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## ##. Land use Definitions and Supplemental Regulations.

## Introduction

*This subchapter includes the specific standards that apply to both permitted and conditional uses, where specified in each zoning district (a “Y” in the “Standards” column). It also includes land use definitions, to avoid lengthy cross-referencing and make the document easier to use. (General definitions will be in another subchapter.)*

*Please note that:*

- *Material in italics (like this introduction) is not part of the Code text; these are annotations.*
- *Sidebars are also used for longer comments.*
- *Highlights in the text or sidebars indicate changes or questions.*
- *Please also note that the format of this chapter is not the final format of the Code. All sections will be numbered and titled in a consistent manner, with input from the City Attorney.*
- *This is a first draft. Not all listed uses are defined, and new standards will undoubtedly be added. The lists of allowed uses in each district “chapter” will also need some adjustment to match up with the terms listed here.*

## Intent

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

## Land Use Definitions

For the purposes of this zoning code, the land use terms defined in this chapter shall have the meanings ascribed to them in this chapter. Where land use terms are not specifically defined in this zoning code, they shall have ascribed to them their ordinarily accepted meanings and/or such as the context may imply.

## Residential Uses – Family Living

- A. Single-family detached dwelling. A building designed exclusively for and occupied exclusively by one (1) family in one (1) dwelling unit, with yards on all sides.

Standards and Conditions: See Subchapter \_\_, “Residential Building Forms.”

- B. Two-family dwelling – Two-flat. A building containing two dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

Standards and Conditions: See Subchapter \_\_, “Residential Building Forms.”

- C. Two-family dwelling – Twin. A building containing two attached dwelling units that share a common side wall and that are typically on separate lots, with the common wall at the lot line. Both units may also be placed on a single lot under a condominium arrangement.

Standards and Conditions: See Subchapter \_\_, “Residential Building Forms.”

- C. Three-family dwelling. A building containing three dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.

Standards and Conditions: See Subchapter \_\_, “Residential Building Forms.”

- D. Single-family attached dwelling. A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.

Standards and Conditions: See Subchapter \_\_, “Residential Building Forms.”

- E. Multi-family dwelling. A building, or portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other in individual dwelling units.

Standards and Conditions: See Subchapter \_\_, “Residential Building Forms.”

- F. Accessory dwelling. A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit.

Standards and Conditions: *TBA as part of overlay district.*

- G. Mobile home, manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle.”

Standards and Conditions: *TBA – need to revisit the “Planned community mobile home park district”*

## Residential Uses – Group Living

- A. Adult family home. A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident. Adult family homes are further defined in Wisconsin Statutes, Section 50.01(1).

*[current definition parallels WSA 50.01(1), but we’re trying to simplify it somewhat here]*

Standards and Conditions:

1. An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.
- B. Cohousing community. A living arrangement that combines private living quarters with common dining and activity areas in a community whose residents share in tasks such as childcare. Living quarters can range from detached units to townhouses or multifamily units. This definition does not include commercial uses other than allowed home occupations.

Standards and Conditions: *TBA – still under discussion*

- C. Community Living Arrangement [*suggest a new definition that may be more consistent with state statutes – from Village of Oregon*]

Community living arrangement land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Standards and Conditions: *TBA – still under discussion*

1. May contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.
- D. Co-operative housing. A dwelling owned and maintained by the residents, in which all residents have private bedrooms (shared by no more than two persons), but share cooking, dining and common areas and share some household maintenance duties. The entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership. Housing cooperatives are incorporated under Chapter 185 Wisconsin Statutes.

Standards and Conditions: *TBA – still under discussion*

- E. Dormitory. A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Standards and Conditions:

1. The use must be within  $\frac{1}{4}$  mile of the campus of the institution it serves, unless another location is established in a campus master plan or conditional use permit.
2. The yard requirements for multiple-family use in the district

apply when the use is not located on a campus.

3. On-site services shall be for residents of the facility only.
  4. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
  5. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
  6. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- F. Fraternity or sorority house. A building used as group living quarters for students of a college, university, or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university, or seminary.

Standards: See "Dormitory."

- G. Lodging house. A house where more than 5 paying guests are provided with meals and lodging, on a monthly or longer-term basis.

Standards and Conditions:

1. The yard requirements for multiple-family use in the district apply.
  2. To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- H. Assisted living, congregate care. Housing complexes primarily for the elderly, in which assistance with daily activities, congregate dining, and limited health care may be provided.

