 100 feet from any residential property line.

- d. Vehicle service bays shall be set perpendicular to the street or otherwise be screened with a buffer from any residential property or the street right-of-way. A **Type ## or ##** buffer is required when the service bays directly face a residential property. A **Type ## or ##** buffer is required when the property abuts a residential lot at the rear, as set forth in **Section #####**. All required buffers shall be provided in addition to any minimum setback requirements.

- e. Vehicles which are not operable or suitable for driving shall be stored indoors, in accessory outdoor storage areas meeting all requirements of **Section #####**, or in screened parking areas for a period not to exceed 24 hours.

6. Wireless Communications Facility.

- a. **Purpose.** 2013 Wisconsin Act 20 modified the regulatory powers of local governments in regard to cell phone towers. The law specifies the manner in which a political subdivision can use zoning to regulate cell phone towers. Sec. 66.0404 Wis. Stats., which codifies relevant parts of 2013 Act 20, provides the manner in which a city can use zoning to regulate cell phone towers and provides for specific regulations that a political subdivision may not apply. This ordinance sets forth the City's regulatory authority in accordance with sec. 66.0404 Wis. Stats.

- b. **Applicability.** The City's regulatory power extends to three types of projects, all for the installation of types of cell phone transmission facilities.
 - i. Projects requiring construction of a new tower.
 - ii. Projects requiring substantial modification of an existing tower and facilities, but not construction of a new tower. Projects of this type are referred to as "class 1 collocation."
 - iii. Projects requiring neither construction of a new tower, nor substantial modification of an existing tower and facilities. Projects of this type are referred to as "class 2 collocation."
- c. **Siting and Construction of Any New Mobile Service Support Structure and Facilities or the Substantial Modification of an Existing Support Structure and Mobile Service Facilities (Class 1 Collocation).**
- d. **Conditional Use Permit Required.** A conditional use permit is required for the siting and construction of a new mobile service support structure and facility and/or the substantial modification of an existing support structure and mobile service facilities (class 1 collocation) and is subject only to the conditions set forth in this ordinance.
- e. **Applications for Permits.**
 - i. Applications for a permit shall be provided by the Office of Community Development. Applications shall be completed and filed with the Office of Community Development and shall include the following information:
 - a) Name and business address and contact information for the applicant.
 - b) Location of the proposed or affected support structure.
 - c) The location of the proposed mobile service facility.
 - d) If the application substantially modifies an existing support structure, a construction plan which describes the proposed modification to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.
 - e) If the application is to construct a new mobile service support structure, a construction plan which describes a proposed mobile service support structure and equipment network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile service support structure.
 - f) If the application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from the individual who has responsibility over the placement of the mobile service support structure, attesting that collocation within the applicants search ring would not result in the same mobile

service functionality, coverage and capacity; is technically unfeasible or is economically burdensome to the mobile service provider.

- g) If an applicant submits an application for a permit to engage in an activity described in this ordinance, which contains all the information required under a. through f. above, the Office of Community Development shall consider the application complete. If the Office of Community Development does not believe the application complete, the Office of Community Development shall notify the applicant in writing within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

f. Referral to Plan Commission.

- i. If the application is complete as determined by the Office of Community Development, the matter shall be referred to the Plan Commission for its review.
- ii. Within 90 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the 90 day period:
 - a) Review the application to determine whether it complies with all applicable aspects of the City's building code and, subject to the limitations in this section, zoning ordinances.
 - b) Make a final decision whether to approve or deny the application.
 - c) Notify the applicant, in writing, of its final decision.
- iii. If the decision is to deny application, include with the written notification substantial evidence which supports the decision.
- iv. The Plan Commission may deny an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (4)A.1.f.
 - a) If an applicant provides the Plan Commission with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Plan Commission provides the applicant with substantial evidence that the

engineering certification is flawed.

- b) The fee for the permit shall be established under the procedure set forth in sec. 22.66 of this Code and shall comply with sec. 66.0404(4)(d)2., Wis. Stats.

g. Collocation on Existing Support Structures (Class 2 Collocation).

