

**PLANNING COMMISSION AGENDA**  
**Monday, May 24, 2021 at 6:00 p.m.**  
**Caledonia Village Hall – 5043 Chester Lane**

**THIS WILL BE AN IN-PERSON MEETING - MAX NUMBER OF ATTENDEES 16**

**1. Meeting called to order**

**2. Roll Call/Introductions**

**3. Approval of Minutes**

**4. Citizens' Comments**

**5. Non-Public Hearing Items**

- A. BUILDING, SITE, & OPERATION PLAN REVIEW – Review a revised site plan for Phase 1 of the Water's Edge Condominium Development which includes three, 73-Unit, 5-Story buildings on Water's Edge Drive submitted by CCM-Caledonia, LLC, Applicant and Owner. (Parcel ID Nos. 104-04-23-21-003-000, 104-04-23-21-005-000, 104-04-23-21-006-000)
- B. BUILDING, SITE & OPERATION PLAN REVIEW – Review a proposed building, site, and operation plan for the construction of a 600 square-foot storage building located at 8520 Hollander Drive submitted by Todd Stiles, Applicant, EP Holdings LLC, Owner. (Parcel ID No. 104-04-22-34-020-090)
- C. BUILDING, SITE, & OPERATION PLAN REVIEW - Review a proposed building, site, and operations plan for the construction of a 2,400 square-foot addition to the building located at 3815 Quick Drive submitted by Thomas Greenwood, Applicant and Owner. (Parcel ID No. 104-04-22-34-012-040)
- D. ZONING CODE DISCUSSION – Review draft Chapters 6, 10, & 12 of the Village of Caledonia Zoning Code.

**6. Adjournment**

Dated May 21, 2021

Joslyn Hoeffert  
Village Clerk

Only Commission members are expected to attend. However, attendance by all Board members (including non-members of the Plan Commission) is permitted. If additional (non-commission) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows:

If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a "meeting" within the meaning of Wisconsin's open meeting law. Nevertheless, only the commission's agenda will be discussed. Only commission members will vote. Board members who attend the commission meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

**1. Meeting called to order**

President Dobbs called the meeting to order at 6:01 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin via ZOOM.

**2. Roll Call/Introductions**

Members present: Thomas Knitter, Trustee Wanggaard, President Dobbs, Bill Folk, Joseph Minorik, Nancy Pierce and Tim Just.

Absent: None.

Also Present: Administrator Tom Christensen, Finance Director Kathy Kasper, Development Director Peter Wagner, Public Works Director Tom Lazcano, Trustee Thomas Weatherston, Trustee Lee Wishau, Trustee Fran Martin, Deputy Police Chief Shawn Engleman, Detective Christopher Schuster, and Attorney Elaine Ekes.

**3. Approval of Minutes**

Motion Joe Minorik by to approve the minutes from the February 22, 2021. Seconded by Bill Folk. Motion carried unanimously.

**4. Citizens' Comments**

None.

**5. Non-Public Hearing Items**

**5A. CERTIFIED SURVEY MAP – Review a certified survey map creating three lots and one outlet for Lot 2 located on DeBack Lane submitted by Adam Artz, Applicant, WisPark LLC, Owner. (Parcel ID No. 104-04-22-30-015-202)**

Tom Lazcano read from his memorandum dated March 24, 2021:

“The Engineering Department has received a Certified Survey Map (CSM) from WisPark LLC to divide a parcel in DeBack Farms Business Park. The CSM was prepared by John Konopacki of the Pinnacle Engineering Group. This is the fourth CSM for the DeBack Farms Business Park located in TID #4. The property is located between Four Mile Road and Adams Road and East of the East Frontage Road. The parcel is 71.069 acres. The proposed CSM is to split the parcel into multiple Lots and Outlots for future development. This CSM is for the creation of 3 Lots and 1 Outlot. Lot 1 of this CSM is for a distribution warehouse that was approved by the Village Board in early March. Lot 2 and Lot 3 will be used for future development. The Outlot will be deeded to the Village for the installation of an elevated storage tank. This CSM is in conformance with the DeBack Farms Business Park. Development Plan that has been submitted and used for the proposed Business Park. The existing parcel is currently vacant. The parcel is located within the Sanitary Sewer & Water Service Area. All Lots will need to be connected to Sanitary Sewer & Water service. These connections will be the responsibility of the developers and may be subject to connection fees. The parcel is part of the third WisPark CSM that is in the processes of being recorded. Once that CSM is recorded a new Parcel ID will be assigned for this CSM. The Village Board has approved a Development Agreement with Scannell for the development of properties in the DeBack Farms Business Park. Any and all requirements of that Development Agreement shall be followed with the review and approval of this CSM.”

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Notification letters were mailed out to the surrounding parcels and there were two inquiry calls, but no objections were received prior to the meeting. Lazcano recommended approval with the proposed eight conditions.

Laura Laznicka, 13018 Adams Rd., wanted clarification of what would be happening on lot 4. Maps were shown to the resident to show where the water tower would be installed. She was interested if residents would be able to hook up to sewer and water and will be contacting staff for further information regarding the process.

Bryan Rodman, 12633 Adams Road, was not in favor of having sewer and water. He felt he is not being represented and thought the water was not for the needs of the city, but rather the development. He asked that he be properly notified of those who trespass on his property while doing business for the Village (i.e., Digger's Hotline).

Sharyn Rhoads, 12820 Adams Road, requested the tank parcel definition; She and other residents were interested in how the water tower would look, and what the plans for landscaping were. She inquired about a property buyout and was instructed that she would need to talk to the business park owner.

Christensen explained to concerned residents that the purpose of this meeting is for the land division; the concerns of the residents being brought up are not on the agenda and will be discussed at a future meeting.

Everett, (no address given), was concerned about the traffic, especially because there are children (some with special needs) who live on/near the road. She proposed putting in a dead end at Adams Road and Carrol Road to try and combat this issue. Staff will contact the Police Department to alert them to this traffic concern. She also was concerned about her water tables, but they would not be affected.

Nancy Haggerty, an attorney representing Scannell stated that this topic is not an approval for development, this is just the division of the lot so it cannot be used as part of the industrial property and will be blocked off.

Leon Goffe, 13113 Adams Road, inquired about what else is being proposed other than General Mills and was concerned regarding the traffic, where they would be located and thought the development should be located away from Adams Road. He thought the lights needed to be considered and that tree lines would be helpful.

### **5A. Commission Deliberation**

Motion by Joe Minorik to conditionally approve the Scannell Properties / DeBack Farms Business Park CSM subject to the following and recommend approval to the Village Board:

1. Address the Village's comments/changes to the draft CSM prior to recording.
2. Cross access agreements will be needed to allow access and egress from DeBack Lane and from Adams Road/Carol Road via private driveways that cross lot lines.
3. The third WisPark CSM will need to be recorded and a Parcel ID issued for Lot 2 prior to recording this CSM.
4. All conditions of the Development Agreement between Scannell and the Village of Caledonia for the development of the properties in the DeBack Farms Business Park shall be incorporated as necessary.
5. There shall be a Conditional Use Review in which all future developments building on Lots 2, 3, and any future Lot divisions shall conform.
6. There shall be a Building Design Standards Review in which all future developments building on Lots 2, 3, and any future Lot divisions shall conform to Title 16 Chapters 3 & 4.
7. The CSM is subject to the Land Division per Lot fee.
8. All development on this CSM must conform to all Ordinances in Titles 9, 14, 15, 16 and 18.

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Bill Folk seconded.

**ROLL CALL**

Thomas Knitter	Aye
Trustee Wanggaard	Aye
Tim Just	Aye
Joseph Minorik	Aye
Nancy Pierce	Aye
Bill Folk	Aye
President Dobbs	Aye

**Motion carried unanimously.**

**6. - Adjournment**

Motion by to adjourn Trustee Wanggaard. Seconded by Joe Minorik. Motion carried unanimously. Meeting adjourned at 6:25 p.m.

Respectfully submitted,  
Joslyn Hoeffert  
Village Clerk

**1. Meeting called to order**

President Dobbs called the meeting to order at 6:00 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin via ZOOM.

**2. Roll Call/Introductions**

Members present Thomas Knitter, Trustee Weatherston, Tim Just, President Dobbs, Joseph Minorik, Bill Folk, and Nancy Pierce.

Absent: None

Also Present: Development Director Peter Wagner and Trustee Fran Martin.

**3. Approval of Minutes**

The March minutes weren't approved at the April meeting and will be forwarded for approval at the May 24<sup>th</sup> meeting.

**4. Citizens' Comments**

None.

**5. Public Hearing Items followed by Commission Recommendations**

**5A. A. LAND USE AMENDMENT – Consider an amendment to the Village's Land Use Plan Map as part of the Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 for two parcels located on Erie Street, west of 5945 Erie Street from Government & Institutional to Medium Density Residential (6,200 SF to 18,999 SF per dwelling), submitted by the Village of Caledonia, Applicant and Owner. (Parcel ID Nos. 104-04-23-21-003-000 & 104-04-23-21-005-000)**

Peter Wagner read from his report:

The applicant is requesting a land use plan amendment for the former Western Publishing Company parking lot (approximately 3 acres in total) located on Erie Street, west of 5945 Erie Street from Governmental & Institutional to Medium Density Residential and for the rezoning of these parcels from B-1, Neighborhood Business District to R-3, Suburban Residential. The result of making these changes would allow for future single-family residential development. Parcels abutting the subject parcels are currently identified on the Land Use Plan Map as Medium Density Residential to the west, north and south, and High Density Residential to the east.

These parcels are within the sanitary and water service area and have the necessary infrastructure to accommodate a single-family residential use. These parcels are located within TID 5 and have been identified as future single-family housing. Furthermore, the TID 5 plan includes an extension of 5 Mile Road to what is now known as Water's Edge Drive along the northern border of the existing parking lot.

At this time, there are no future governmental or institutional uses planned for this area. Below is a concept plan illustrating a potential residential development in this area if the land use amendment and rezone were to be approved.

The State of Wisconsin Smart Growth Law requires that all local land use decisions after January 1, 2010 must be consistent with the goals, objectives, and policies contained within the Land Use Plan. Approval

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of these changes to the Land Use Plan Map would create consistency for the future use of the parcels located on what is now known as Water's Edge Drive.

Public Hearing Opened 6:04 p.m.

*President Dobbs asked three times if anyone wanted to speak in favor of this proposal.*

**In favor:**

Fran Martin 5638 5 Mile Rd: would like to go on record that she was in favor and it will help what we have created there.

*President Dobbs asked three times if anyone wanted to speak against this proposal.*

**Against:**

None.

Public Hearing Closed: 6:07 p.m.

**5A. Commission Deliberation**

Motion by Knitter to approve and recommend to the Village Board that an amendment to the 2035 Land Use Plan Map from Government & Institutional to Medium Density Residential (6,200 SF to 18,999 SF per dwelling unit) for the properties located at Erie Street (now Water's Edge Drive), west of 5945 Erie Street, for the following reasons:

1. This land use amendment will be consistent with surround land use categories allowing single family residential land use.
2. This Land Use Plan amendment will lay the foundation for rezoning of the subject property to the R-3 Suburban Residential District.

Seconded by Trustee Weatherston.

**ROLL CALL**

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye

**Motion carried unanimously.**

**5B. REZONE – Review a request to rezone two parcels on Erie Street, west of 5945 Erie Street from B-1, Neighborhood Business District to R-3, Suburban Residential District (sewered) to accommodate future single family residential development submitted by the Village of Caledonia, Applicant and Owner. (Parcel ID Nos. 104-04-23-21-003-000 & 104-04-23-21-005-000)**

Public Hearing Opened 6:09 p.m.

*President Dobbs asked three times if anyone wanted to speak in favor of this proposal.*

**In favor:**

Fran Martin 5638 5 Mile Rd: stated to be in favor of this Rezone.

*President Dobbs asked three times if anyone wanted to speak against this proposal.*

**Against:**

None.

Public Hearing Closed: 6:12 p.m.

**5B. Commission Deliberation**

Motion by Knitter recommends to the Village Board that that the properties located on Erie Street (now Water's Edge Drive), west of 5945 Erie Street, be rezoned from B-1 Neighborhood Business District to R-3, Suburban Residential District (sewered) for the following reasons:

1. This rezoning will not adversely affect the surrounding property values.
2. Due to the subject property's proximity to other parcels zoned R-3, single family residential uses should be encouraged in this area.
3. The 2035 Land Use Plan designates this property as Medium Density Residential. The proposed rezoning is in accord with the 2035 Land Use Plan designation for the subject properties.

Seconded by Trustee Weatherston.

**ROLL CALL**

Thomas Knitter	Aye
Nancy Pierce	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye

**Motion carried unanimously.**

**5C. LAND USE AMENDMENT – Consider an amendment to the Village's Land Use Plan Map as part of the Multi-Jurisdictional Comprehensive Plan for Racine County: 2035 from Medium Density Residential to Commercial for the parcel located at 6 ½ Mile Road, north of 7301 USH 41, submitted by Matthew Mehring, Applicant, Robert & Gary Prochaska, Owners (Parcel ID No. 104-04-22-07-097-000)**

Peter Wagner read from his report:

The applicant is requesting a land use plan amendment for a vacant lot currently being farmed located near the southeast corner of USH 41 and 6 ½ Mile Road. This 26-acre lot currently has a split land use designation of commercial and medium density residential. This parcel lies outside of the Village sanitary and water service area. Of the 26 acres, approximately 7 acres along the eastern portion of the property is designated medium density residential on the Village Land Use Map. The applicant is requesting to amend the land use map to change this land use category to commercial. This change would create the basis to request a rezone of the entire 26 acres of the property to B-3, Commercial Service District to allow for the future development of a commercial business with outdoor storage. To accommodate a commercial business with outdoor storage, the property will need to be

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rezoned from B-4, Planned Business District and A-2, General Farming and Residential District II to B-3, Commercial Service District. If the Plan Commission does not approve the Land Use Amendment, the rezone request for the entire 26 acres would not be consistent with the Land Use Map and should not be rezoned. However, 19 acres of the parcel is currently within the commercial land use category and a commercial rezone request for this area would be consistent with the land use map. Any development with outdoor storage in the B-3 District would require a conditional use permit. In 2018, the Village Board adopted the I-94 Land Use Study which provided recommendations as to how the corridor should be developed.

Recommendations include:

- Avoid uses with large outdoor storage of materials/vehicle needs. Higher tax base producing developments result from improvements that maximize the building footprints. This will be especially important in areas where a TID exists and where opportunity for commercial supporting uses for a business park are in high demand (CTH K frontage).
- A focus should key upon marketing the manufacturing industry for the I-94 Study Area.
- Discourage developments that does not require public sewer and water in high profile areas (CTH K, 5 ½ Mile Road, 7 Mile Road) to maximize the development potential of these areas.
- Future land for a supporting community park (30-40 acres) has been discussed by the Village Board in the past. Such parklands may be considered along the I-94 Corridor lands between 5 ½ Mile Road to 7 Mile Road.

The result of making these changes would allow for future commercial development. Parcels abutting the subject parcels to the north and south currently identified on the Land Use Plan Map as Commercial and lands to the east are identified as Medium Density Residential. Current land uses are single family residential and farmland.