Standards and Conditions:

1. The yard requirements for multi-family use in the district apply.
2. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
3. The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
4. An appropriate transition area between the use and adjacent

property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

5. The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- I. Elderly housing, senior housing. A residential complex containing multifamily dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care and are distinguished from assisted living or nursing homes.

Standards and Conditions: See "Assisted Living."

- J. Hostel. A lodging house which provides 24-hour supervised housing, for compensation, typically for short-term occupancy (less than a month).

Standards and Conditions: See "Lodging House."

- K. Convent, monastery, similar religious group. A housing facility where the residents are limited to members of a specific religious order.

Standards and Conditions:

1. The use must be accessory to a place of worship that is an allowed use under this ordinance. The use may be located on a separate zoning lot where separated by a public right-of-way from the primary use.
2. The yard requirements for multi-family use in the district apply.
3. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
4. The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
5. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

## Civic and Institutional Uses

- A. Day care home, family or group. Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter.

Group day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 children

Standards and Conditions:

1. The facility must pass the inspections of the Director of the Neighborhood Preservation and Inspection Division and the Fire Prevention Bureau prior to issuance of a use permit.
  2. The loss of any state license or permit by a family or group day care home shall result in automatic revocation of that facility's use permit.
- B. Day care center, nursery school. A facility, with the exception of a dwelling, in which qualified persons, other than a relative or guardian, provide care and supervision of children, adolescents and/or adults for less than 24 hours a day. Examples of such land uses include day care centers and nursery schools. Such land uses may be operated in conjunction with another allowed use such as a place of worship or non-profit organization.

Standards and Conditions:

1. The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.
  2. A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
- C. Library, museum.

Standards and Conditions: A library or museum established after the effective date of this ordinance within a predominantly residential area shall have direct access to a collector or higher classification street.

- D. Mission house in conjunction with religious institution. A mission house is a nonprofit organization which provides lodging or meals, or both, without compensation, and may also offer or provide any church service.

Standards and Conditions:

1. The yard requirements for multi-family use in the district apply.
2. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
3. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
4. The operator shall submit a management plan for the facility

and a floor plan showing sleeping areas, emergency exits and bathrooms.

- E. Place of worship. A facility where people regularly assemble for religious worship and any incidental religious education which is maintained and controlled by a religious body.

Standards and Conditions:

1. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
2. Any facility with seating capacity of greater than 600 persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with access to collector or higher classification street.
3. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

- F. Public safety facility: A government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

- G. Schools, public and private. Public, parochial, or private schools which provide an educational program for one or more grades between kindergarten and grade 12 and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.

Standards and Conditions:

1. A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have direct access to a collector or higher classification street.
2. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.

- H. Schools, arts, technical or trade. Business, professional, trade, or other specialty schools, including but not limited to schools offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology.

Standards and Conditions: See "Schools, public and private." With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.

- I. College, university, or similar institution of higher learning. An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student



and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Standards and Conditions: See “Schools, public and private” and the requirements of the Campus Institutional district.

## Mixed Commercial/Residential Uses

- A. Home occupation. The production of goods and/or services within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and which does not change the residential character of the neighborhood. The home occupation use is intended to permit limited work to be carried on in a residence, while protecting the integrity and residential character of neighborhoods.

Standards and Conditions:

1. A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
2. A home occupation shall not involve the conduct of a general retail or wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
3. The occupation must be conducted within a dwelling and not in an accessory building. *[except by conditional use?]*
4. The occupation must be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes.
5. Only members of the immediate family residing on the premises may be employed, unless authorized by the Plan Commission as a conditional use.
6. No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use;
7. No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use;
8. Samples may be kept but not sold on the premises;
9. No more than twenty-five percent (25%) of the floor area of one story of the dwelling may devoted to such home occupation;
10. The entrance to the space devoted to the home occupation must be from within the building.
11. No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.

12. The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two square feet in area.
  13. Exception: A home occupation of an individual with a disability who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs 7 through 11.
- B. Live/work unit. A dwelling unit in combination with a shop, office, studio, or other work space within the same unit, where the resident occupant both lives and works.