- i. A permit is required for a class 2 collocation. A class 2 collocation is a permitted use but still requires the issuance of a permit.
- ii. Applications for a permit shall be provided by the Office of Community Development. Applications shall be made and filed with the Office of Community Development and shall include the following information.
 - a) Name and business address and contact information for the applicant.
 - b) Location of the proposed or affected support structure.
 - c) The location of the proposed mobile service facility.
- iii. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- iv. If an applicant submits an application to the Planning Department for a permit to engage in a class 2 collocation and the application contains all of the information required by 5.B., the Office of Community Development shall consider the application complete. If the required information is not in the application, the Office of Community Development shall notify the applicant in writing, within five days of receiving the application, that the application is not complete.
- v. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- vi. Within 45 days of its receipt of a complete application, the zoning administrator shall complete all of the following or the applicant may consider the application approved, except that the applicant and the zoning administrator may agree in writing to an extension of the 45-day period:
 - a) Make a final decision whether to approve or deny the application.

- b) Notify the applicant, in writing, of its final decision.
 - c) If the application is approved, issue the applicant the relevant permit.
 - d) If the decision is to deny application, include with the written notification substantial evidence which supports the decision.
- vii. The fee for the permit shall be established under the procedure set forth in sec. 22.66 of this Code and shall comply with sec. 66.0404(4)(d)1., Wis. Stats.
- h. **Surety.** A performance bond shall be required in the amount of twenty thousand dollars (\$20,000) prior to the issuance of a permit under this section to insure that the requirements of this ordinance are maintained by the permittee.

22.03.05. Accessory Uses

- A. **Accessory Uses Table.** The following shall be used in the interpretation of Table #####.
- 1. **Permitted Uses (P).** Uses which are marked as “P” in the table shall be allowed accessory uses subject to all applicable regulations of this Code.
 - 2. **Conditional Uses (C).** Uses which are marked as “C” in the table shall require approval as a Conditional Use as detailed in Section ##### prior to establishment.
 - 3. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
 - 4. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in Section #####, it is determined that the use is a part of a general use type as described in Section #####.
 - 5. **Supplemental Standards.** If a use has supplemental standards, they are referenced in the Supplemental Standards column. Supplemental standards shall apply to the use, regardless of whether it is a permitted, or conditional use.
 - 6. **Overlay Districts.** Overlay districts are not included in Table ##### Accessory Uses. The uses allowed within each overlay district shall generally follow the uses permitted in the underlying base district, except where specific regulations of the overlay district impose additional restrictions or allowances. The following provisions apply to specific overlay districts:
 - a. **PUD - Planned Unit Development Overlay District.** Development in the PUD district shall be allowed in accordance with the planned unit development approval process in Section ### and shall follow the uses permitted in the underlying base district, unless otherwise specified in this Code.
 - b. **All Other Overlay Districts.** Development within all other overlay districts, including ECO, FWO, FSO, FFO, CN, and HPD shall generally be more restrictive than the underlying

base district. These districts impose additional regulations to address specific concerns such as environmental protection, flood management, historical preservation, and public safety. Permitted uses may be limited or modified to meet the unique goals and objectives of each overlay district.

Table #### Accessory in Residential Districts					
<i>Accessory Uses</i>	<i>Supplemental Standards</i>	<i>RN-1</i>	<i>RN-2</i>	<i>RN-3</i>	<i>RN-4</i>
Accessory Building/Structure	####	P	P	P	P
Accessory Bar/Lounge/ Tavern within Parks		P	P	P	P
Accessory Commercial Units	####	C	C	C	C
Accessory Commercial Playground		P	P	P	P
Accessory Dwelling Unit	####	P	P	P	P
Accessory Restaurant within Parks		P	P	P	P
Home occupations	####	P	P	P	P
Solar Energy Collection System, Canopy	####		P	P	P
Solar Energy Collection System, Ground Mounted	####	P	P	P	P
Solar Energy Collection System, Roof Mounted	####	P	P	P	P
Wind Energy Conversion System, Ground Mounted	####	P	P	P	P
Wind Energy Conversion System, Roof Mounted	####	P	P	P	P