Staff has concerns that amending the land use map and rezoning the property at this time is premature and should occur when water and sanitary services are available that can support commercial uses identified in the I-94 Land Use Study. Staff believes that changes for this parcel, if granted, could follow a similar development path as the parcel located to the south that has an existing commercial development with outdoor storage. At the time that parcel was rezoned, the intent was that the parcel would start with one building with outdoor storage and future development would include additional buildings and a public road. Phase 2 and 3 of this parcel turned out to be expanded gravel parking with additional outdoor storage. Staff has concerns that the parcel under consideration could face a similar development future if the requested land use amendment and rezone are granted at this time.

Public Hearing Opened 6:18 p.m.

*President Dobbs asked three times if anyone wanted to speak in favor of this proposal.*

**In favor:**

Bob Prochaska 11430 4 Mile Rd - in favor of the growth of commercial and the distance should be extended further than the one (1) mile radius that the Village of Caledonia currently has in place.

Matthew Mehring (Anderson Ashton Inc) 2746 S. 166<sup>th</sup> St – in favor and was willing to answer any questions or concerns surrounding residents may have.

Steve Hribar 7213 USH 41– In favor of the development and willing to answer questions residents or Plan Commission Members have.

*President Dobbs asked three times if anyone wanted to speak against this proposal.*

**Against:**



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Jeff Vail 13432 6 ½ Mile Rd – questioned what they planned on building on the lot.

Ralph Dunn 13500 6 ½ Mile Rd – against the change and doesn't want another parking lot that could incorporate issues with ground water, drainage, noise and lighting problems.

Sandy DeWalt 13212 6 ½ Mile Rd – against and doesn't agree that Amsten and Hribar would follow through with anything they say would be done.

Jodi Switalski 13222 6 ½ Mile Rd – against changing to commercial and believe that residential growth is a better plan.

*Public Hearing Closed: 6:37 p.m.*

**5C. Commission Deliberation**

Plan Commission Members asked for clarification if the Village had created a region or distance for commercial usage alongside the west and east side of the Highway expanding a quarter (1/4) mile in each direction. Members expressed concern if the Land Use change would exceed that range of distance. Wagner responded that would extend past that distance for within the parcel in question, that is why the applicant is requesting a Land Use Amendment. Commission Members asked the applicants if he spoke to the surrounding neighbors. Matthew Mehring said he met with some of the neighbors to try to address any issues or concerns and stated only the eastern portion of the parcel in question would be changed to commercial. Commission Members were concerned that changing the Land Use Map and Rezone to commercial would negatively impact neighbor residential parcels.

Motion by Pierce to deny request for amendment to the 2035 Land Use Plan Map, Medium Density Residential to Commercial for the property located near the southeast corner of USH 41 and 6-1/2 Mile Rd (Parcel ID No. 104-04-22-07-097-000) for the following reasons:

1. This Land Use Amendment is not consistent with recommendation from the Adopted I-94 Land Use Study that was incorporated into the 2035 Comprehensive Plan in 2018.
2. The Amendment is incompatible with the surrounding Land Use to the northeast which would remain residential.
3. Public sewer and water is not yet available to serve a development in this location.

Seconded by Folk.

**ROLL CALL**

Nancy Pierce	Aye
Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye

**Motion carried unanimously.**

**5D. REZONE – Review a request to rezone a parcel located at 6 ½ Mile road, north of 7301 USH 41 from B-4, Planned Business District and A-2, General Farming District II to B-3, Commercial Service District to accommodate future commercial development submitted by Matthew Mehring, Applicant, Robert & Gary Prochaska, Owners. (Parcel ID No. 104-04-22-07-097-000)**

Public Hearing Opened 7:02 p.m.

*President Dobbs asked three times if anyone wanted to speak in favor of this proposal.*

**In favor:**

Matthew Mehring (Anderson Ashton Inc) 2746 S. 166<sup>th</sup> St – in favor and was willing to answer any questions or concerns surrounding residents may have.

Bob Prochaska – in favor just makes sense to expand it to Commercial use.

*President Dobbs asked three times if anyone wanted to speak against this proposal.*

**Against:**

Sandy DeWalt 13212 6 ½ Mile Rd: problems with lights, working 24-7, issues with crime, they are not good neighbors and been fighting with this for 3 years.

Ralph Dunn 13500 6 ½ Mile Rd: against the parking lot, and concerned about the natural drainage towards the root river.

Emails submitted against the Rezone:

Al Olson 2930 Thornapple Ct: doesn't want the rezone for the Prochaska's.

David Donahue 7804 CTH V: please don't allow commercial zoning on 6-1/2 Mile Rd.

Joyce Brainard 5301 Oldfield Dr: against the rezone it is to close to residential homes and the commercial development would be a negative impact to the current residents.

Mary Granger 12004 CTH G: against the rezone there is an over abundance of truck traffic on CTH G already.

Patti Sprague 10324 Caddy Ln: against the rezoning of farmland so trucking firms can build their businesses there.

Deanne and Gary D'Amato 12204 6 ½ Mile Rd: against the change to commercial zoning it would negatively impact the residential area.

Angela Pierotti 7652 Foley Rd: against the rezoning to commercial, not all farm fields need to be converted into a concrete jungle.

Public Hearing Closed: 7:11 p.m.

**5D. Commission Deliberation**

Plan Commission Members asked if it is required to subdivide a parcel that has split zoning. Wagner stated subdividing a parcel is not required as it pertains to split zoning on one (1) parcel.

Motion by Minorik recommends to the Village Board to approve that only approximately of the 19 acres of the property that is designated as commercial under 2035 Comprehensive Plan located near the southeast corner of USH 41 and 6 ½ Mile Rd (Parcel ID No.104-04-22-07-097-000) be rezoned from B-

4 planned business district and A-2 general farming and R-2 residential district to B-3 commercial service district for the following reasons:

1. Due to subject property, properties proximity to the interstate commercial uses should be encouraged in this area and that the 2035 Land Use Plan designates approximately 19 acres of the property as commercial.
2. The proposed Rezoning is not in accordance with the 2035 Land Use Plan, designated for the subject property and the remaining portion of the property characterized as Medium Density Residential on the 2035 Comprehensive Plan shall not be rezoned because the change would not be consistent with the 2035 Plan.

Seconded by Trustee Weatherston.

**ROLL CALL**

Thomas Knitter	Aye
Nancy Pierce	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye

**Motion carried unanimously**

**6. Non-Public Hearing Items**

**6A. TEMPORARY USE – Consider a request to utilize a 20’x40’ canopy tent for sales of fireworks from June 11, 2020 through July 11, 2020 located at 13600 7 Mile Road submitted by Dolan Pomereneing, Agent, Owner, B & K Real Estate 7 Mile LLC. (Parcel No. 104-04-22-06-069-000)**

Peter Wagner read from his report:

The applicant is requesting approval for the temporary operation of fireworks sales in a 20’x40’ canopy tent in the parking lot located at 13600 7 Mile Road. When not operating, the product will be securely stored on site in an 8’x20’ shipping container. The location of the tent and shipping container is illustrated on the submitted site plan included with this report. The applicant has included a sign plan showing where signs will be installed during the temporary use. The applicant has been operating this temporary use within the Village annually since 1999 and the Village has not received any complaints or observed any violations relating to conditions of approval.

Staff has reviewed and determined that the proposed temporary use is allowed by the underlying zoning and complies with zoning requirements.

**6A. Commission Deliberation**

Plan Commission Members stated the Village needs the certification of insurance confirmed and added in our records.

Motion by Folk to approve and recommends that a temporary use with conditions listed in Exhibit A, for fireworks sales in a 20’x40’ canopy tent and the storage of fireworks in a 8’x20’ shipping container located in the parking lot, as illustrated on the submitted site plan, at 13600 7 Mile Road for the following reasons:

1. The temporary use is allowed by underlying zoning.

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2. Based on other things going on in the area, the proposed temporary use appears to fit with the uses in the zoning district.
3. Based on review of Village records for temporary uses regarding sales of fireworks, this use has been conducted at various sites in the Village of Caledonia on an annual basis from 1999 to 2020 by this applicant. Seconded by Weatherston.

**ROLL CALL**

Thomas Knitter	Aye
Nancy Pierce	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye

**Motion carried unanimously**

**6B. TEMPORARY USE – Consider a request to utilize a 30’x45’ canopy tent for sales of fireworks from June 11, 2021 through July 11, 2021 located at 4838 Douglas Avenue submitted by Dolan Pomerening, Agent, Owner, Beacon Investments LLC. (Parcel No. 104-04-23-29-163-000)**

Peter Wagner read from his Report:

The applicant is requesting approval for the temporary operation of fireworks sales in a 30’x45’ canopy tent in the parking lot located at 4838 Douglas Avenue. When not operating, the product will be securely stored on site in a 10’x25’ shipping container. The location of the tent and shipping container is illustrated on the submitted site plan included with this report. The applicant has included a sign plan showing where signs will be installed during the temporary use. The applicant has been operating this temporary use within the Village annually since 1999 and the Village has not received any complaints or has the Village observed any violations relating to conditions of approval.

Staff conducted a review and determined that the proposed temporary use is allowed by the underlying zoning and complies with zoning requirements.

**6B. Commission Deliberation**

No comments.

Folk moved to conditionally approve and recommends that the Village Board approve the temporary use with conditions listed in Exhibit A, for fireworks sales in a 30’x45’ canopy tent and the storage of fireworks in a 10’x25’ shipping container located in the parking lot, as illustrated on the submitted site plan, at 4838 Douglas avenue for the following reasons:

1. The temporary use is allowed by underlying zoning.
2. Based on other uses in the area, the proposed temporary use appears to fit with the uses in the zoning district.
3. Based on review of Village records for temporary uses regarding sales of fireworks, this use has been conducted at various sites in the Village of Caledonia on an annual basis from 1999 to 2020 by this applicant.

Second by Trustee Weatherston.

**ROLL CALL**

Thomas Knitter	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Joseph Minorik	Aye

President Dobbs                   Aye  
Bill Folk                            Aye  
Nancy Pierce                    Aye

**Motion carried unanimously**

**6C. BUILDING, SITE & OPERATIONS REVIEW – Review a building and site plan to construct a 1,477 square foot accessory building for the storage of topsoil located at 8617 Storage Drive submitted by Michael Dresen Applicant and Owner. (Parcel ID No. 104-04-22-27-018-040)**

Peter Wagner read from his report:

The applicant is requesting approval of a 1,477 square-foot storage building located on the western portion of site at 8617 Storage Drive. Accessory buildings within the B-3 District require a BSO review prior to being issued building permits. The proposed building is designed to be used as a storage facility for topsoil associated with the landscaping business that operates on the site. The building will consist of concrete blocks for the first six feet then transition to 6’ metal panel walls. The building will also have a metal roof. Metal is an acceptable principal material for accessory buildings. The metal panels and roof will match style and color of the principle building on the site. This building will be setback 104.5’ from the front lot line and 33’ from the west lot line which are in compliance with setback requirements for the district. The location of the building will be on existing impervious surface and not require any modification to the existing stormwater pond. The purpose of this building is to provide a weather resistant storage facility for topsoil. This type of use is consistent with the approved use as a landscaping business. Prior to any building permits being issued, the applicant will need to submit a grading plan and have it approved by the Engineering Department. No lighting is being proposed at this time, however, if lighting were to be installed, it would need to meet the Village standards and is outlined in Condition #6 in Exhibit A. No additional parking is being requested or is required as part of this development as it is a storage building and not being used for retail or commercial use.

**6C. Commission Deliberation**

Plan Commission Members expressed concern what type of soil would be stored there. Michael Dresen said it would be topsoil. Commission Members asked what the exterior of the building and the site would look from off the lot to public view. Dresen stated the exterior would mimic the current structure aesthetics that is currently on the lot and would be mainly enclosed from public view.

Motion by Knitter to approve and recommends to the Village Board that the building, site, and operational plan for the construction of a 1,477 square-foot storage building for the storage of topsoil located at 8617 Storage Drive be approved with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the building, site & operation plan review process.
2. The proposed use will not adversely affect the surrounding property values.
3. The proposed building is consistent with the existing use on the property.

Seconded by Folk.

**6D. BUILDING, SITE, & OPERATIONS REVIEW – Review a building, site, and operation plan to construct Phase One of the Water’s Edge Condominium Development which includes three, 73-Unit, 5-story buildings located on Water’s Edge Drive submitted by CCM-Caledonia, LLC, Applicant and Owner. (Parcel ID Nos. 104-04-23-21-003-000, 104-04-23-21-005-000, 104-04-23-21-006-000)**

Peter Wagner read from his report:

The applicant is requesting approval of a building, site, and operational plan for Phase One of a condominium development consisting of three, 73-unit, 5-story condominium buildings. The proposed Phase One of this

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development proposal complies with site and use restrictions, maintenance, and operational requirements as outlined in the adopted Planned Unit Development (PUD) agreement. The proposed towers will not exceed six stories and 95 feet in height. The proposed buildings will include five stories for residential and one exposed story for underground parking. The building exterior will consist primarily of white metal panels, wood siding, and glass as illustrated in the packet. The proposed materials are acceptable exterior materials for multi-family development.

The proposed development exceeds the 20% green space as required by the PUD. Solid waste collection and recycling will be contained in underground parking structure and only be brought outside for trash pickup. The proposed development will include underground and surface parking for a total of 90 stalls per building. There is an access road on the south side of the site to be constructed to provide access to the property to the south. This cross-access easement will be part of a certified survey map that will be recorded at a future date and is a condition of approval. The proposed lighting plan complies with the Village lighting ordinance Title 16, Chapter 3, Section 3. Proposed lights will be full cut-off lights. The proposed buildings meet the minimum street, rear, and side setback requirements as stated in the PUD. Parking lot setbacks are also in compliance as stated in the PUD. As part of this phase, the construction of a club house and pool is being proposed in the southeastern portion of the site which is required as part of the initial phase of this development. The proposed landscaping plan meets the minimum requirements. As this will be a phased development, the landscaping for Phase One will only need to be installed prior to occupancy. The remaining landscaping will be required when Phase two is complete.

The applicant will need to submit a final stormwater management plan and have it approved by the Water Utility Board prior to submitting building permits. Included with this report is a memo from Pinnacle Engineering Group summarizing their plan. The applicant has submitted a traffic impact analysis and has received approval from the Public Works Director. Also included in this report is the Village Fire Department's comments/concerns pertaining to the proposed development. The applicant will continue to work with the Fire Department to address concerns. The applicant is working with SEWRPC and the DNR regarding bluff stabilization and an approval of the location to construct a portion of the northernmost building in the primary environmental corridor. The proposed location requires approval of an amendment to the sanitary sewer service area identified by SEWRPC. Unfortunately, due to site constraints and setback requirements, the relocation of the building outside the primary environmental corridor is not possible, thus requiring the sanitary sewer service area amendment. The applicant, the Village, and SEWRPC are working to coordinate this amendment and hope to have approval by late summer. The applicant intends to begin demolition of the existing structures later this summer or early fall. No signage is being proposed at this time, however, if any signs are proposed, they will need to comply with Village Sign Code regulations and submit necessary sign permits.

**6D. Commission Deliberation**

Joe Sinnett (Kahler Slater) 19100 N. Hills Dr, Brookfield, WI: reviewed the site usage and design placement of the structures involved in phase 1 of the project.

Plan Commission expressed concern if there will be enough indoor parking for residents. The applicant stated there are to be 216 units and will be 217 parking spots within the underground parking. Wagner said they meet the PUD ratio requirements of 1.8.

Motion by Weatherston to approve and recommends to the Village Board that Phase One of the building, site, and operational plan for the construction of three, 73-unit, 5-story buildings with underground parking be approved with conditions outlines in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning and Planned Unit Development through the building, site, and operation plan review process.
2. The proposed use will not adversely affect the surrounding property values.