Standards and Conditions:

1. The work space component must be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.
  2. The dwelling unit component must be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
  3. The office or business component of the unit shall not exceed thirty (30) percent of the total gross floor area of the unit.
  4. The size and nature of the work space shall be limited so that the building type may be governed by residential building codes. An increase in size or intensity beyond the specified limit would require the building to be classified as a mixed-use building.
  5. The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It may not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
- C. Mixed use buildings in residential districts. *[new addition per comments by Alder Gruber]* Mixed use buildings that include residential, commercial and office or studio uses are conditional uses only at corner locations within certain residential districts, where specified, meeting the following standards:
1. Buildings must be located at least one-quarter mile from other mixed-use buildings in residential districts.
  - 2 Minimum building height: 2 stories

3. Maximum height: 2 stories, may be increased to 3 stories for underground parking, outstanding design features, or green features. *[specifics TBA]*
4. Buildings must meet NMX district frontage requirements for corner locations and building form standards for commercial block buildings.
5. Building footprint shall not exceed 5,000 square feet; any retail or office establishment shall not exceed 2,500 square feet in floor area.

### Office and Studio Uses

- A. Art Gallery. A building used for the display or sale of works of art or craftsmanship, including but not limited to drawing, vocal or instrumental music, painting, photography, sculpture and writing, with no goods produced on the premises.
- B. General Office. Use of a building for administrative, executive, professional, research, or similar organizations having only limited contact with the public. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services.

### Medical Facilities

- A. Clinic, medical, dental or optical. A building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The clinic may include an accessory laboratory, but not inpatient care or operating rooms for major surgery.
- B. Hospital. An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

#### Standards and Conditions:

1. The facility shall have direct access to a collector or higher classification street.
2. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
3. The boundaries of the institution shall be as defined in the conditional use permit, and may not be expanded without the prior approval of the plan commission, as evidenced by an amended conditional use permit. The campus that is defined by the boundaries shall be a minimum of three (3)

acres, and all property within the campus boundaries must be contiguous.

*[Discuss whether these institutions may fit into the CI district.]*

- C. Physical, occupational or massage therapy. An establishment where licensed professional therapists provide services to clients on an outpatient basis.
- D. Veterinary clinic, animal hospital. An establishment for the routine examination, medical or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care but without kenneling of animals.

Standards and Conditions: All activity shall take place within completely enclosed buildings with soundproofing and odor control; outdoor kennels are prohibited.

### **Retail sales and service**

- A. General retail. General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. General retail sales include but are not limited to the following:
  - (a) Antiques and collectibles store;
  - (b) Art gallery;
  - (c) Bicycle sales and repair;
  - (d) Book store, music store;
  - (e) Clothing and accessories;
  - (f) Drugstore, pharmacy;
  - (g) Electronics sales and repair;
  - (h) Florist;
  - (i) Jewelry store;
  - (j) Hardware store;
  - (k) News stand, magazine sales;
  - (l) Office supplies;
  - (m) Pet store;
  - (n) Photographic equipment, film developing;
  - (o) Stationery store;
  - (p) Picture framing; and
  - (q) Video store.
- B. Animal boarding facility, kennel, animal shelter. Any lot or premises on which dogs, cats and other household pets are kept, boarded or raised for sale.

Standards and Conditions:

1. Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district
  2. Any portion of an outdoor kennel facing an adjacent property shall be screened from view by a solid fence, hedge or similar plant material not to exceed six (6) feet in height.
- C. Animal grooming facility. An establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than 48 hours incidental to the grooming services.
- D. Building material sales. An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumberyard or home improvement center and may include outdoor storage or tool and equipment sales or rental.
- E. Business sales and services. An establishment primarily providing services to businesses or individual businesspeople on a fee or contract basis, including, but not limited to:
- (a) Business equipment and furniture sales or rental.
  - (b) Copy center, excluding offset printing and publishing.
  - (c) Commercial photography studio.
  - (d) Mailing and packaging service.
  - (e) Building maintenance, janitorial.
- F. Copy shop. A business that provides duplicating services using photocopying, blueprint, offset, or electronic means, and may include the collating and binding of booklets and reports.
- G. Drive-through facility. A facility consisting of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in an automobile. Drive-through facilities may be associated with principal uses, such as restaurants, banks, or drugstores, or may be free-standing, such as coffee kiosks, ATMs, etc.

Standards and Conditions:

1. Drive-through lanes and service windows shall be located to the side or rear of buildings, shall not be located between the principal structure and a public street, and shall be at least sixty (60) feet from the closest point of any residentially zoned property or property occupied with a one-, two-, or multiple-family dwelling.
2. Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.
3. Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space

shall be provided without interfering with onsite parking/  
circulation.

4. Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
5. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
6. A six-foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.

- H. Farmers market. An indoor or outdoor establishment involving sale of farm products, personally prepared food and handcrafted goods. May include concurrent special events, including cooking demonstrations, activities for children, unamplified music, and small scale theatrical, musical and educational presentations.

Standards and Conditions:

1. A facility established after the effective date of this ordinance shall have direct access to a collector or higher classification street.
  2. An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- I. Garden center. An establishment that includes indoor and outdoor retail sales of plants not grown on the site, lawn furniture and garden supplies.

Standards and Conditions:

1. In the NMX, TSS and MXC districts there shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.
  2. In all other districts bulk materials shall not be stored within the front yard setback and shall meet standards for outdoor storage and display.
- J. Greenhouse, Nursery. An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies

Standards and Conditions: See "Garden center."

- K. Food and related goods sales. An establishment required to be licensed under Wisconsin Statutes §97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. It includes retail grocery stores, meat markets,

poultry markets, fish markets, delicatessens, bakeries, candy stores, catering establishments, ice cream shops, cheese stores, convenience marts, milk cases, spice and herb shops, temporary retail food establishments and all other establishments where food is processed or sold or offered for sale at retail.

- L. Payday Loan Business: any person licensed pursuant to Sec. 218.05, Wisconsin Statutes or a person licensed pursuant to Sec. 138.09, Wisconsin Statutes, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

Standards and conditions: Any payday loan or auto title loan business must be located a minimum of 5,000 feet from any other payday loan or auto title loan business.

- M. Pet day care. An establishment that provides care of dogs and other domestic pets for periods of less than 12 hours a day.

Standards and conditions: Applicants must submit at the time of permit application, written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which are to be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

- N. Secondhand store, consignment store: A retail establishment that sells used merchandise, such as clothing, furniture, books, shoes, or household appliances, on consignment or a retail store that sells used merchandise donated to a charitable, tax exempt organization that also sorts, cleans, and marks goods for resale.

- O. Service business. Business that provide services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

- (a) Barber and beauty shops;
- (b) Dry-cleaning pick-up station;
- (c) Interior decorating/upholstery;
- (d) Locksmith;
- (e) Mailing and packaging services;
- (f) Photocopying, document reproduction services;
- (g) Consumer electronics and repair;
- (h) Shoe repair;
- (i) Tailor shop;
- (j) Watch repair, other small goods repair.

Standards and conditions: Within the Employment Campus and Industrial districts (IL and IG), service businesses may only be

located within a mixed-use building that includes office or other employment uses.

- P. Service businesses with showroom or workshop. Office of a contractor, builder, painter, etc. that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/or an enclosed workshop for limited assembly or preparation of building materials.

## Food and Beverages

- A. Catering. A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.
- B. Coffee shop, tea house. An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

Standards and conditions: see “Restaurant.”

- C. Restaurant: A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales.

Standards and conditions: Within the Employment Campus and Industrial districts (IL and IG), a restaurant may only be located within a mixed-use building that includes office or other employment uses.

- D. Restaurant-Tavern. Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises, where meals account for over 50% of the gross receipts.

Standards and conditions: see “Restaurant.”

- E. Tavern. An establishment serving fermented malt beverages or intoxicating liquors primarily for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use.

- F. Brewpub. A restaurant which manufactures up to five thousand (5,000) barrels of fermented malt beverages per year on premises for either consumption on premises, or off premises in hand-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer.

Standards and Conditions: Wholesaling of beverages shall be permitted only where “wholesale establishment” is listed as an allowed use within a zoning district.

- F. Outdoor eating areas accessory to restaurants and taverns.

Standards and Conditions: Outdoor eating areas of restaurants or other establishments in this group shall meet the following requirements:



1. Primary access to the area shall be from within the restaurant.
2. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use permit.

## **Commercial Recreation, Entertainment and Lodging**

- A. Bed and breakfast establishment. A private residence that rents no more than four rooms as temporary lodging for periods not to exceed three weeks, and in which breakfast is the only meal served to guests.

Standards and conditions:

1. The establishment must have a valid permit from the City Health Department.
2. The only meal that may be served is breakfast to registered guests.
3. No establishment shall be located within 500 feet of any other such establishment, measured lot line to lot line.
4. Fire protection shall be approved by the Fire Department, and may be more restrictive than State requirements.
5. Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.