Table #### Accessory in Non-residential Districts												
Accessory Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM	A	I	P
Accessory Building/Structure	####	P			P	P	P	P	P	P	P	P
Accessory Service Facilities											P	P
Accessory Vehicle Storage Garage	####				P	P	P	P	P	P	P	
Accessory Commercial Units												
ATM		P	P	P	P			P	P			
Construction-Related						P	P	P	P			
Contractor's Office	####					P	P	P				
Contractor's Yard	####					C	P	C	C			
Fleet Vehicle Storage/ Maintenance	####				C	C	P	C	C		P	
Outdoor Display/ Sale of Merchandise	####	C	C	C	P				P			
Outdoor Seating	####	P	P	P	P			P	P			P
Outdoor Storage	####				C	P	P	P	C			
Solar Energy Collection System, Canopy	####	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, Ground Mounted	####	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	####	P	P	P	P	P	P	P	P	P	P	P
Wind Energy Conversion System, Roof Mounted	####	P	P	P	P	P	P	P	P	P	P	P
Wind Energy Conversion System, Ground Mounted	####	P	P	P	P	P	P	P	P	P	P	P

22.03.06. Accessory Use Supplemental Standards

A. Accessory Building/Structure.

1. Types.

- a. **Small Accessory Buildings/Structures.** A small accessory building/structure shall be any accessory building/structure less than or equal to 200 square feet in gross area.
- b. **Large Accessory Buildings/Structures.** A large accessory building/structure shall be any accessory building/structure greater than 200 square feet in gross area.

2. Number.

a. Small Accessory Buildings/Structures.

- i. Enclosed small accessory buildings are limited to two per lot.
- ii. Open small accessory structures are limited to two per lot.

b. Large Accessory Buildings/Structures.

- i. Enclosed large accessory buildings are limited to one per lot.
- ii. Open large accessory structures are limited to two per lot.

3. Campers, Recreational Vehicles, Etc. Prohibited For Use. Campers, travel trailers, and recreational vehicles are not permitted for use as an accessory building or structure.

4. Dimensional Standards. Accessory buildings/structures shall meet the dimensional standards established in **Table #####.**

Table #####. Accessory Building/Structure Dimensional Standards	
<i>Yard Setbacks</i>	
Front, Minimum	In line with the front elevation of principal building, unless otherwise approved by the Community Development Director or their Designee.
Street Side, Minimum	In line with the street side elevation of principal Building, unless otherwise approved by the Community Development Director or their Designee.
Interior Side, Minimum	5 feet, garages existing as of XXX can be rebuilt with existing setbacks but shall be contained on the lot and not overhang the lot line, and may be extended along that existing lot line.
Rear, Minimum	5 feet, garages existing as of XXX may be rebuilt with existing setbacks but must be contained on the lot

Table ####. Accessory Building/Structure Dimensional Standards	
	and not overhang the lot line, and may be extended along that existing lot line.
Building/Structure Standards	
Height, Maximum	20 feet, or the maximum height of the principal structure, whichever is less.
Building Area, Maximum	1,500 square feet or 20 percent of the portion of the lot on which accessory structures may be located.