Seconded by Pierce.

**Plan Commission Meeting  
Monday, April 26, 2021**

**ROLL CALL**

Thomas Knitter	Aye
Nancy Pierce	Aye
Trustee Weatherston	Aye
Tim Just	Aye
Joseph Minorik	Aye
President Dobbs	Aye
Bill Folk	Aye

**Motion carried unanimously**

**7. - Adjournment**

Motion to adjourn by Thomas Knitter. Seconded by Trustee Weatherston. Motion carried unanimously. Meeting adjourned at 7:54 p.m.

Respectfully submitted,  
Erika Waege  
Administrative Assistant Building/Engineering



### PLAN COMMISSION REPORT

Proposal: Building, Site, & Operations Plan Review

Description: Review a request to approve the modified site plan for Phase 1 of the building, site, and operations plan for the construction of three, 73-unit, 5-story condominium buildings located at 5915, 5919, & 5945 Erie Street.

Applicant(s): CCM-Caledonia, LLC

Address(es): 5915, 5919, & 5945 Erie Street (currently Water's Edge Drive)

**Suggested Motions:** That the Plan Commission recommends to the Village Board that the revised site plan for Phase 1 of the building, site, and operational plan for the construction of three, 73-unit, 5-story buildings with underground parking be approved with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning and Planned Unit Development through the building, site, and operation plan review process.
2. The proposed use will not adversely affect the surrounding property values.

Owner(s): CCM-Caledonia, LLC

Tax Key(s): 104-04-23-21-003-000, 104-04-23-21-005-000, 104-04-23-21-006-000

Lot Size(s): 1.9 acres, 2.2 acres, & 15.9 acres

Current Zoning District(s): R-8, PUD, Planned Residential District, Planned Unit Development

Overlay District(s): Shoreland, Wetland Overlay District

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: High Density Residential (less than 6,200 SF per dwelling)



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**Background:** The applicant has modified the proposed Phase 1 of this project to address issues that were identified by the Village Fire Department as well as addressing a SEWRPC requirement for building in a primary environmental corridor.

As shown on the new site plan, the site has addressed Fire Department concerns regarding vehicle accessibility throughout the site. The first modification was the removal of the entrance boulevard, which allows emergency vehicles easier access to the site. Additional emergency access points have been created on the northwest and southwest cul-de-sacs for Phase 2 of the development. Lastly, the applicant modified the turnarounds abutting each tower allowing access for the largest emergency service vehicle in the Village.

Another modification to the site plan includes the relocation of the three towers to the south approximately 20 feet. As a result, the north building no longer encroaches on the delineated primary environmental corridor. By shifting the buildings south, the applicant will no longer need approval from SEWRPC for an amendment to the sanitary service area map. The area previously impacted dealt with steep slopes and not negatively impacting the environmental quality of the corridor or any specific wildlife habitat.

When the plan was reviewed in April, the applicant did not have details regarding the specific location of the access road to the Siena Center to the south. The previous site plan illustrated an access agreement, but not a specific roadway. The new site plan shows the specific access point to the Siena Center and access to a parking lot to the south.

These modifications meet the requirements and regulations of the Planned Unit Development Agreement associated with this site. The revised plan also successfully addresses emergency access, Siena Center access, and impacts to the primary environmental corridor. Staff has amended the condition of approval, Exhibit A, to reflect the changes proposed in the revised site plan. If the Plan Commission is comfortable with the proposed changes, staff has prepared a suggested motion approving the revised site plan.

**Background, April 26, 2021:**

The proposed Phase One of this development proposal complies with site and use restrictions, maintenance, and operational requirements as outlined in the adopted Planned Unit Development (PUD) agreement. The proposed towers will not exceed six stories and 95 feet in height. The proposed buildings will include five stories for residential and one exposed story for underground parking. The building exterior will consist primarily of white metal panels, wood siding, and glass as illustrated in your packet. The proposed materials are acceptable exterior materials for multi-family development.

The proposed development exceeds the 20% green space as required by the PUD. Solid waste collection and recycling will be contained in underground parking structure and only be brought outside for trash pickup. The proposed development will include underground and surface parking for a total of 90 stalls per building. There is an access road on the south side of the site to be constructed to provide access to the property to the south. This cross-access easement will be part of a certified survey map that will be recorded at a future date and is a condition of approval. The proposed lighting plan complies with the Village lighting ordinance Title 16, Chapter 3, Section 3. Proposed lights will be full cut-off lights. The proposed buildings meet the minimum street, rear, and side setback requirements as stated in the PUD. Parking lot setbacks are also in compliance as stated in the PUD. As part of this phase, the construction of a club house and pool is being proposed in the southeastern portion of the site which is required as part of the initial phase of this development. The proposed landscaping plan meets the minimum requirements. As this will be a phased development, the landscaping for Phase One will only need to be installed prior to occupancy. The remaining landscaping will be required when Phase two is complete.

---

The applicant will need to submit a final stormwater management plan and have it approved by the Water Utility Board prior to submitting building permits. Included with this report is a memo from Pinnacle Engineering Group summarizing their plan. The applicant has submitted a traffic impact analysis and has received approval from the Public Works Director. Also included in this report is the Village Fire Department's comments/concerns pertaining to the proposed development.

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Respectfully submitted:



Peter Wagner, AICP  
Development Director

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**EXHIBIT A - CONDITIONS**  
**Phase 1 Water's Edge Condominiums**

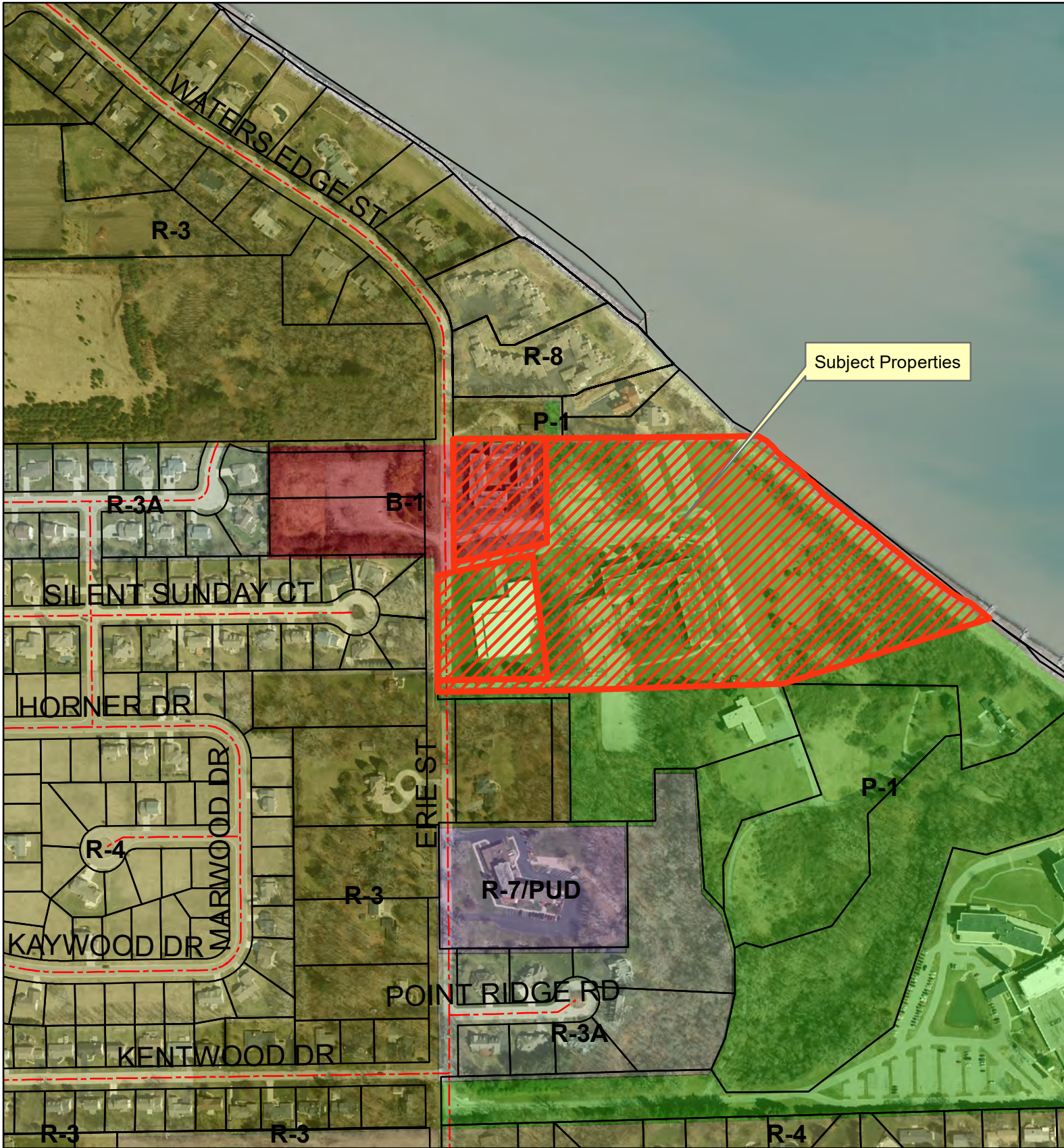
1. Building Permit. The applicant must obtain a building permit card from the Village after paying all building and zoning fees. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. Compliance. Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
3. Binding Effect. These conditions bind and are applicable to the Property Owner, Agent, and any other users of the Property Owner with respect to the uses on the Property.
4. Plans. The three, 73-unit, 5-story buildings shall be located, constructed, and utilized in accordance with the plans and documents received by the Village Planning Department on May 17, 2021 April 12, 2021.
5. Fire Department Approval. Owner shall obtain approval from the Village of Caledonia Fire Department and meet applicable codes.
6. Caledonia Sewer and Water Utility Districts. The property owner or designated agent must contact the Caledonia Sewer and Water Utility Districts regarding Utility District regulations for this site. Compliance with all regulations and requirements, as determined by the Caledonia Sewer and Water Utility Districts is required.
7. Engineering Department. The property owner or designated agent must contact the Village of Caledonia Engineering Department and must comply with all regulations and requirements of the Village of Caledonia Engineering Department.
- ~~8. Sanitary Sewer Service Area Amendment. Prior to submitting building permit applications, the Village shall receive correspondence approving the amendment to the sanitary sewer service area to accommodate the location of the north tower building as it pertains to the primary environmental corridor.~~
9. Lighting. All lighting at the site must be full cut-off lights that may not glare onto abutting properties or onto any public roadway and comply with the plans and documents received by the Village Planning Department on April 12, 2021.
10. No Accumulation of Refuse and Debris. Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.
11. Property Maintenance Required. A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and property

is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining and pruning all landscape planting areas including removal and replacement of dead or diseased landscaping; cleaning up litter; sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade. All drives shall be paved with asphalt. Parking areas shall be paved. All drives and parking areas shall be maintained in a dust free condition.

12. Performance Standards. The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as adopted by the Village of Caledonia.
13. Expiration. This approval will expire eighteen (18) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur and will require the applicant to resubmit their plans for approval and incur all costs associated with the review.
14. Access. The applicant must allow any Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
15. Compliance with Law. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations, including Titles 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances.
16. Agreement. Your accepting the site plan approval and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, CCM-Caledonia LLC and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.
17. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

# Location Map

## 5915, 5919, & 5945 Erie Street



**Legend**

<b>Zoning</b>	<span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> B-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> B-5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black;"></span> M-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black;"></span> P-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-2S	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-5A	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> VILLAGE
	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d2b48c; border: 1px solid black;"></span> B-1 (VIL)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> B-6	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black;"></span> M-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d2b48c; border: 1px solid black;"></span> PC-1 (VIL)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black;"></span> R-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-6	<span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> WATER
<b>ZONECLASS</b>	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc99; border: 1px solid black;"></span> B-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black;"></span> C-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black;"></span> M-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d2b48c; border: 1px solid black;"></span> PUD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-3 (VIL)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> R-7	
	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc99; border: 1px solid black;"></span> B-3	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black;"></span> C-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black;"></span> M-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-3A	<span style="display: inline-block; width: 15px; height: 10px; background-color: #f08080; border: 1px solid black;"></span> R-8	
	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc99; border: 1px solid black;"></span> B-3/PUD	<span style="display: inline-block; width: 15px; height: 10px; background-color: #808080; border: 1px solid black;"></span> CITY	<span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black;"></span> P-1	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-1 (VIL)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-5	
	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc99; border: 1px solid black;"></span> B-4	<span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> LAKE	<span style="display: inline-block; width: 15px; height: 10px; background-color: #d2b48c; border: 1px solid black;"></span> P-1 (VIL)	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-2	<span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black;"></span> R-5	<span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black;"></span> RIVER	

**PROJECT CONTACT INFORMATION**

**DEVELOPER:**  
CARDINAL CAPITAL  
901 S 70TH STREET  
WEST ALLIS, WI 53214  
MR. JACK REICHL  
414-727-9902

**ARCHITECT:**  
KAHLER SLATER  
111 W WISCONSIN AVENUE  
MILWAUKEE, WI 53203  
MR. PETER BISSEN  
414-272-2000

**ENGINEER:**  
PINNACLE ENGINEERING GROUP  
20725 WATERTOWN ROAD  
BROOKFIELD, WI 53186  
MR. AARON KOCH  
262-754-8888

**SITE DATA TABLE**

SITE AREA = 20.12 ACRES  
ZONING = PUD

**PARKING:**  
TOWNHOMES  
100 PARKING STALLS REQUIRED  
100 PARKING STALLS PROVIDED IN GARAGES  
100 PARKING STALLS PROVIDED ON APRON IN FRONT OF GARAGE