*[Note: Separation requirement is currently 1,000 feet in the R-1 district and 500 feet in all other residential districts where the use is allowed.]*

- B. Health/sports club. An establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, and where use is offered on a membership basis.
- C. Hotel, inn. A building containing rooming units providing temporary lodging accommodations to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- D. Motel. A building containing rooming units designed primarily for providing sleeping accommodations for transient lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms.
- E. Indoor recreation. A facility for the indoor conduct, viewing, or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.

Standards and conditions: In the NMX and TSS districts, the facility shall be located at least 50 feet from the boundary of any residential use or district.

- F. Lodge or club, private. A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

Standards and conditions: It is permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. Where properly licensed under existing City ordinances, the consumption of intoxicating beverages by members of such club or lodge, or their guests, is permitted.

- G. Outdoor recreation, commercial. A facility for outdoor conduct, viewing, or participation in recreational activities, which may include one or more structures. This term includes but is not limited to a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, sporting club, amusement park, miniature golf course, or water park.

Standards and conditions:

1. A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential property.
2. If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site.
3. The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use permit.
4. If the use will be available to the general public, ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any development proposal.

- H. Theater, assembly hall: A facility for presenting motion pictures or live performances for patrons. This term includes an outdoor stage, band shell, or amphitheater but does not include an adult entertainment establishment.

## **Adult Entertainment Uses**

- A. Adult entertainment establishment. An adult entertainment establishment is an adult book or video store or an adult motion picture theater.

Standards and conditions for adult entertainment establishments:

1. Such establishments shall be licensed as provided in Section 9.05 of these ordinances.
2. Exterior windows shall not be covered or made opaque in any way.

3. No adult entertainment establishment shall be located within 1,000 feet of any church, synagogue, temple, mosque or any other place of worship, any lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison, any planned developments which allow residential dwelling units; any public park, any private or public elementary, secondary, or vocational school, any public or private playground, any day care center, any public library, any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs, or any other adult entertainment establishment.
  4. The distance requirement under subdivision 3. above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship, any lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison, any planned developments which allow residential dwelling units; any public park, any private or public elementary, secondary, or vocational school, any public or private playground, any day care center, any public library, any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs, or any other adult entertainment establishment or adult entertainment tavern to the closest property line of the adult entertainment establishment.
  5. No material referenced under the definition of Adult Book or Video Store shall be placed in any exterior window, provided that material which is not so referenced may be placed in a window.
  6. An adult entertainment establishment may have only one (1) nonflashing business sign, which sign may only indicate the name of the business and identify it as an adult entertainment establishment.
- B. Adult book or video store. An establishment which is used for selling, renting or loaning, for monetary consideration, the following materials, when such activity constitutes a substantial or significant part of the business conducted therein:
1. Any pictures, photographs, drawings, motion picture films or similar visual representations or images of a person or portions of a human body which are distinguished or characterized by their emphasis on matters depicting, or describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein; or
  2. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Paragraph 1. above.
  3. Significant part of the business means dedication or use of more than ten percent of the available floor, wall and display space to the sale, rental or loan of the subject matter referenced in Paragraphs 1. and 2. above, including space

devoted to the viewing of videotapes or films, or display and advertisement of subject matter referenced herein in excess of ten percent of the total merchandise for sale, rental or loan.

4. Material, however distributed, which is published by a medical products manufacturer, a medical or health association, an insurance company, or by a consumer education organization shall not be considered part of the business of operating an adult book or video store.
  5. Words used in this definition shall be defined as provided by Section 26.05(1).
- C. Adult motion picture theater. An adult motion picture theater is an enclosed building used for presenting or exhibiting a motion picture film, show or other presentation having as its dominant theme or distinguished or characterized by an emphasis on or exposure to “specified anatomical areas” or “specified sexual activities” as defined herein.
- D. Adult entertainment tavern. Any establishment licensed to sell fermented malt beverages or intoxicating liquor pursuant to Chapter 38 of these ordinances which is used for presentations or service distinguished or characterized by an emphasis on “specified anatomical areas” or “specified sexual activities” as defined herein.