B. Accessory Commercial Units.

1. **Use Accessory To.** Accessory commercial units shall be allowed accessory to one-family dwelling and duplex dwelling uses only.
2. **Number.** One accessory commercial unit shall be allowed per lot.
3. **Location.** Accessory commercial units shall be allowed in the following locations only:
 - a. Interior to the principal dwelling or in an accessory building meeting all standards of **Section #####.**
4. **Employees.** No employees who do not reside on the property shall be employed at a permitted Accessory Commercial Unit.
5. **Outside Entrance.** If located within the principal dwelling, the commercial unit may have a private entrance, but such an entrance shall be located on or facing the interior side or rear of the principal dwelling.
6. **On-Site Customers/Clients.** An accessory commercial unit may receive customers or clients on site by appointment only or at a rate established per Conditional Use Permit approval process (**Section #####.**)
7. **Parking.** One off-street parking space shall be provided in addition to those required for the principal dwelling unless approved by the Plan Commission.
8. **Signs.** One post sign, meeting the following standards shall be allowed per accessory commercial unit.
 - a. **Sign Area.** The maximum sign area shall be four square feet.
 - b. **Sign Height.** The maximum sign height shall be six feet.
 - c. **Location.** The sign shall be located a maximum of ten feet from the principal structure.
 - d. **Child Day Care Home.** Any child day care home permitted as an accessory commercial unit shall comply with **Wisconsin Statutes § 48.85.**

- e. Prohibited Accessory Commercial Unit Uses. The following uses shall be prohibited as accessory commercial unit uses:
 - i. All public and institutional uses,
 - ii. All commercial uses with the exception of artisan manufacturing, general commercial, personal services, professional and financial services, general office, commercial kitchen and general services, and
 - iii. All industrial and automotive uses.
 - f. Exterior storage of equipment or materials related to a business use.
 - g. Accessory Commercial Units shall not display outdoor signs.
- C. **Accessory Dwelling Units.**
- 1. **Number.** One accessory dwelling shall be allowed per lot.
 - 2. **Fire Wall Separation.** Firewall separation shall be provided as required by the Building Code.
 - 3. **Detached Accessory Dwelling Units.**
 - a. A detached accessory dwelling unit shall have separate water/sewer lines from the principal structure.
 - b. A detached accessory dwelling unit shall have the same roof type and pitch as the primary dwelling.
 - c. A minimum distance of 10 feet shall be maintained between the accessory dwelling unit and the primary dwelling unit, as an exception to the dimensional standards for typical accessory buildings.
 - 4. **Attached or Internal Dwelling Units.** Accessory dwelling units that are attached or internal to the principal dwelling, shall:
 - a. Not exceed 40 percent of the area of the principal dwelling, or
 - b. May occupy the entirety of a basement or attic space, provided that basement dwelling spaces have building code compliant egress. Egress staircases shall be allowed only on the interior side or rear of structure.
- D. **Drive-Through Facility.**
- 1. **Drive-Through Facility.**
 - a. **Location.** Drive-through facilities, including but not limited to order boxes, display boards, stacking spaces and lanes shall be located to the interior side or rear of the

building to which the drive-through facility is accessory.

b. Stacking.

- i. **Stacking Lanes.** Stacking lanes shall have a minimum depth of 20 feet per stacking space and the following minimum lane widths:
 - a) One lane: 12 feet,
 - b) Two or more lanes: ten feet per lane.
- ii. **Stacking Spaces.** Drive-through facilities shall have the minimum number of stacking spaces established per principal use as detailed in Table ####. Plan Commission may increase or reduce the number of stacking spaces based on the site plan.

Table #### Drive-Through Stacking Requirements		
Use	Minimum Stack	Measure From
<i>Automated Teller Machine</i>	2 per machine	teller machine
<i>Bank Teller Lane</i>	2 per lane	teller or window
<i>Coffee Shops</i>	6 per order box	order box [1]
<i>Restaurant</i>	6 per order box	order box [1]
<i>Carwash Stall, Automatic, less than 100 feet long</i>	5 per bay	bay entrance
<i>Carwash Stall, Automatic, 100 feet long or more</i>	15 per bay	bay entrance
<i>Carwash Stall, Manual</i>	2 per stall	bay entrance
<i>Oil Change Facility</i>	2 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
<i>Other Use</i>	As determined by the Zoning Administrator	
<i>Notes</i>		
[1] Four of the required stacking spaces shall be located between the order-box and pick-up window, including the stacking space at the order box.		