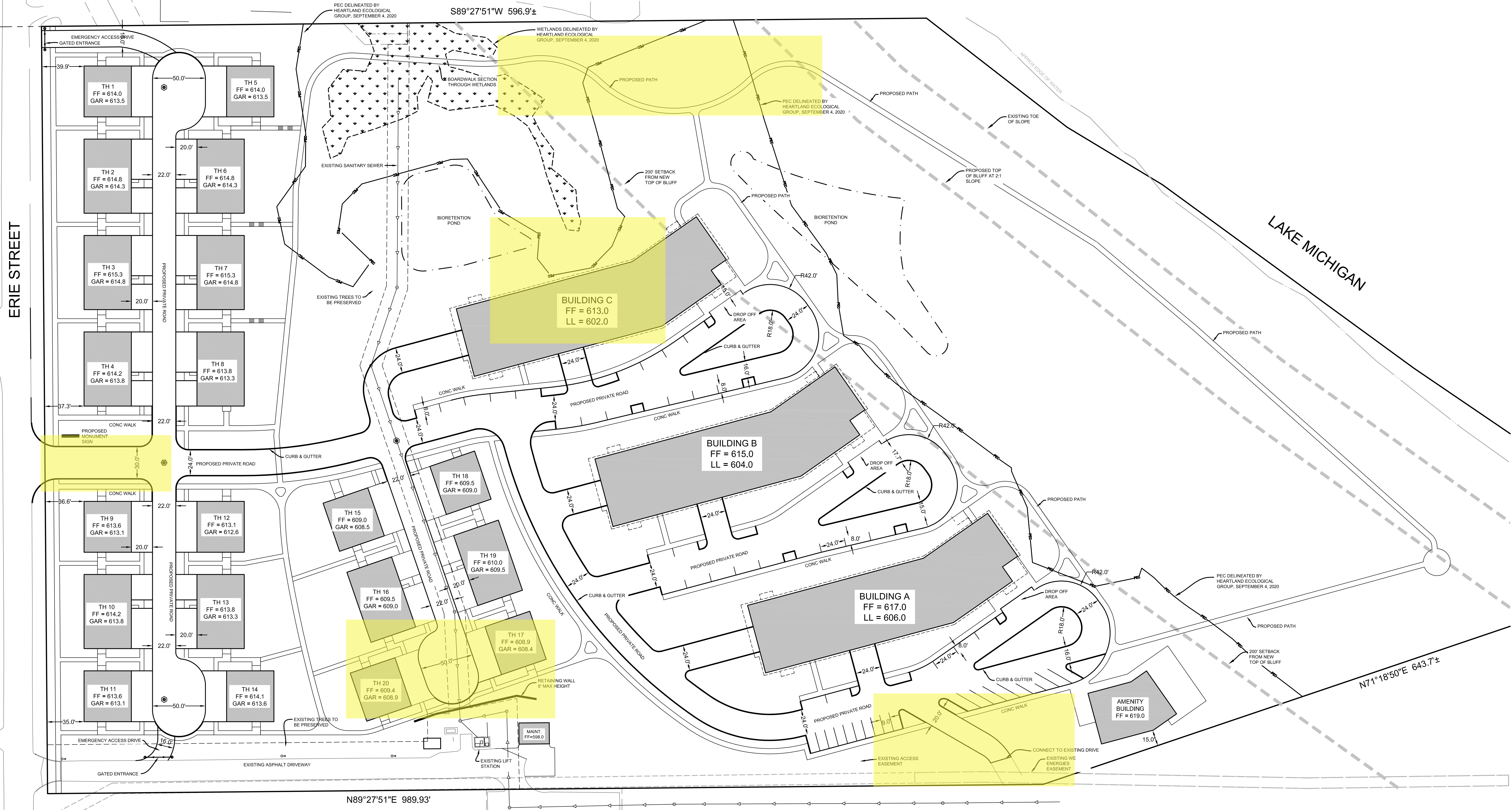
**MULTI-UNIT BUILDING**  
1 BEDROOM UNITS = 58 STALLS  
2 BEDROOM UNITS = 26 STALLS  
3 BEDROOM UNITS = 6 STALLS  
TOTAL/BUILDING = 90 STALLS REQUIRED PER BUILDING OR 270 TOTAL

73 GARAGE STALLS PROVIDED IN THE PARKING FLOORS =  
219 TOTAL INTERIORS STALLS PROVIDED  
51 SURFACE PARKING STALLS PROVIDED  
270 TOTAL PARKING STALLS PROVIDED

**AMENITY BUILDING**  
15 STALLS PROVIDED - MAY BE ADJUSTED BASED ON FINAL OCCUPANCY

DROP OFF / LOADING ZONES ARE DEPICTED ON THE PLAN

NO EXTERIOR DUMPSTERS ARE PROPOSED. ALL TRASH STORAGE WILL BE INTERIOR.



**NOT FOR CONSTRUCTION**

Revisions

CONCEPT DESIGN

SCOPE DOCUMENTS

Drawing Date  
05/20/2021

WATERS EDGE PLACE

WATERS EDGE DRIVE  
CALEDONIA, WI  
53402

Project No. Title  
220104.00 CARDINAL CAPITAL

Sheet  
SITE PLAN

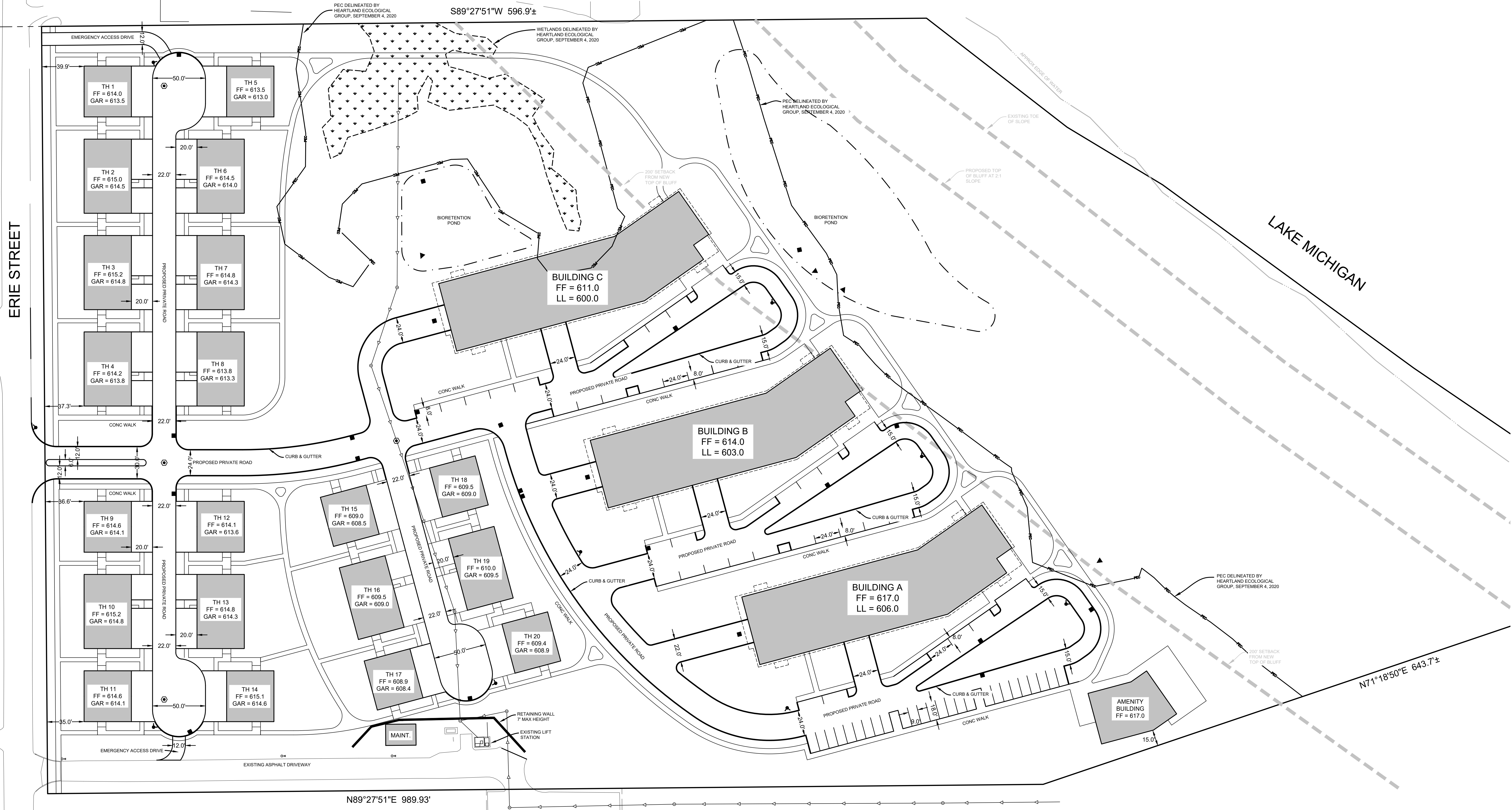
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104 Shockoe Slip, Richmond, Virginia 23219  
Telephone 804.727.2200

111 West Wisconsin Avenue, Milwaukee, Wisconsin 53203  
Telephone 414.272.2000 Fax 414.272.2001

722 Williamson Street, Madison, Wisconsin 53703  
Telephone 608.263.5200 Fax 608.263.5317

125 South Clark Street, Suite 675-2, Chicago, Illinois 60603  
Telephone 312.789.4516

Sheet No.  
C102



**NOT FOR CONSTRUCTION**

Revisions

CONCEPT DESIGN

SCOPE DOCUMENTS

Drawing Date  
03/15/2021

**WATERS EDGE PLACE**

WATERS EDGE DRIVE  
CALEDONIA, WI  
53402

Project No. CARDINAL  
220104.00 CAPITAL

Sheet Title  
**SITE PLAN**

Copyright © 2021 Kahler Slater, Inc. All rights reserved.  
104 Shockoe Slip, Richmond, Virginia 23219  
Telephone 804.767.2200

111 West Wisconsin Avenue, Milwaukee, Wisconsin 53203  
Telephone 414.372.2000 Fax 414.372.2001

722 Williamson Street, Madison, Wisconsin 53703  
Telephone 608.263.6300 Fax 608.263.6317

125 South Clark Street, Suite 675-2, Chicago, Illinois 60603  
Telephone 312.789.4516

Sheet No.  
**C102**



Meeting Date: May 24, 2021

Item No. **5b**

## PLAN COMMISSION REPORT

Proposal: Building, Site & Operations (BSO) Plan Review

Description: Review a request to approve a site plan for the construction and utilization of a 600 square-foot accessory building to store product located at 8520 Hollander Drive.

Applicant(s): Todd Stiles

Address(es): 8520 Hollander Drive

**Suggested Motion:** That the Plan Commission recommends to the Village Board that the building, site, and operational plan for the 8520 Hollander Drive be approved with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the building, site & operation plan review process.
2. The proposed use will not adversely affect the surrounding property values.
3. The proposed building is consistent with the existing use on the property.

---

Owner(s): EP Holdings LLC

Tax Key(s): 104-04-22-34-020-090

Lot Size(s): 1.912 acres

Current Zoning District(s): M-2, General Industrial District

Overlay District(s): N/A

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Industrial/Business Park



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**Background:** The applicant is requesting approval of a 600 square-foot storage building located on the south western portion of site at 8520 Hollander Drive. Accessory buildings within the M-2 District require a BSO review prior to being issued building permits.

The proposed building is designed to be used as a storage facility for product associated with the business that operates on the site. The building will consist of metal walls and roof. Metal is an acceptable principal material for accessory buildings. The metal panels and roof will match style and color of the back of principle building on the site. There will be no door on the east elevation of the building to accommodate deliveries. This building will be used for cold storage only.

This building will be setback approximately 83 feet from the front lot line and 33 feet from the west lot line which are in compliance with setback requirements for the district. There is no regulation prohibiting an accessory structure in the front yard. The reason for the proposed location is that this is the flattest part of the site. The property to the west has cargo containers for storage directly west of the proposed storage building. The location of the building will be on existing impervious surface and not require any modification to the existing stormwater pond. Included in this packet are comments from the Water Utility Director.

No lighting is being proposed at this time, however, if lighting were to be installed, it would need to meet the Village standards as is outlined in Condition #6 in Exhibit A. No additional parking is being requested or is required as part of this development as it is a storage building and not being used for retail floor space or resulting in additional jobs. To reduce the visual impact to the site, the applicant is proposing to install two arborvitaes along the western entrance drive. A landscape plan is not required for accessory buildings.

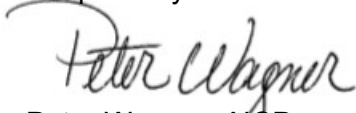
If the Plan Commission is comfortable with the proposed storage building, staff has drafted a suggested motion recommending approval of the 600 square-foot storage building located at 8520 Hollander Drive with conditions as shown in Exhibit A.

### **EXHIBIT A - CONDITIONS EP Holdings LLC Storage Building**

1. Building Permit. The applicant must obtain a building permit card from the Village after paying all building and zoning fees. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. Compliance. Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
3. Binding Effect. These conditions bind and are applicable to the Property Owner, Agent, and any other users of the Property Owner with respect to the uses on the Property.
4. Plans. The proposed 600 square-foot storage building shall be located, constructed, and utilized in accordance with the plans and documents received by the Village Planning Department on May 10, 2021.
5. Engineering Department. The property owner or designated agent must contact the Village of Caledonia Engineering Department and must comply with all regulations and requirements of the Village of Caledonia Engineering Department.

- 
6. Lighting. All lighting, if installed at the site, must be full cut-off lights that may not glare onto abutting properties or onto any public roadway.
  7. No Accumulation of Refuse and Debris. Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.
  8. Property Maintenance Required. A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining and pruning all landscape planting areas including removal and replacement of dead or diseased landscaping; cleaning up litter; sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade.
  9. Performance Standards. The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as adopted by the Village of Caledonia.
  10. Expiration. This approval will expire twelve (12) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur and will require the applicant to resubmit their plans for approval and incur all costs associated with the review.
  11. Access. The applicant must allow any Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
  12. Compliance with Law. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations, including Titles 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances.
  13. Agreement. By you accepting the site plan approval and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Todd Stiles, EP Holdings LLC, and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.
  14. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
- 

Respectfully submitted:



Peter Wagner, AICP  
Development Director

# Location Map

## 8520 Hollander Drive



Monday, May 17, 2021

Peter Wagner, Development Director  
5043 Chester Lane  
Racine, WI 53402

RE: Starnet Technologies 8520 Hollander Drive – Building, Site, Operation Plan Review

Dear Mr. Wagner:

The Caledonia Utility District has performed a review of the Building, Site, Operation Plan provided on May 14, 2021 for Starnet Technologies. In performing this review, the April 12, 2004 stamped plan for the development was used. The applicant should resubmit the site plan with the proposed building using the 2004 approved site plan.

After review, I offer the following comments.

### **Storm Water Management Plan**

The proposed building will not require an updated storm water management plan at this time. The existing condition today is very similar to what was approved in 2004. There is a small area of added pavement where the proposed building is being placed. This additional impervious surface does not have the site exceed a CN of 85 to create an issue with Storm Water Quantity. Storm Water Quality was not included with the 2004 plan and is not necessary for this proposed building.

Be aware if the future warehouse and future office additions are performed, a Storm Water Management Plan will need to be completed and Storm Water Quantity and Quality will be required, as necessary.

### **Utilities**

The proposed building does not require Sanitary Sewer or Water service as the building is being used for auxiliary storage.

### **Site Grading**

In looking at the 2004 approved plan, it was required that the rear yard swale (along the North lot line) be regraded to the Storm Sewer to the East. Based on aerial photos, it appears that the rear yard swale may require some maintenance. Upon the issuance of a

Building Permit for the proposed building, maintenance of the rear yard swale will need to be commenced as necessary to conform to the 2004 approved plan.

If there are any questions about this review, please contact me to discuss.

Sincerely,

A handwritten signature in blue ink that reads "Anthony Bunkelman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Anthony A. Bunkelman P.E.  
Utility Director  
Village of Caledonia

## Explanation of project:

Starnet Technologies would like to add a permanently installed auxiliary storage building on our property. The structure is designed and built as a metal carport that we would repurpose as a covered storage to temporarily house incoming building materials that are used to assemble our products. We have chosen a similar type of design and color to match our existing building and shed on the property. Starnet Technologies custom builds utility structures for municipal water and wastewater applications, which the Village of Caledonia is a customer, and the outdoor storage space would temporarily house the Structural Integrated Panels (SIPS) that are delivered by truck and assembled in our shop. This auxiliary structure would be permanent but would only be temporary protected storage for these panels until assembly. We will not be installing any electrical service or plumbing of any kind.

The structure would be installed on existing asphalt at the west edge of our parking lot so we would not be expanding our impervious surface. The location of the structure was determined by the availability of a level surface to install the structure without modification. The parking area that is further to the rear of the property is not level and is graded for runoff of rainwater. In addition, we are planting at least 2 arborvitae or pine trees to help obscure the line of sight from the roadway to the new structure to help blend into the neighborhood. These trees will compliment the neighboring property existing tree line of pines. We have not determined the exact type of landscaping due to availability of choices at the time of planting.