Standards and conditions:

1. No such tavern shall be located within five hundred (500) lineal feet of a church, synagogue, temple, mosque or any other place of worship, any lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison, any planned developments which allow residential dwelling units; any public park, any private or public elementary, secondary, or vocational school, any public or private playground, any day care center, any public library, any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs, or any tavern, or any other adult entertainment tavern or adult entertainment establishment.
2. The distance requirement under subdivision 1. above shall be measured along a straight line from the nearest property line of any church, private or public day care center, preschool center, or public or private school, or public park, or any library, or any residential district, or any planned developments, or any tavern, or any other adult entertainment tavern or adult entertainment establishment to the closest property line of the adult entertainment tavern. (Cr. by Ord. 12,215, 10-19-98)
3. Said tavern shall acquire and maintain an adult entertainment tavern permit pursuant to Section 38.11 of these ordinances prior to issuance of an occupancy permit.

## Automobile Services

- A. Auto body shop. A shop in the business of making substantial repairs to the shell or body of any automobile, and of major or substantial painting of the shell or body, and where the following services may also be carried out: general auto repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating.
- B. Automobile sales: An establishment providing wholesale and retail sales or leasing of new or used automobiles, motorcycles, trucks, trailers, boats, or outdoor recreational vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use.
- C. Automobile service station. A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur.

Standards and conditions for A through C above: *[note separation requirement of 3/8 mile in current code]*

- 1. All automobile servicing and repair activities must either:
  - (a) be carried on within an enclosed building. or
  - (b) be screened with one of the following along any property line that abuts a residential zoning district:
    - (1) a minimum of six-foot high masonry or decorative wood fence; or
    - (2) a planted area with a minimum width of eight feet and planted with a minimum of one shade tree per 50 linear feet and one shrub per four linear feet.
- 2. Automobile repair bays shall not face a local, collector or arterial street, but may face an alley or rear lot line.
- 3. The following activities and equipment are permitted only in the rear yard and at least fifty feet from a residential zoning district:
  - (a) Storage of vehicle parts and refuse;
  - (b) Temporary storage of vehicles while during repair and pending delivery to the customer;
  - (c) Vacuuming and cleaning.
- 4. The following activities and equipment are permitted only within an enclosed building:
  - (a) Lubrication equipment;

- (b) Motor vehicle washing equipment;
  - (c) Hydraulic hoists and pits;
  - (d) Body work and painting;
  - (e) Storage of motor vehicles not in safe operating condition.
- 5. Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not permitted for a period exceeding ten (10) days during any thirty (30) day period.
  - 6. No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
  - 7. Additional standards and conditions in NMX and TSS Districts: The principal building shall comply with the dimensional standards and design guidelines applicable to traditional neighborhood districts, except that the maximum setback requirement may be modified by the planning commission so that pump islands may be placed in front of the building if this arrangement is considered preferable for circulation, aesthetics or buffering of neighboring uses.
- D. Car wash: An establishment where washing, drying, polishing, or vacuuming of an automobile is done by service personnel, the driver, or by automated machinery.

Standards and conditions:

- 1. The carwash shall be completely enclosed when not in operation.
- 2. Any access drive shall be located at least thirty feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
- 3. Any carwash line exit shall be at least thirty feet from any street line.
- 4. Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.
- 5. Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

*[note separation requirement of 3/8 mile in current code]*

- E. Convenience store: An establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

Standards and conditions: See "Automobile Services" above.

- F. Motor vehicle salvage yard, scrap yard. A facility where used motor vehicles and vehicle parts are sorted, stored, dismantled, assembled,

and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, rubber tires, plastics, and other material which has been a part of or is intended to be a part of a motor vehicle.

Standards and conditions:

1. Vehicle salvage uses shall be located on sites which are suitable from a topographic standpoint, so that views at the ground elevation up to a point 400 horizontal feet away will be adequately screened with fences and buffer areas surrounding the use.
2. All material not stored in a completely enclosed building shall be enclosed with a solid fence which is 6 to 10 feet high and located on or inward from the established setback lines.
3. No materials shall be placed on the property that would exceed a height equal to the vertical plane extending from the top of the approved fence.
4. Hours of outside activity shall be limited to 7:00 a.m. until 8:00 p.m. and shall follow the City's noise regulations

## **Parking Facilities**

See standards and requirements in Subchapter \_\_, Parking and Loading, and Building Form Standards, "Parking Building."