2. **Drive-Through Display Signs.**
 - a. A drive-through facility shall be permitted a maximum of two display signs per stacking lane.
 - b. The combined maximum area of the display boards shall be 80 square feet.
 - c. Each display sign shall not exceed:
 - i. 40 square feet in area and
 - ii. 8 feet in height.
 - d. Display signs may utilize digital boards for 100 percent of the permitted display sign area.
3. **Overhead Canopy.** Should a freestanding overhead canopy be utilized, it shall meet the standards of vehicle fueling station canopies, per **Section #####**.
4. **Screening.** If located adjacent to a property with a residential use or in a residential district, a buffer shall be utilized to minimize the impact of display boards, headlights, and other off-site impacts of drive-through facilities. A Type 1, 2, or 3 buffer is required when the drive-through facility directly faces a residential property. A Type 4 or 5 buffer is required when the property abuts a residential lot at the rear, as set forth in **Section #####**.
- E. **Fleet Vehicle Storage/ Maintenance.**
 1. **Storage.** Fleet vehicle storage shall be allowed in parking areas meeting all landscape and screening requirements only.
 2. **Maintenance.** Fleet vehicle maintenance shall occur indoors only.
- F. **Home Occupation.**
 1. **Use Accessory To.** Home occupations shall be allowed accessory to any residential use.
 2. **Location.** A home occupation may be located interior to the principal dwelling or in an accessory building meeting all standards of **Section #####**.
 3. **Employees.** Only residents of the residential unit of the property may be employed by a home occupation.
 4. **Outside Entrance.** If located within the principal structure, there shall be no separate entrance unless required by state statute.
 5. **On-Site Customers/Clients.** A home occupation may receive no more than one appointment at a time.
 6. **Signs.** A home occupation shall not display outdoor signs.

7. **Prohibited Home Occupations.** The following uses shall be prohibited as home occupations:
 - a. All public and institutional uses,
 - b. All commercial uses with the exception of personal services and professional and financial services, general office, and general service.
 - c. All industrial and automotive uses.
 - d. Exterior storage of equipment or materials related to a business use.

G. **Outdoor Display/Sale of Merchandise.**

1. Outside sales shall be clearly secondary to the principal use within the associated principal structure.
2. The display area shall not extend more than 12 feet from the front face of the building, unless otherwise approved by the Plan Commission.
3. Merchandise for sale may not be displayed on the public right of way unless there is a street closure for a special event.

H. **Outdoor Seating.**

1. **Principal Use.** Outdoor seating shall be allowed accessory use to a legal principal use only.
2. **Location.** Accessory outdoor seating/display areas may be located:
 - a. On a public sidewalk directly in front of the principal use to which the outdoor seating is accessory with a sidewalk café permit.:
 - b. In a parking lot so long as:
 - i. No more than 10 percent of the required parking spaces (per **Section ###**) are utilized,
 - ii. The outdoor seating/display area is directly accessible from inside the principal use to which it is accessory, and
 - iii. The outdoor seating/display area is surrounded by a barrier with a minimum height of three feet and maximum height of four feet.
3. **Noise.** No sound production or reproduction machine or device (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) shall be used, operated, or played in an outdoor seating/display area within 100 feet of a residentially zoned property.
4. **Hours of Operation.** Hours of operation shall be the same as those for the principal use

to which the outdoor seating/display area is accessory.

5. Furnishings.

- a. Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating/display area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.
- b. If located on a public sidewalk, no tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating/display area.

I. Outdoor Storage.

1. Outdoor storage yards shall be fully concealed from the right-of-way and adjacent property by the principal building or an opaque wall, evergreen landscaping or fence meeting the standards of **Section #####**.
2. A Type ## or ## buffer, as detailed in **Section #####** shall be required along lot lines.
3. Outdoor storage areas shall be paved in a hard surface material in all districts except LM and GM which must have a dustless surface.