**Additional Comments**

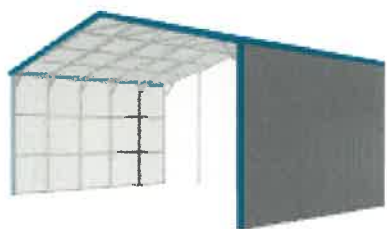
Installation Surface: Asphalt

Power Available: Yes

Site Ready: Yes

Jobsite Level: Yes

**Building Images**



Perspective View



Front



Left Side



Right Side



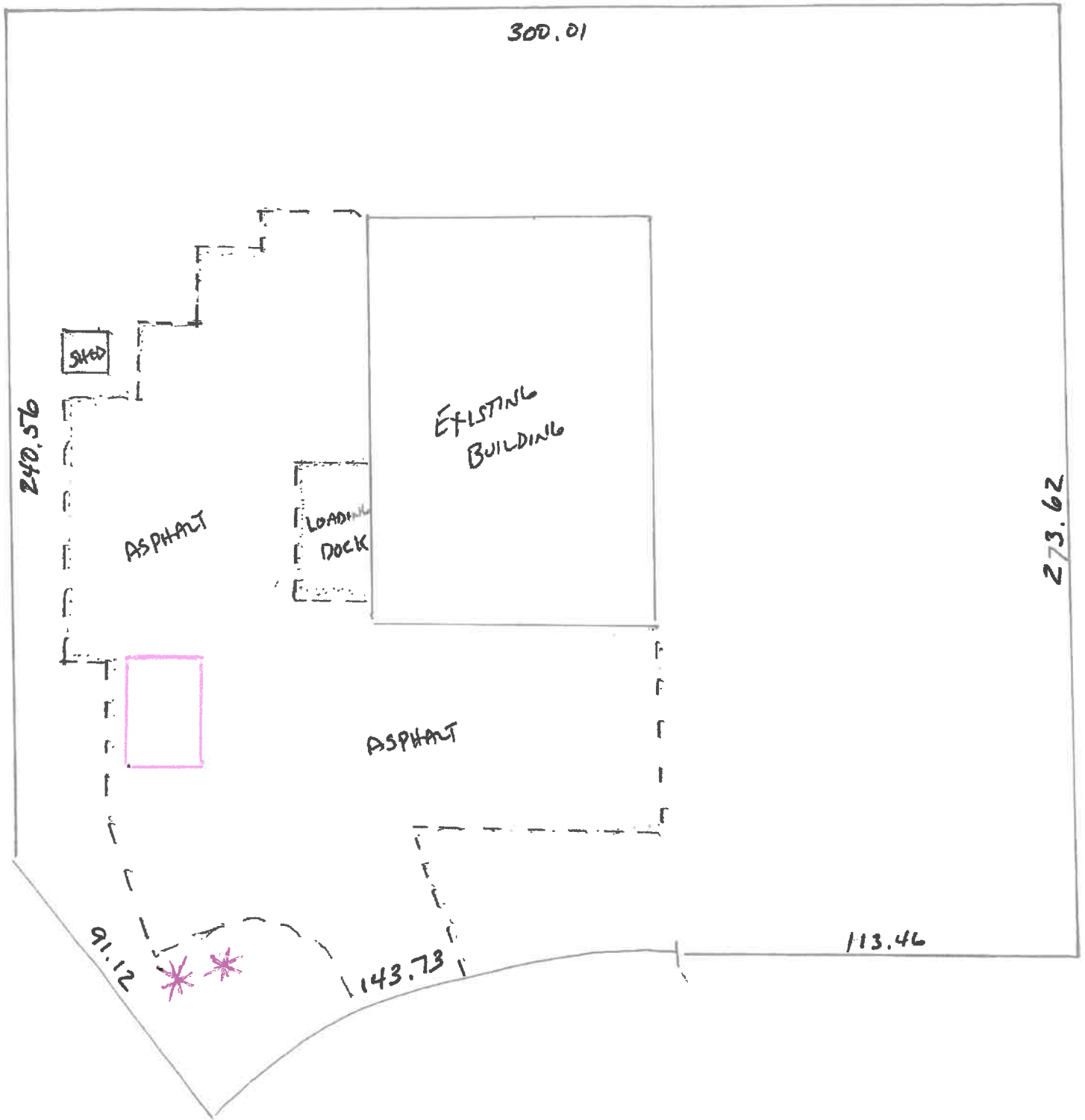
Back







AGW 965

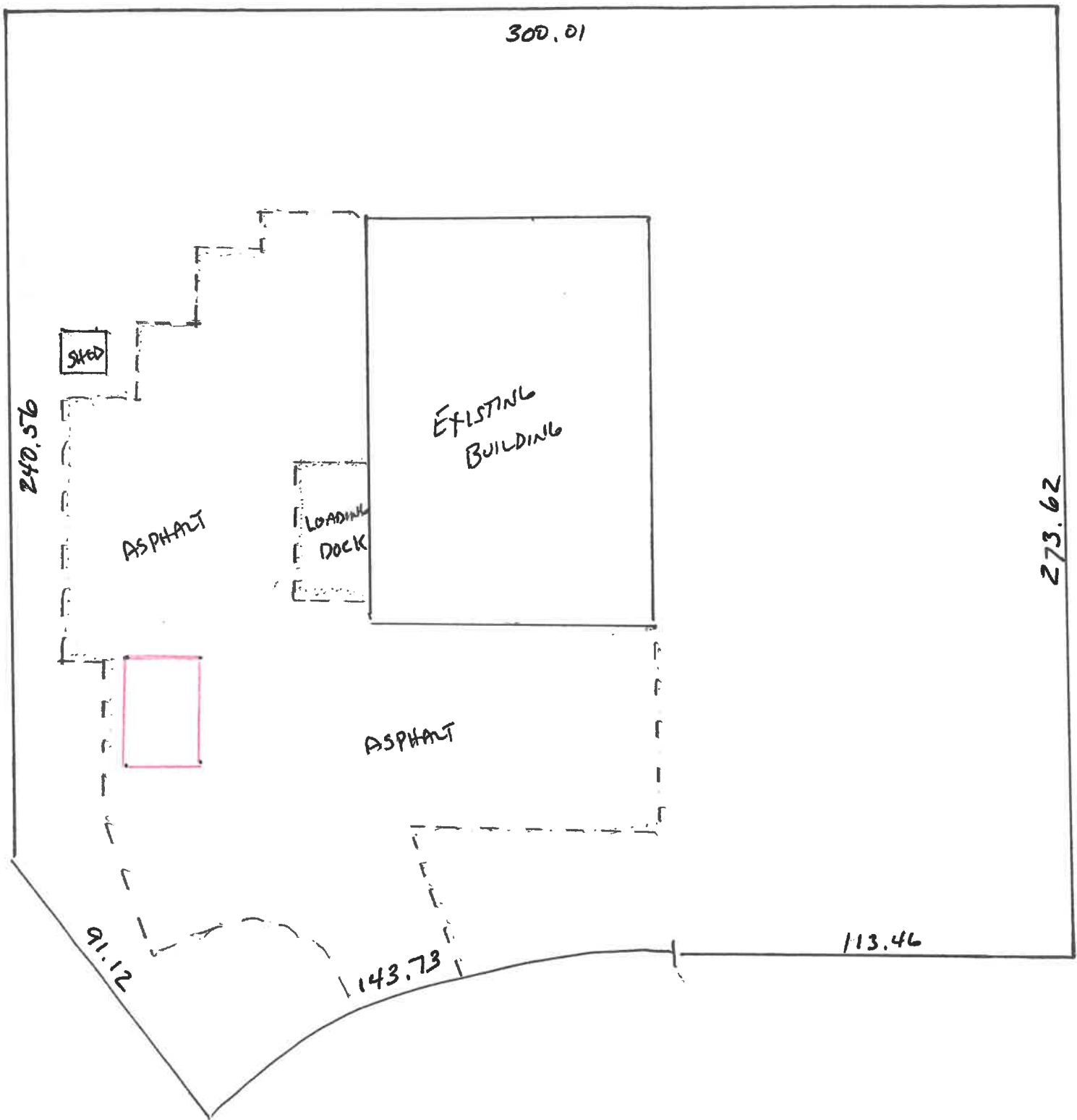


\*  
 PROPOSED  
 STRUCTURE  
 IN  
 RED

PROPOSED  
 TREES IN  
 RED

8520  
 HOLLANDER DR  
 CALEDONIA, MI





\*  
 PROPOSED  
 STRUCTURE  
 IN  
 RED

8520  
 HOLLANDER DR  
 CALEDONIA, MI

↑  
 N



Meeting Date: May 24, 2021

Item No. **5c**

## PLAN COMMISSION REPORT

Proposal: Building, Site & Operations (BSO) Plan Review

Description: Review a request to approve a site plan for the construction and utilization of a 2,400 square-foot addition for indoor storage for the building located at 3815 Quick Drive.

Applicant(s): Thomas John Greenwood

Address(es): 3815 Quick Drive

**Suggested Motion:** That the Plan Commission recommends to the Village Board that the building, site, and operational plan for a 2,400 square-foot addition for the building located at 3815 Quick Drive be approved with conditions outlined in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the building, site & operation plan review process.
2. The proposed use will not adversely affect the surrounding property values.
3. The proposed building is consistent with the existing use on the property.

---

Owner(s): Greenwood Family Limited Partnership

Tax Key(s): 104-04-22-34-012-040

Lot Size(s): 1.604 acres

Current Zoning District(s): M-2, General Industrial District

Overlay District(s): N/A

Wetlands:  Yes  No      Floodplain:  Yes  No

Comprehensive Plan: Industrial/Business Park

---

**Background:** The applicant is requesting approval of a 2,400 square-foot building addition to the existing building located at 3815 Quick Drive.

The proposed building addition is designed to be used as a facility for storage of product and files associated with the business. The building will consist of metal walls and roof. The metal panels and roof will match style and color of the back of the principal building. The metal walls will be two-toned with a three-foot wainscot along the base of the building which complies with the design standard of having a distinct visual bottom, middle, and top of a building. The south elevation of the addition will include an overhead door, service door, and windows. The remaining elevations will be clad in metal and include windows.

This building will be setback approximately 22.8 feet from the north lot line and 109 feet from the rear lot line which are in compliance with setback requirements for the zoning district. No lighting is being proposed at this time, however, if lighting were to be installed, it would need to meet the Village standards as is outlined in Condition #6 in Exhibit A. No additional parking is being requested or is required as part of this development as it is a storage building and not being used for retail floor space or resulting in additional jobs. The proposed addition includes expanding the impervious surface of the site by 2,650 square feet providing access to the overhead doors located on the building addition. Once the addition is complete, the applicant will install asphalt over the gravel pad as shown on the site plan. This increase in impervious surface does not require a stormwater management plan. Included with this report is a review conducted by the Water Utility Director explaining further details. As part of this development proposal, the applicant provided a landscape plan showing the addition of six spruce trees and two maple trees.

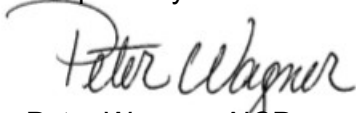
If the Plan Commission is comfortable with the proposed building addition, staff has drafted a suggested motion recommending approval of the 2,400 square-foot building addition located at 3815 Quick Drive with conditions as shown in Exhibit A.

### **EXHIBIT A - CONDITIONS** **Thomas Greenwood Building Addition**

1. Building Permit. The applicant must obtain a building permit card from the Village after paying all building and zoning fees. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. Compliance. Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
3. Binding Effect. These conditions bind and are applicable to the Property Owner, Agent, and any other users of the Property Owner with respect to the uses on the Property.
4. Plans. The proposed 2,400 square-foot building addition shall be located, constructed, and utilized in accordance with the plans and documents received by the Village Planning Department on May 10, 2021.
5. Engineering Department. The property owner or designated agent must contact the Village of Caledonia Engineering Department and must comply with all regulations and requirements of the Village of Caledonia Engineering Department.

- 
6. Lighting. All lighting, if installed at the site, must be full cut-off lights that may not glare onto abutting properties or onto any public roadway.
  7. No Accumulation of Refuse and Debris. Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.
  8. Property Maintenance Required. A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining and pruning all landscape planting areas including removal and replacement of dead or diseased landscaping; cleaning up litter; sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade.
  9. Performance Standards. The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances, as adopted by the Village of Caledonia.
  10. Expiration. This approval will expire twelve (12) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur and will require the applicant to resubmit their plans for approval and incur all costs associated with the review.
  11. Access. The applicant must allow any Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
  12. Compliance with Law. The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state, and federal regulations, including Titles 9, 14, 16 and 18 of the Village of Caledonia Code of Ordinances.
  13. Agreement. By you accepting the site plan approval and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Thomas Greenwood, Greenwood Family Limited Partnership, and their heirs, successors, and assigns, including tenants, are responsible for full compliance with the above conditions.
  14. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.
- 

Respectfully submitted:



Peter Wagner, AICP  
Development Director

# Location Map

## 3815 Quick Drive



Monday, May 17, 2021

Peter Wagner, Development Director  
5043 Chester Lane  
Racine, WI 53402

RE: Greenwood Family Limited Partnership 3815 Quick Drive – Building, Site,  
Operation Plan Review

Dear Mr. Wagner:

The Caledonia Utility District has performed a review of the Building, Site, Operation Plan provided on May 14, 2021 for the Greenwood Family Limited Partnership located at 3815 Quick Drive. In performing this review, the September 9, 2003 plan for the development was used.

After review, I offer the following comments.

### **Storm Water Management Plan**

The proposed building addition and parking lot expansion will not require a Storm Water Management Plan at this time. The existing condition today, has a CN of 78, with 11,330 sq.ft. of impervious surface. The proposed condition with the addition and the expansion of the parking area has a CN of 80 with 16,860 sq. ft of impervious surface. The proposed condition does not exceed a CN of 85 or increase the impervious surface by more than a ½ acre (21,780 sq. ft.), both of which would then require Storm Water Management to be done. Any future expansions may require storm water management at that time.

### **Utilities**

The existing building is already served by Sanitary Sewer and Water.

### **Site Grading**

The Plot Plan by Walters Buildings (Sheet P1) and the Master Grading & Drainage Plan from American Surveying (all sheets) are not the same in regard to the parking lot expansion. Will need to correct the Walters Buildings plan as necessary to match the other plans submitted. In addition, the Master Grading & Drainage Plan from American Surveying will need to be updated to show the adjusted, proposed contours for the



addition and parking lot expansion. Currently what appears to be shown is the limits of disturbance and/or the toe of the slope on the proposed grading.

If there are any questions about this review, please contact me to discuss.

Sincerely,



Anthony A. Bunkelman P.E.  
Utility Director  
Village of Caledonia



8348 Corporate Drive, Mount Pleasant, Wisconsin 53406 Phone: 800.558.3709 Fax: 262.886.3020

May 18, 2021

Village of Caledonia  
5043 Chester Lane  
Racine, WI 53402

To the Village of Caledonia,

In regard to the property at 3815 Quick Drive, Franksville WI 53126. and the request to add onto the existing structure and the usage. Our business, AMI Information Systems has earned additional business in regard to computer programming and software management and is need of additional storage. The 60x48 addition will be used for additional equipment needed to operate at our highest level and filing.

Respectfully,

A handwritten signature in black ink that reads 'T. John Greenwood'. The signature is written in a cursive, slightly slanted style.