## **Limited Production, Processing and Storage Uses**

- A. Artisan workshop. A use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental direct sale to consumers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.
- B. Brewery. A facility used for the manufacture of more than five thousand (5,000) barrels per year of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability.
- C. Contractor's yard. An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Standards and conditions. In the TW district, outdoor storage shall be located to the rear of the principal building. In all districts, outdoor storage shall be screened as provided in Section \_\_.

- D. Dry cleaning establishment, commercial laundry: An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

- E. Laboratories for research, development and testing. Establishments which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; or establishments conducting educational or medical research or testing.
- F. Limited production and processing. Uses that produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:
  - (a) Apparel and other finished products made from fabrics;
  - (b) Blueprinting;
  - (c) Computers and accessories, including circuit boards and software;
  - (d) Electronic components, assemblies, and accessories;
  - (e) Film, video and audio production;
  - (f) Food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing;
  - (g) Jewelry, watches and clocks;
  - (h) Milk, ice cream, and confections;
  - (i) Musical instruments;
  - (j) Novelty items, pens, pencils, and buttons;
  - (k) Precision dental, medical and optical goods;
  - (l) Signs, including electric and neon signs and advertising displays;
  - (m) Toys;
  - (n) Wood crafting and carving; and
  - (o) Wood furniture and upholstery.

Standards and conditions: In mixed-use, commercial and employment districts, all such uses are intended to be compatible with adjacent nonindustrial uses. Odors, noise, vibration, glare and other potential side effects of manufacturing processes shall not be discernable beyond the property line.

- G. Recycling collection center, drop-off station. A facility for the deposit, sorting, or batching but not processing of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.
- H. Storage facility, personal indoor storage. A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.



Standards and conditions:

1. No commercial transactions shall be permitted other than the rental of storage units.
  2. Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.
- I. Warehousing and storage. An establishment providing storage and distribution of merchandise and bulk goods, typically involving heavy truck and/or freight rail traffic.
  - J. Wholesale establishment. An establishment providing storage, distribution and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

## Industrial Uses

- A. Light manufacturing. An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food (not including meat and fish products), beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.
- B. General manufacturing. An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. Some activities may occur outside of enclosed buildings. This term includes, but is not limited to:
  - (a) Animal, poultry slaughter or processing facility. Processing of byproducts from industrial operations
  - (b) Processing and packaging of alcohol beverages.
  - (c) Chemical manufacturing.
  - (d) Stonework or concrete product manufacturing.
  - (e) Fabrication of metal products.
  - (f) Manufacturing of agricultural, construction or mining machinery.

- (g) Motor vehicle manufacturing.
  - (h) Lumber milling.
  - (i) Paper manufacture.
- C. Concrete, asphalt, and rock crushing facility: A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.
- D. Yard waste site, municipal. A facility for collection, storage, and composting of vegetative matter resulting from landscape maintenance.

### **Agricultural and Resource Management Uses**

- A. Cultivation. The use of land for growing or producing field crops, including field crops for consumption by animals located off-site, or for tree farming or nursery operations.
- B. Animal husbandry. All operations primarily oriented to the on-site raising and/or use of animals, at an intensity of less than one animal unit per acre. Apiaries are considered animal husbandry land uses.
- C. Intensive agriculture. All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding 1 animal unit per acre, or agricultural activities requiring large investments in structures. Examples include feed lots, hog farms, fish farms and commercial greenhouse operations.

Standards and conditions: To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed 1,000 animal units, in which case a WPDES permit is required under NR 243, Wis. Admin. Code.

- D. Community garden. An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.
- E. Market garden. An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit.
- F. Roadside stand, farm stand. An open air stand for the seasonal sale of agricultural produce produced on the same property.

Standards and conditions:

1. The stand may not be permanently affixed to the ground and must be readily removable in its entirety.
  2. Maximum area of a roadside stand is three hundred (300) square feet in ground area.
  3. No more than one roadside stand is allowed on any one premise.
- G. Selective cutting. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising less than or equal to 30% of the woodlands on the property.
- Standards and conditions: On parcels approved for development, limited to areas designated for clearance on recorded plats or certified survey maps. Destruction of trees in excess of this amount is considered clear-cutting.
- H. Clear cutting. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising more than 30% of the woodlands on the property. Clear cutting does not include timber harvesting for commercial purposes.
- Standards and conditions: Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property or is unavoidable due to grading or other development requirements. Areas clearcut beyond 30% shall be replanted; replanting may occur in other portions of the property. *[note that a separate Tree Preservation Ordinance could address many more issues involving protection of native vegetation during construction.]*

## Public Utility and Public Service Uses

- A. Power plant. A facility that, regardless of fuel or energy sources, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electrical distribution system. *(currently termed "Electric power production.")*
  - B. Electrical substation. An assemblage of equipment through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.
  - C. Sewage treatment plant. A facility which collects, treats, and disposes of water-borne sewage generated within a given service area.
  - D. Sewage system lift station.
- Standards and conditions: A landscape plan for the facility must be approved by the Director of Planning and Community and Economic Development.
- E. Telecommunication Facilities. Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area and other accessory development.