J. Solar Energy Collection System, Canopy.

1. Canopy solar energy collection systems are permitted over any principal or accessory parking lot.
2. The height of canopy solar energy collection systems shall not exceed the height of the principal building that the parking area serves or 30 feet, whichever is greater.
3. The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

K. Solar Energy Collection System, Ground Mounted.

1. Ground-mounted solar energy collection systems shall be permitted behind the front facade of the principal structure, and any applicable accessory structure setbacks.
2. The maximum height of ground-mounted solar energy collection systems shall be five feet, measured from the grade at the base of the pole to the highest edge of the system.
3. The minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be 12 inches.
4. All parts of the freestanding system shall be set back five feet from the side and rear lot lines and shall not be located in an easement.

5. **Sites 1-5 Acres in Area.** In addition to meeting the standards in a-e above, ground mounted solar energy collection systems occupying 1-5 acres in area shall also meet the following requirements:
 - a. **Decommissioning Required.** Any solar energy use that is not actively in use for a period of twelve consecutive months shall be deemed abandoned. The operator shall have 6 months to decommission the use and remove all panels, structures, accessories, and appurtenances from the lot.
 - b. **Decommissioning Plan.** Prior to receiving approval, the applicant for any solar energy use shall submit a decommissioning plan to ensure that the project is properly decommissioned, which shall include:
 - i. Procedures for the removal of structures, debris, and cabling, including those below the soil surface,
 - ii. Provisions for the restoration of the natural soil and vegetation,
 - iii. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.
- L. **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. 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.
- M. **Wind Energy Conversion System.**
 1. The height of the wind energy conversion system, including the rotor, shall not exceed the height limits for the district in which it is located, nor shall the height exceed the distance of the base of such system to any lot line for the property.
 2. The location of the system shall comply with all setbacks for the district in which it is located and shall not adversely impact adjacent land uses.
 3. Appropriate maintenance and abandonment agreements shall be provided.
 4. The relationship of the system to public utility structures shall be considered and adequate provisions for interconnection with, and parallel generation in connection with, the public electric utility shall be required where applicable.
 5. Noise and electromagnetic interference created by the system shall not adversely impact surrounding uses.

6. The safety of the system, including, but not limited to, its structural integrity, sufficient overspeed control limiting the speed of blade rotation to below the design limits of the system, limitation on unauthorized access to the structure, height of rotor sweep from ground level, and appropriate protection from electrical hazard shall be ensured. One or more signs may be required to be installed at the base of the system warning of high voltage and including an emergency phone number and emergency shutdown procedure.
7. Compliance with all applicable city, state or federal safety, construction and electrical codes and other laws, rules and regulation containing requirements for wind energy conversion.
8. Liability insurance to be obtained and maintained in force covering the installation and operation of the wind energy conversion system, having a single limit coverage in the amount of at least \$300,000.

22.03.07. Temporary Uses

- A. **Temporary Uses Table.** The following shall be used in the interpretation of **Table ####**.
1. **Permitted Uses (P).** Uses which are marked as "P" in the table shall be allowed temporary uses subject to all applicable regulations of this Code.
 2. **Temporary Uses (T).** Uses which are marked as "T" in the table shall be allowed subject to the issuance of a Temporary Use Permit as detailed in **Section ####** and subject to all other applicable regulations of this Code.
 3. **Prohibited Uses.** A blank space in the table indicates that a use is prohibited.
 4. **Uses Not Listed.** A use not specifically listed is prohibited unless, through the Interpretation process established in **Section ####**, it is determined that the use is a part of a general use type as described in **Section ####**.
 5. **Supplemental Standards.** If a use has supplemental standards, they are referenced in the Supplemental Standards column. Use specific standards shall apply to the use, regardless of whether it is a permitted or conditional use.
 6. **Overlay Districts.** Overlay districts are not included in **Table ####** Temporary Uses. The uses allowed within each overlay district shall generally follow the uses permitted in the underlying base district, except where specific regulations of the overlay district impose additional restrictions or allowances. The following provisions apply to specific overlay districts:
 - a. **PUD - Planned Unit Development Overlay District.** Development in the PUD district shall be allowed in accordance with the planned unit development approval process in **Section ####** and shall follow the uses permitted in the underlying base district, unless otherwise specified in this Code.