Thomas John Greenwood  
Chairman



**Walters Buildings**

Jack Walters & Sons, Corp.  
P.O. Box 388  
6600 Midland Ct.  
Allenton, WI 53002  
1-800-558-7800  
www.waltersbuildings.com

REVISIONS:

OWNER:  
**GREENWOOD FAMILY LIMITED PARTNERSHIP**

PROJECT:  
**BUILDING ADDITION**

LOCATION:  
3815 QUICK DRIVE  
FRANKSVILLE, WI.

SALES REP / DEALER:  
JOSH OBERT

DRAWN BY:  
ANDY S.

ESTIMATED BY:

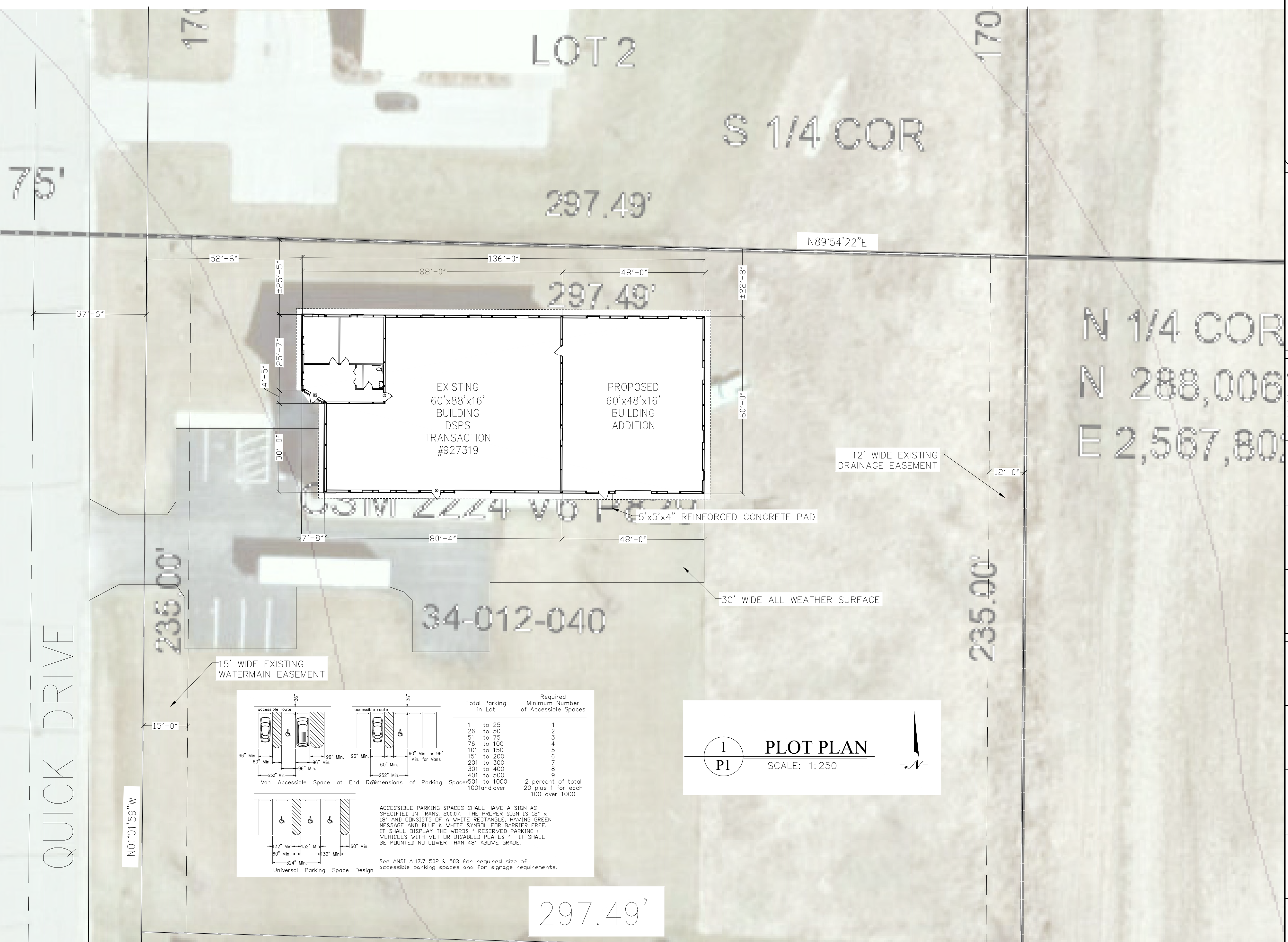
LAST SAVED BY:  
TBROWN ON: 5/6/2021

SCALE:  
AS NOTED

JOB NUMBER:  
94-0659

SHEET NUMBER:

**P1**



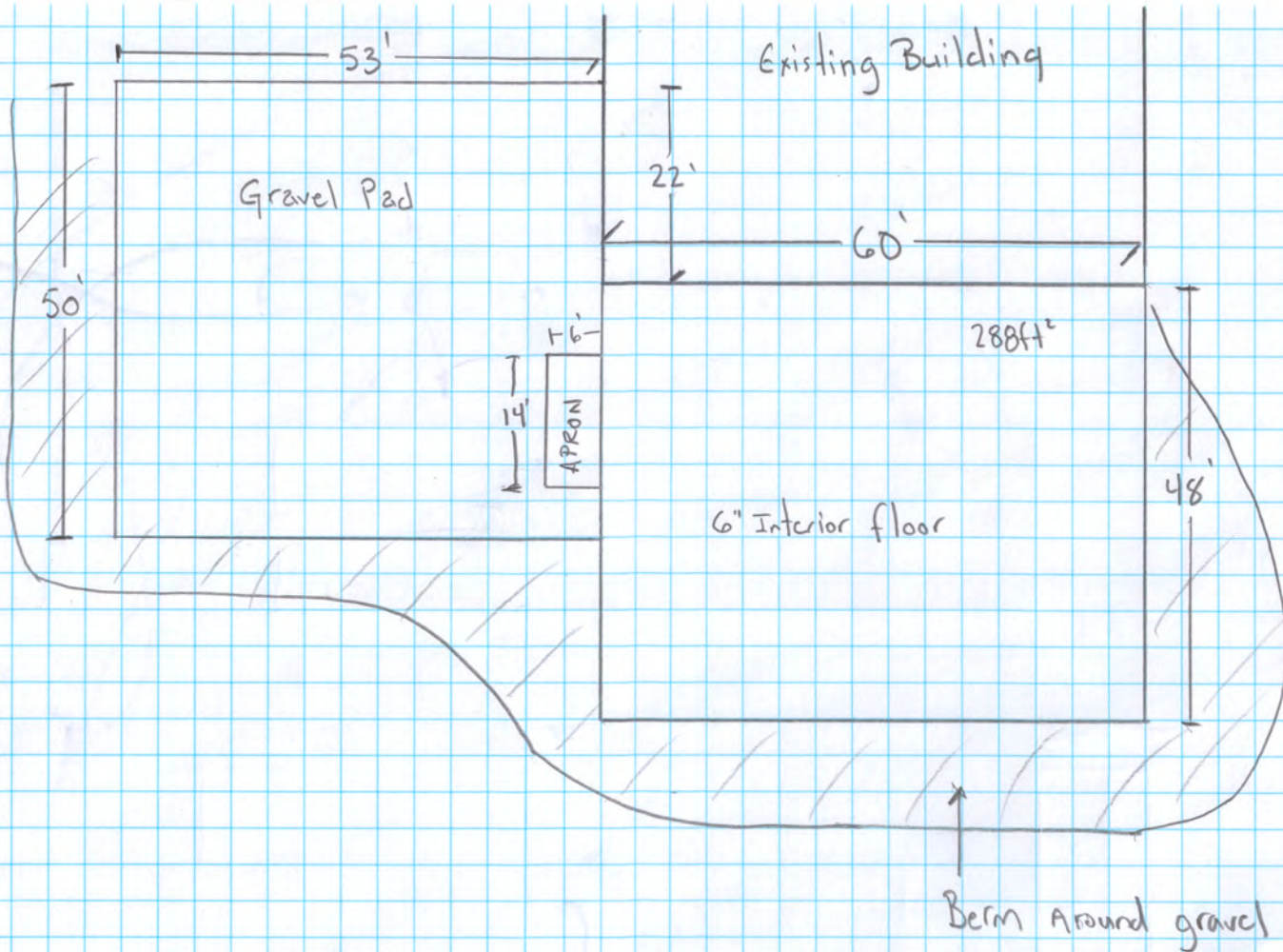
Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

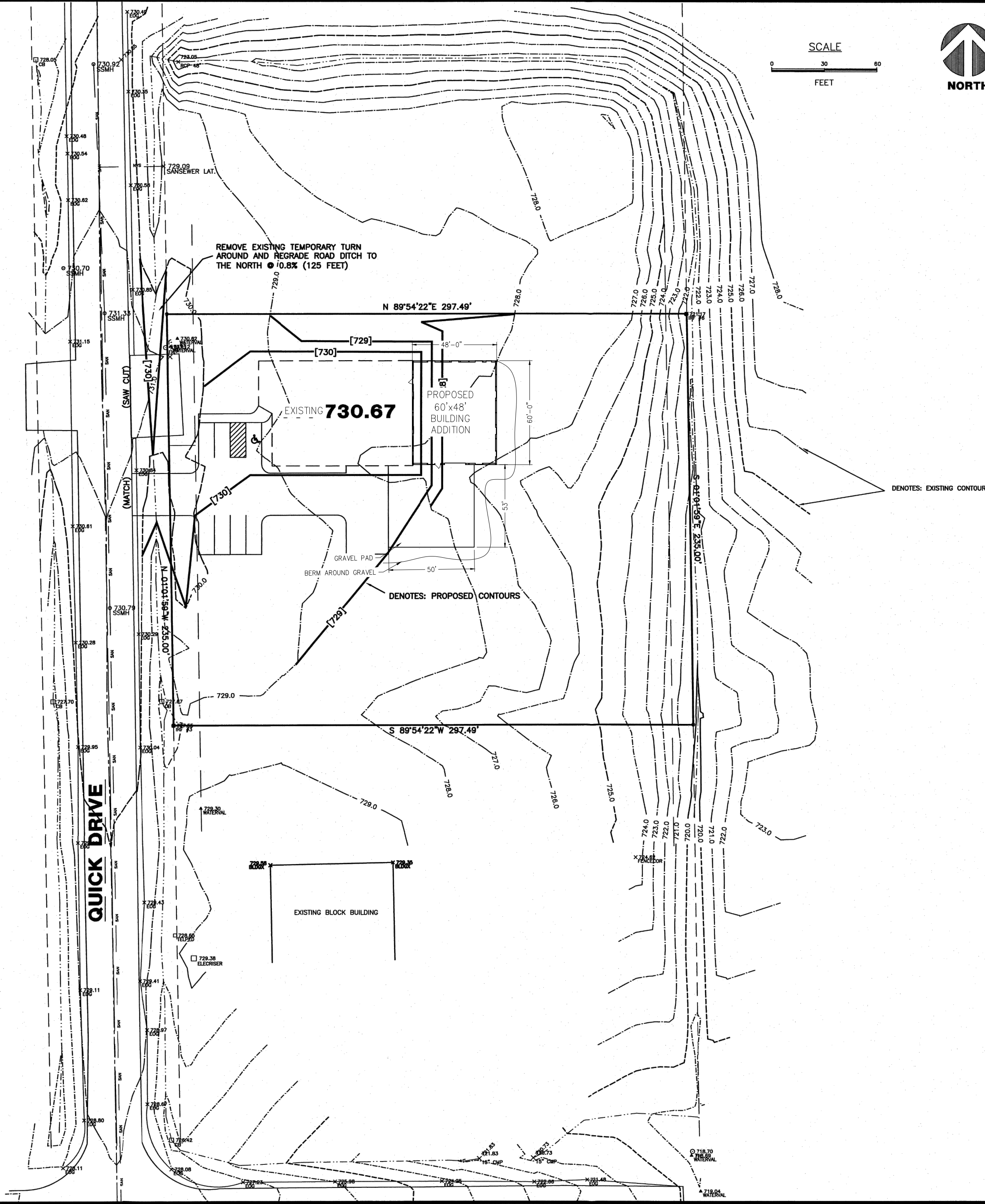
ACCESSIBLE PARKING SPACES SHALL HAVE A SIGN AS SPECIFIED IN TRANS. 200.07. THE PROPER SIGN IS 12" x 18" AND CONSISTS OF A WHITE RECTANGLE, HAVING GREEN MESSAGE AND BLUE & WHITE SYMBOL FOR BARRIER FREE. IT SHALL DISPLAY THE WORDS "RESERVED PARKING VEHICLES WITH VET OR DISABLED PLATES". IT SHALL BE MOUNTED NO LOWER THAN 48" ABOVE GRADE.

See ANSI A117.7 502 & 503 for required size of accessible parking spaces and for signage requirements.

**1 P1 PLOT PLAN**

SCALE: 1:250





**TOWN OF CALEDONIA**

PROJECT:  
**MASTER GRADING & DRAINAGE PLAN**  
 PREPARED FOR: WALTERS BUILDINGS

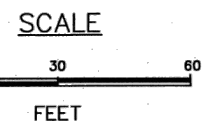
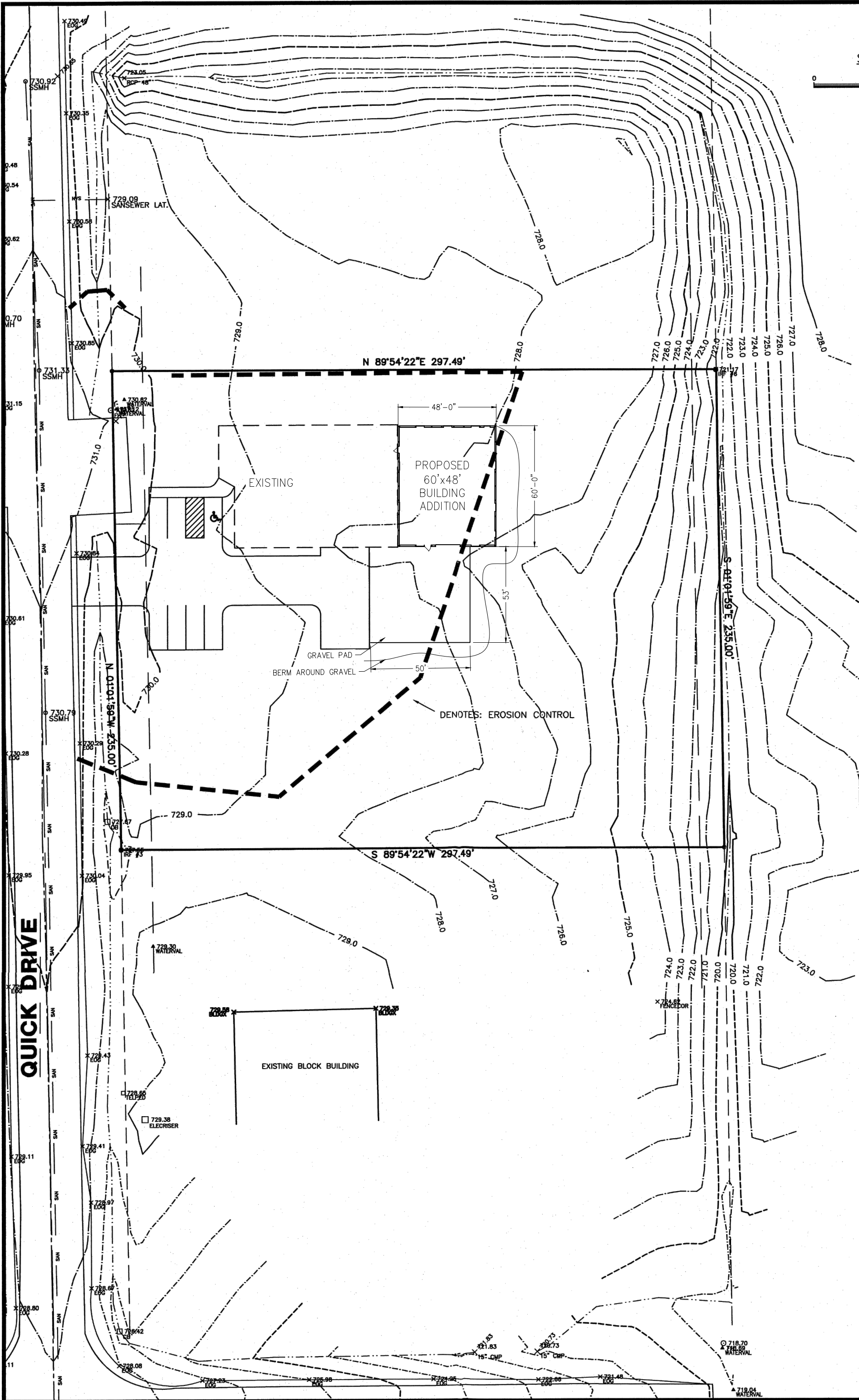
DRAWN BY:	ALJ	REVISIONS:	DATE
CHECKED BY:	PLB		
PLOT SCALE: 1" = 30'			
DATE:	09/09/2003		
JOB NO.:	2003214		
DWG. FILE:	JN203242	CLIENT NO.:	03055