Standards and conditions: *[lengthy section TBA – General Regs?]*

F. Water pumping stations, towers and reservoirs.

Standards and conditions: See “Sewage system lift station.”

## Accessory Structures and Uses

A. Emergency electrical generator. An electric generator powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil whose purpose is to provide electricity if normal electrical service is interrupted.

Standards and conditions:

1. The electric output shall not exceed 3,000 kilowatts and the generator may be operated a maximum of 200 hours per year.
2. The generator shall be located a minimum of 20 feet from any zoning lot which permits residential uses
3. The generator shall be located and screened so as to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. This may include screening with materials similar in appearance to those used for the principal structure on the zoning lot, landscaping or fencing as approved by the Plan Commission.

B. Outdoor display: The display of goods for sale or rental outside of an enclosed building.

Standards and conditions: Where permitted, outdoor sales and display areas shall be separated from any adjacent street, sidewalk, or public walkway by a low landscaped screen, in compliance with Section \_\_ *[landscape standards TBA]*

C. Outdoor storage. Permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off-street parking is not considered “outdoor storage.”

Standards and conditions: Where permitted, outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street. Outdoor storage completely screened from any adjacent street, sidewalk, public walkway, public park, or residential property. *[landscape standards TBA]*

*[This section combines the existing “temporary accessory apartment” (28.08(2)(b)(16) and the “dependency living arrangement (28.08(2)(b)(17), with some simplification.]*

## Temporary Structures and Uses

A. Dependency living arrangement, temporary accessory apartment. A living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a single--family dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a single-family dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area

shall be from within the principal dwelling unit.

Standards and conditions:

1. The owner of the dwelling must continue to reside there. The use permit issued under this paragraph is not transferable to another owner or occupant.
  2. One of the owners must be at least 60 years of age or the Madison Health Director must certify that the owner's health is such that the conversion is permitted.
  3. The exterior appearance of the building shall remain generally the same. Any new entrance shall be placed on the side or rear facade of the building. Additions shall not increase square footage by more than ten percent.
  4. Upon termination of the specific occupancy, all second kitchen facilities installed for this use shall be dismantled and removed from the premises within 6 months unless an extension is granted because of potential re-occupancy.
- B. Keeping of chickens. Keeping of chickens is allowed as an accessory use to a single-family dwelling. *[was this updated?]*

Standards and conditions:

1. Keeping of roosters is prohibited.
  2. Slaughter of chickens is prohibited.
  3. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
  4. The enclosure shall be located at least twenty-five (25) feet from any residential structure on an adjacent lot.
  5. The owner or operator must obtain a license under Sec. 9.52, M.G.O.
- C. Outdoor sales events. A seasonal or occasional sale held on the sidewalk or other location outside a building.

Standards and conditions: A maximum of four outdoor sales events may be held annually, for a total maximum of 30 days per calendar year.

- D. Portable storage units. A portable structure used for temporary storage of household goods in residential areas.

Standards and conditions:

1. A maximum of two (2) Portable Storage Units, not exceeding a cumulative gross floor area of 250 square feet shall be permitted on a lot for no more than 30 days per calendar year.
2. The Portable Storage Unit(s) may be placed on a driveway, but may not be placed on that portion of the driveway located in the front yard or side yard setbacks.

3. A temporary use permit is required.

- E. Temporary buildings for storage of construction materials and equipment.

Standards and conditions: Buildings must be located on the same zoning lot as the project under construction, and shall be removed within 30 days following completion of construction.

- F. Yard sales. Any lawn sale, garage sale, attic sale, rummage sale, moving sale or other similar sale involving the display and/or sale of new and/or used goods on a zoning lot where the principal use is residential.

Standards and conditions: A yard sale shall not exceed four (4) days in duration, and no more than one sale shall be held in any three (3) month period.