- b. **All Other Overlay Districts.** Development within all other overlay districts, including ECO, FWO, FSO, FFO, CN, and HPD shall generally be more restrictive than the underlying base district. These districts impose additional regulations to address specific concerns such as environmental protection, flood management, historical preservation, and public safety. Temporary uses may be limited or modified to meet the unique goals and objectives of each overlay district.

Table ##### Temporary Uses in Residential Districts					
Temporary Uses	Supplemental Standards	RN-1	RN-2	RN-3	RN-4
Food Truck	#####	T	T	T	T
Garage/ Rummage Sales	#####	P	P	P	P
Model Home	#####	P	P	P	P
Portable Storage Structure	#####	T	T	T	P
Seasonal Sale	#####				T
Portable Storage Structure	#####	T	T	T	P

Table ##### Temporary Uses in Non-residential Districts												
Temporary Uses	Supplemental Standards	MU	DC	GC	CC	LM	GM	OM	MM-1	A	I	P
Special Events	#####	T	T	T	T						P	P
Flea Market	#####	T	T	T	T						T	T
Food Truck	#####	T	T	T	T	T	T	T	T	P	T	T
Pop-Up Retail/Restaurant		P	P	P	P				T		T	P
Portable Storage Structure	#####	T	T	T	T	T	T	T	T	T	T	T
Seasonal Sale	#####	T	T	T	T				T			

22.03.08. Temporary Use Supplemental Standards

- A. **Garage/ Rummage Sales.** Garage sales are permitted in all residential zoning districts, provided that each sale does not exceed four consecutive days and no more than three sales are held at the same property per calendar year.
- B. **Special Events.**
1. Carnivals, circus and animal shows and other similar events may be permitted for a duration of up to 10 days. All structures, tents, equipment, supplies, and debris shall be removed from the site within 10 days after the conclusion of the event.
 2. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
 3. The display of dangerous animals may be limited and restricted.
- C. **Farmers Market.**
1. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
 2. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- D. **Flea Market.**
1. Flea markets may be permitted for a duration of up to 10 days.
 2. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
 3. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
- E. **Portable Storage Structure.**
1. There shall be no more than one (1) temporary storage structure or tent per property.
 2. A portable storage structure or tent shall not exceed 200 square feet in area or twelve (12) feet in height.
 3. Portable storage structures shall be permitted for a maximum duration of two (2) weeks per calendar year.
 4. When used in conjunction with construction or remodeling, a temporary storage structure or tent shall be removed within fourteen (14) days of project completion or within 180 days from the issuance of the building permit, whichever occurs first.
 5. Extensions may be granted by the Inspection Department when the project is actively

progressing toward completion.

6. Portable storage structures and tents shall comply with the International Fire Code.
7. In residential districts, portable storage structures shall comply with the provisions of **outdoor Storage Ordinance #####**.

F. **Model Home.** Any dwelling used as a model home shall have received a certificate of occupancy for residential use prior to being used as a model home.

G. **Seasonal Sale.**

1. Special requirements for parking, sanitary facilities, lighting, and hours of operation may be established through the issuance of a temporary use permit.
2. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.
3. Seasonal sale may be permitted for a duration not to exceed 45 days per property per calendar year.

H. **Trailer.**

1. Temporary trailers or modular structures such as a temporary classroom or office buildings during the planning and construction of a permanent structure and removed within 45 of receiving a certificate of occupancy.
2. A temporary trailer permit not associated with a construction project may be issued for a period of up to 90 days unless approved by Plan Commission.
3. In authorizing the temporary use permit it may be required that the trailer be oriented in a manner that is compatible with adjacent land uses; may require berms and/or landscaping to buffer the temporary use from adjacent uses; and may limit signage or lighting on the site.
4. Construction trailers used during the erection of a permanent building do not require the issuance of a conditional use permit.
5. In residential districts, trailers shall comply with the provisions outlined in the **Storage Ordinance #####**.