**A** AMERICAN SURVEYING COMPANY, INC.  
 12207 C.T.H. "K" FRANKSVILLE, WISCONSIN 53126  
 TEL. (262) 835-4774 FAX: (262) 835-2379  
 beau.ford.bailey@hotmail.com

Sheet  
**2**  
 of  
**4**

DRAWN BY:	ALJ	REVISIONS:	DATE
CHECKED BY:	PLB		
PLOT SCALE:	1" = 30'		
DATE:	09/09/2003		
JOB NO.:	2003214		
DWG. FILE:	JN203242	CLIENT NO.:	05055

**TOWN OF CALEDONIA**  
 PROJECT:  
**RESTORATION & EROSION CONTROL**  
 PREPARED FOR: WALTERS BUILDINGS



**GENERAL EROSION CONTROL NOTES**

- THE FOLLOWING GENERAL CONSTRUCTION SEQUENCE IS PRESENTED TO DESCRIBE REQUIREMENTS FOR EROSION CONTROL FACILITIES THROUGHOUT THE PROJECT DURATION (REFER TO THE PROJECT PLANS AND SPECIFICATIONS FOR DETAILED RESPONSIBILITIES AND REQUIREMENTS OF EROSION CONTROL).
  - INSTALL CONSTRUCTION ENTRANCES FOR TIRE CLEANING AT ALL ACCESS POINTS FROM THE EARTH DISTURBANCE AREAS.
  - INSTALL SILT FENCING AT THE LOCATIONS SHOWN ON THE PLANS AS WELL AS AROUND ALL INLETS, CATCHBASINS, OR OTHER DRAINAGE STRUCTURES.
  - INSTALL AND STABILIZE ALL SWALES THAT CONVEY WATER.
  - BEGIN REMAINING SITEWORK.
- MAINTENANCE SHALL INCLUDE BUT NOT BE LIMITED TO THE GENERAL UPKEEP OF DITCHES, SWALES AND SILT FENCE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE OF ALL EROSION CONTROL FACILITIES SHALL BE PROVIDED AFTER EACH RAIN.
- AT A MINIMUM ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE WISCONSIN BEST SITE CONSTRUCTION PRACTICES HANDBOOK. LOCAL REQUIREMENTS SHALL GOVERN WHERE THEY EXCEED THESE REQUIREMENTS.

**SILT FENCE DETAIL**

**CONSTRUCTION OF A SILT FENCE**

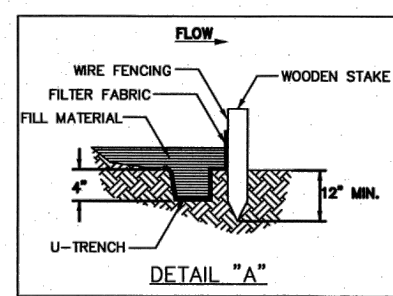
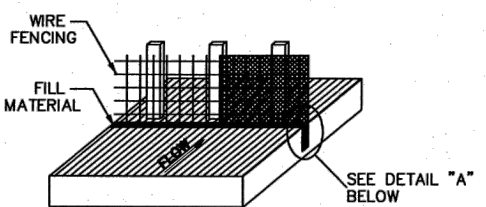
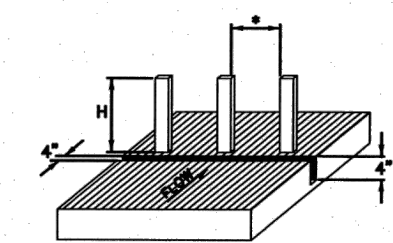
- SET STAKES
  - max. 10' on center with wire fencing
  - max. 3' on center without wire fencing
  - H = min. 18", max. 36"
- EXCAVATE A U-TRENCH UPSLOPE FROM THE LINE OF STAKES (4"x4")
- STAPLE WIRE FENCING TO STAKES
- STAPLE FILTER MATERIAL TO STAKES AND EXTEND INTO THE TRENCH (LAP FABRIC AT JOINTS)
- BACKFILL AND COMPACT EXCAVATED SOIL IN TRENCH

**DESIGN CRITERIA AND REQUIREMENTS**

- Installation** - Filter fabric barriers shall be installed:
  - prior to disturbing upslope areas or
  - within 24 hours of constructing ditches, diversions, or other channels.
- Removal** - Filter fabric barriers shall remain in-place and be maintained until disturbed upslope areas and channels, ditches, and diversions are stabilized by permanent best management practices.
- Height** - Filter fabric barriers shall be at least 18 inches and may not be more than 36 inches in height.
- Support** - The full height of the filter fabric barrier shall be supported by 5 foot long, 4 inch diameter posts or equivalent and a wire fence 42 inches in height. The posts shall be driven at least 12 inches into the ground. The maximum spacing of the posts shall be 10 feet. The wire fence shall be a minimum of 14 gauge and a maximum mesh spacing of 6 inches.
- Attaching** - The filter fabric and wire mesh shall be stapled or wired to the upslope side of the wire mesh with heavy duty staples at least 1" long, wire ties, or hog rings.
- Embedding** - The filter fabric shall be anchored by spreading 8 inches of the fabric in a 4" x 4" trench on the upslope side of the barrier as shown in detail "A". The wire mesh shall extend at least 2 inches into the trench. The trench shall be backfilled and compacted.
- Fabric Specifications** - The filter fabric shall meet the following specifications:
  - Grab strength: 100 lb. minimum in any principal direction (ASTM D1882)
  - Mullen Burst: minimum 200 psi (ASTM D-3786)
  - Equivalent opening size:
    - between 50 and 140 for soils with more than 15 percent by weight passing a No. 200 sieve
    - between 20 and 50 for soils less than 15 percent by weight passing a No. 200 sieve
  - Water Flow Rate of 10 gal/min/sq.ft. at 50MM constant head as determined by multiplying permeability in sec-1 as determined by ASTM D-4491 by a conversion factor of 74;
  - Ultra violet radiation stability of 90%
  - Fabric with support netting shall be reinforced with an industrial polypropylene netting with a 3/4 inch spacing or equivalent. A heavy duty nylon top support cord or equivalent is required.

**MAINTENANCE**

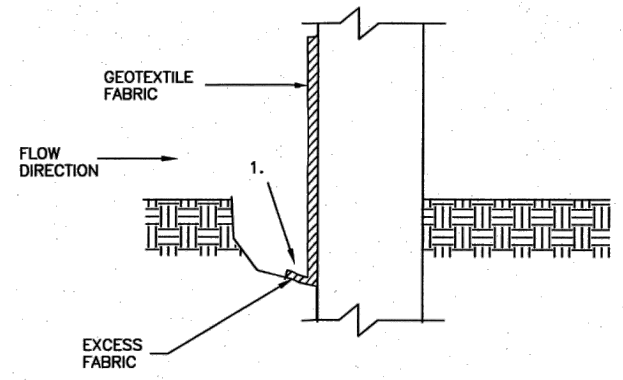
- Fabric filter barriers shall be inspected within 24 hours after each rainfall or daily during periods of prolonged rainfall. Repair or replacement shall be made immediately.
- Sediment deposits should be removed after each storm event. Sediment deposits shall be removed when deposits reach 0.5 the height of the barrier.



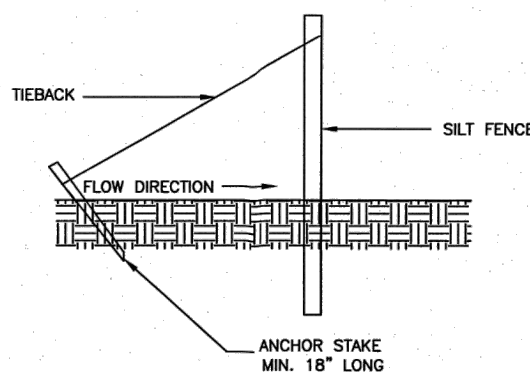
**SILT FENCE NOTES**

DETAIL OF CONSTRUCTION NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE PROJECT SPECIFICATIONS. WHEN POSSIBLE THE SILT FENCE SHOULD BE CONSTRUCTED IN AN ARC OR HORSESHOE SHAPE, WITH THE ENDS POINTING UPSLOPE TO MAXIMIZE BOTH STRENGTH AND EFFECTIVENESS.

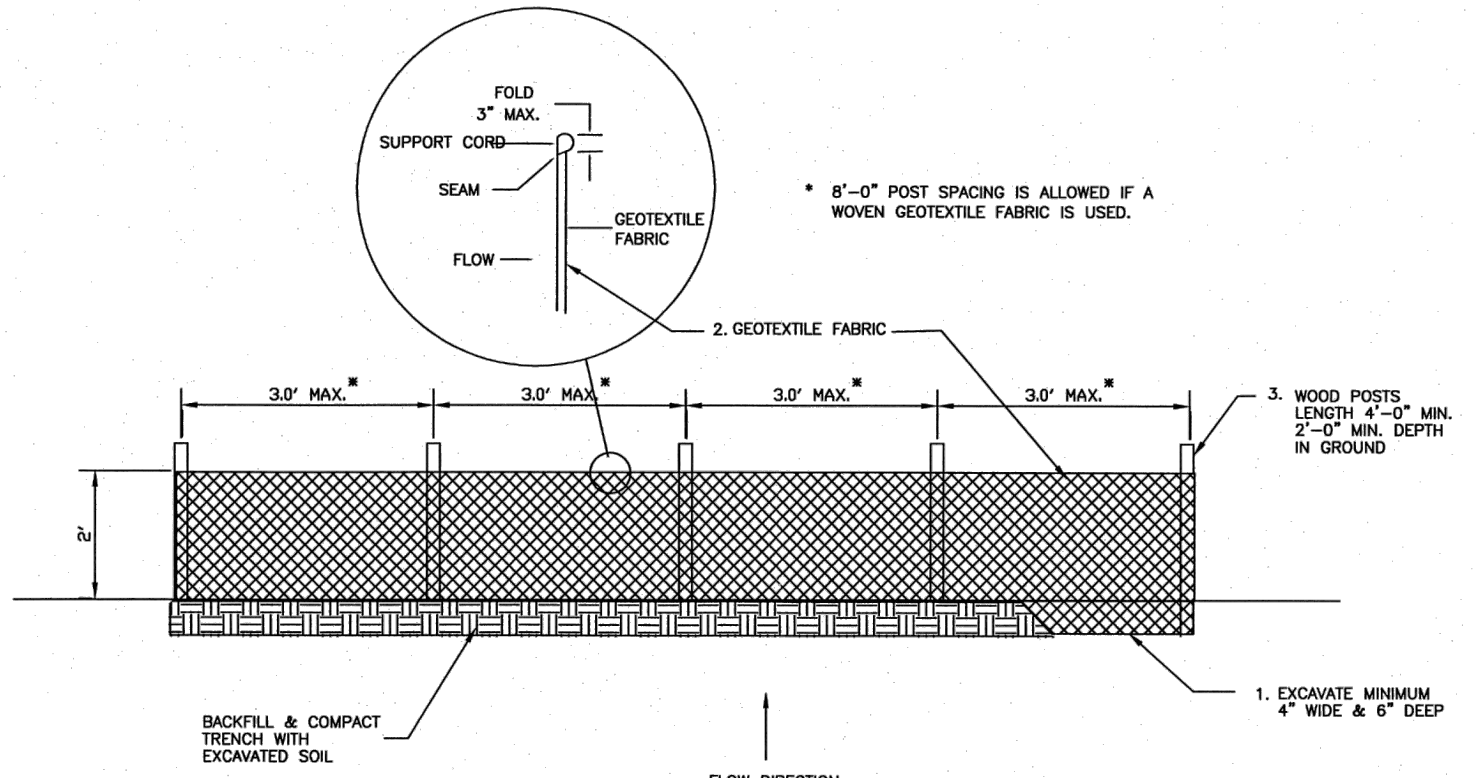
- EXCAVATE A TRENCH A MINIMUM OF 4" WIDE & 6" DEEP TO BURY AND ANCHOR THE GEOTEXTILE FABRIC. FOLD MATERIAL TO FIT TRENCH AND BACKFILL & COMPACT TRENCH WITH EXCAVATED SOIL.
- WOOD POSTS SHALL BE A MINIMUM SIZE OF 1 1/8" X 1 1/8" OAK OR HICKORY.



**TRENCH DETAIL**



**SILT FENCE TIE BACK**



**SILT FENCE DETAIL**

NOTE: ADDITIONAL POST DEPTH OR TIE BACKS MAY BE REQUIRED IN UNSTABLE SOILS.

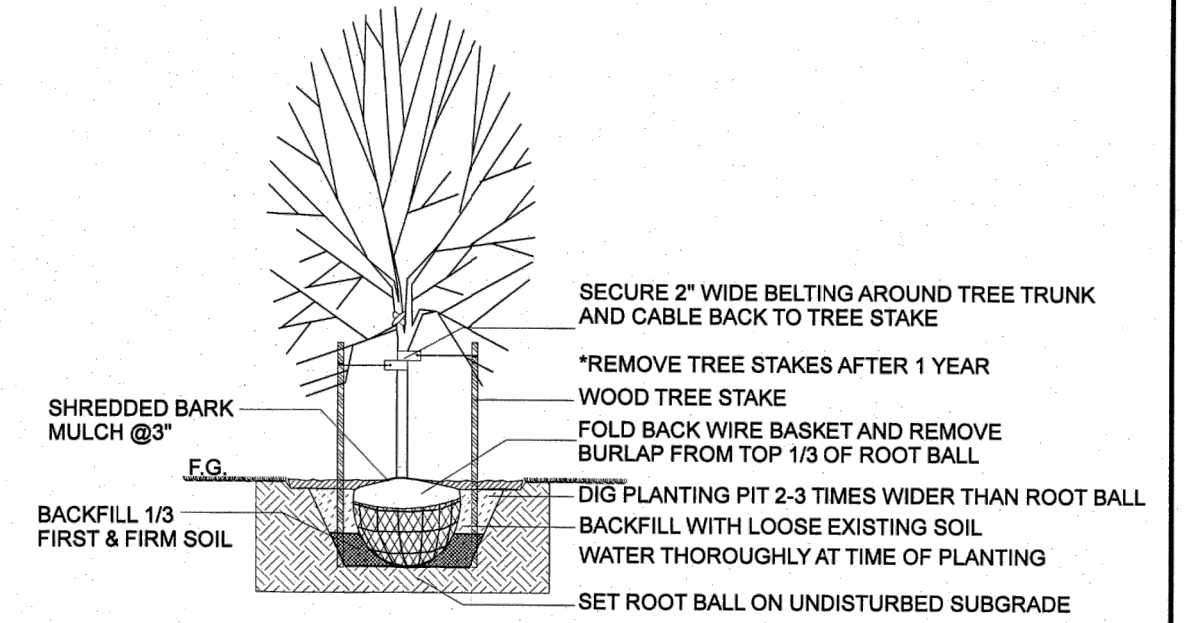
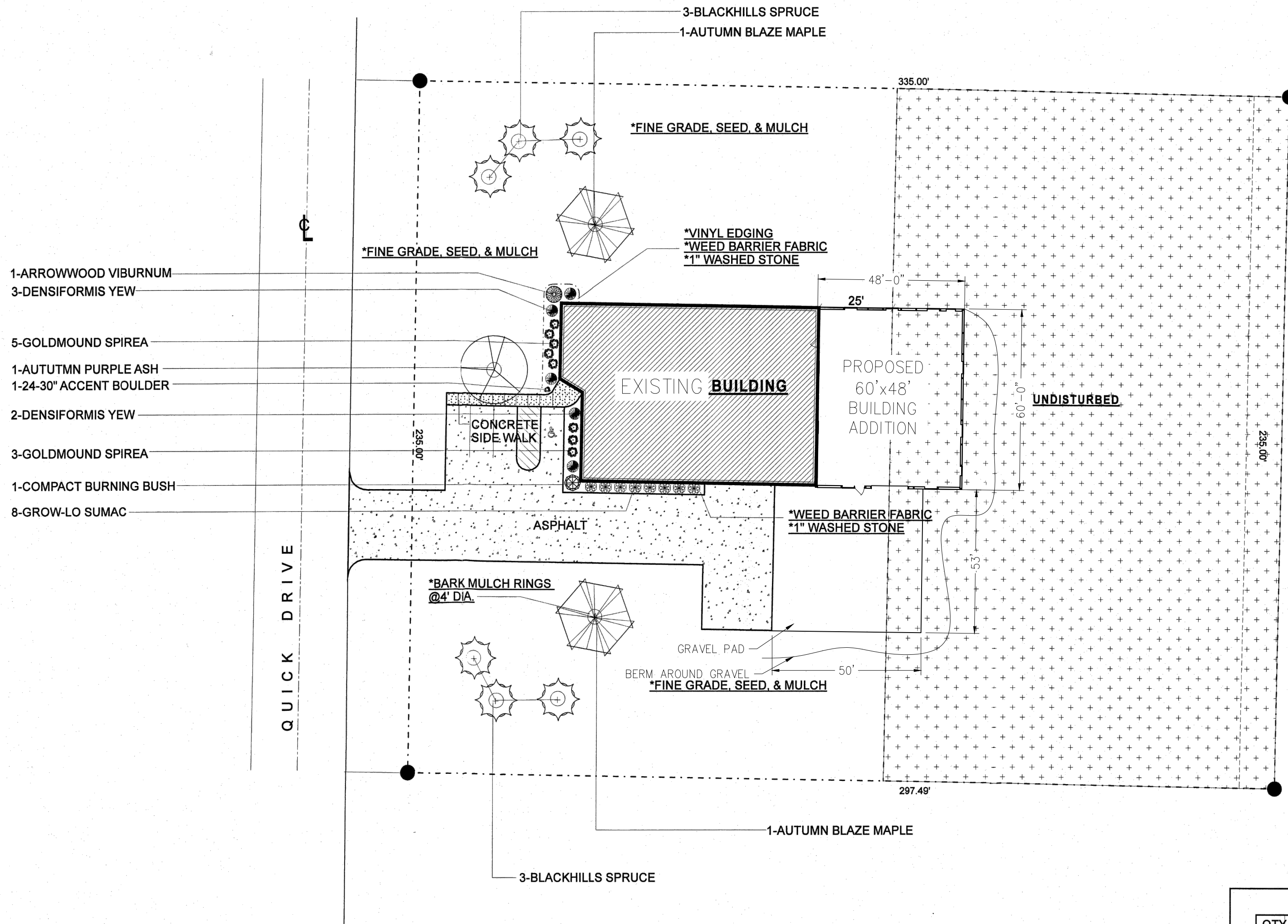
SCALE:  
1" = 20'

AMI INC.

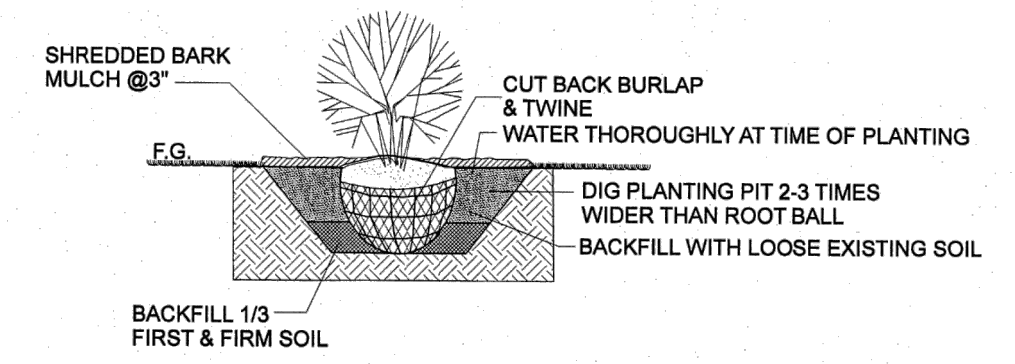
NEW STORAGE BUILDING FOR:

DATE:  
9-7-03

the bruce company  
OF WISCONSIN, INC.  
4850 Menomonee Lane • Racine, WI 53404  
262-535-8822 • Fax: 262-535-7471  
PROFESSIONAL  
LANDSCAPE MANAGEMENT  
LANDSCAPE ARCHITECTS  
LANDSCAPE CONSTRUCTION



TREE PLANTING DETAIL  
NTS



SHRUB PLANTING DETAIL  
NTS

PLANTING SCHEDULE

QTY.	COMMON NAME	BOTANICAL NAME	SIZE
5	DENSIFORMIS YEW	TAXUS X MEDIA 'DENSIFORMIS'	18" BB
8	GOLDMOUND SPIREA	SPIRAEA JAPONICA 'GOLDMOUND'	3 GAL
1	COMPACT BURNING BUSH	EUONYMUS ALATUS 'COMPACTUS'	5 GAL
1	ARROWWOOD VIBURNUM	VIBURNUM D. 'CHICAGO LUSTRE'	3" BB
8	GROW-LO SUMAC	RHUS AROMATICA 'GROW-LO'	3 GAL
6	BLACKHILLS SPRUCE	PICEA GLAUCA 'DENSATA'	4-5" BB
2	AUTUMN BLAZE MAPLE	ACER X FREEMANI 'AUTUMN BLAZE'	2" BB
1	AUTUMN PURPLE ASH	FRAXINUS A. 'AUTUMN PURPLE'	2" BB

LANDSCAPE PLAN

SCALE: 1" = 20'



DOOR & WINDOW SCHEDULE

TAG	TYPE	QUANTITY
①	12'x14' CHI MODEL #3285 2" THICK INSULATED OVERHEAD DOOR U=0.45 MAXIMUM	1
②	3'x6'-8" THERMAL BREAK WALK DOOR w/ KWIKSET LEVERSET & DEADBOLT U=0.30	1
③	3'x6'-8" FRAMED WALK DOOR OPENING	1
A	4'x3' PLYCO HORIZONTAL SLIDE WINDOW U = 0.38	7
B	3'x3' FRAMEOUT EXHAUST FAN & LOUVER	2



**Walters Buildings**

Jack Walters & Sons, Corp.  
P.O. Box 388  
6600 Midland Ct.  
Allenton, WI 53002  
1-800-558-7800  
www.waltersbuildings.com

REVISIONS:

OWNER:  
**GREENWOOD FAMILY LIMITED PARTNERSHIP**

PROJECT:  
BUILDING ADDITION

LOCATION:  
3815 QUICK DRIVE  
FRANKSVILLE, WI.

SALES REP / DEALER:  
JOSH OBERT

DRAWN BY:  
ANDY S.

ESTIMATED BY:

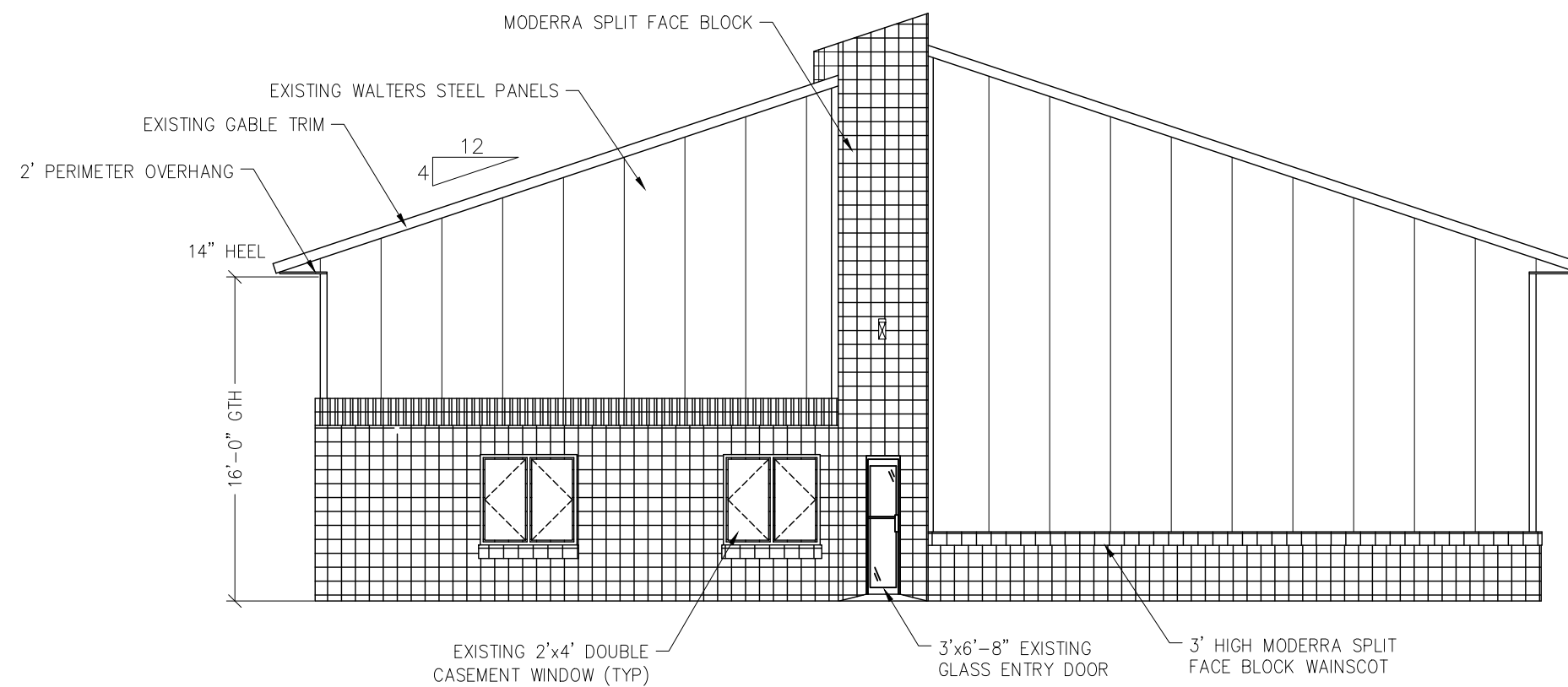
LAST SAVED BY:  
TBROWN ON: 5/6/2021

SCALE:  
1/8" = 1'-0"  
0 5 8 10

JOB NUMBER:  
94-0659

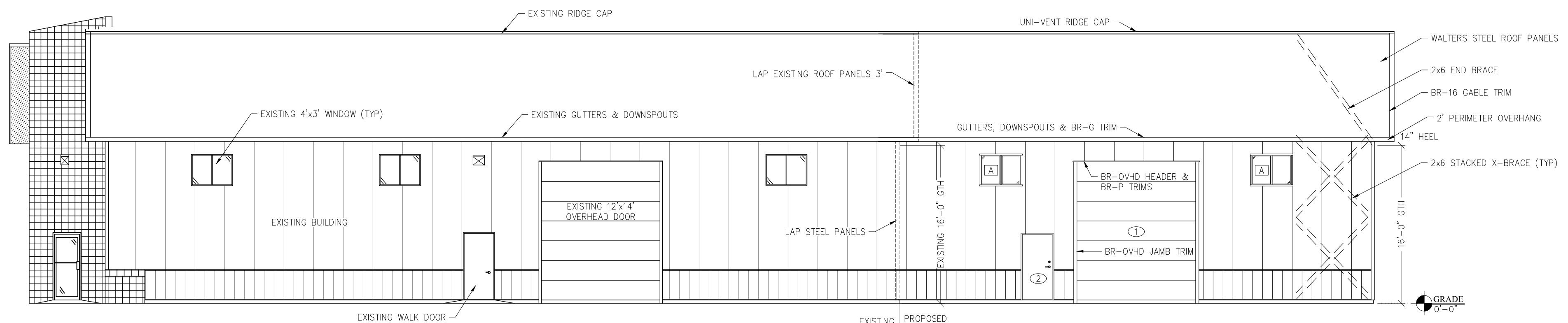
SHEET NUMBER:

A2



**1 WEST END ELEVATION** (EXISTING BUILDING)  
A2 SCALE: 1/8" = 1'-0"

**\*\*MAINTAIN LEVEL APPROACH TO WALKDOORS\*\***



**2 SOUTH SIDE ELEVATION**  
A2 SCALE: 1/8" = 1'-0"



DOOR & WINDOW SCHEDULE

TAG	TYPE	QUANTITY
①	12'x14' CHI MODEL #3285 2" THICK INSULATED OVERHEAD DOOR U=0.45 MAXIMUM	1
②	3'x6'-8" THERMAL BREAK WALK DOOR w/ KWIKSET LEVERSET & DEADBOLT U=0.30	1
③	3'x6'-8" FRAMED WALK DOOR OPENING	1
A	4'x3' PLYCO HORIZONTAL SLIDE WINDOW U = 0.38	7
B	3'x3' FRAMEOUT EXHAUST FAN & LOUVER	2



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Allenton, WI 53002  
1-800-558-7800  
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REVISIONS:

OWNER:  
**GREENWOOD FAMILY LIMITED PARTNERSHIP**

PROJECT:  
BUILDING ADDITION

LOCATION:  
3815 QUICK DRIVE  
FRANKSVILLE, WI.

SALES REP / DEALER:  
JOSH OBERT

DRAWN BY:  
ANDY S.

ESTIMATED BY:

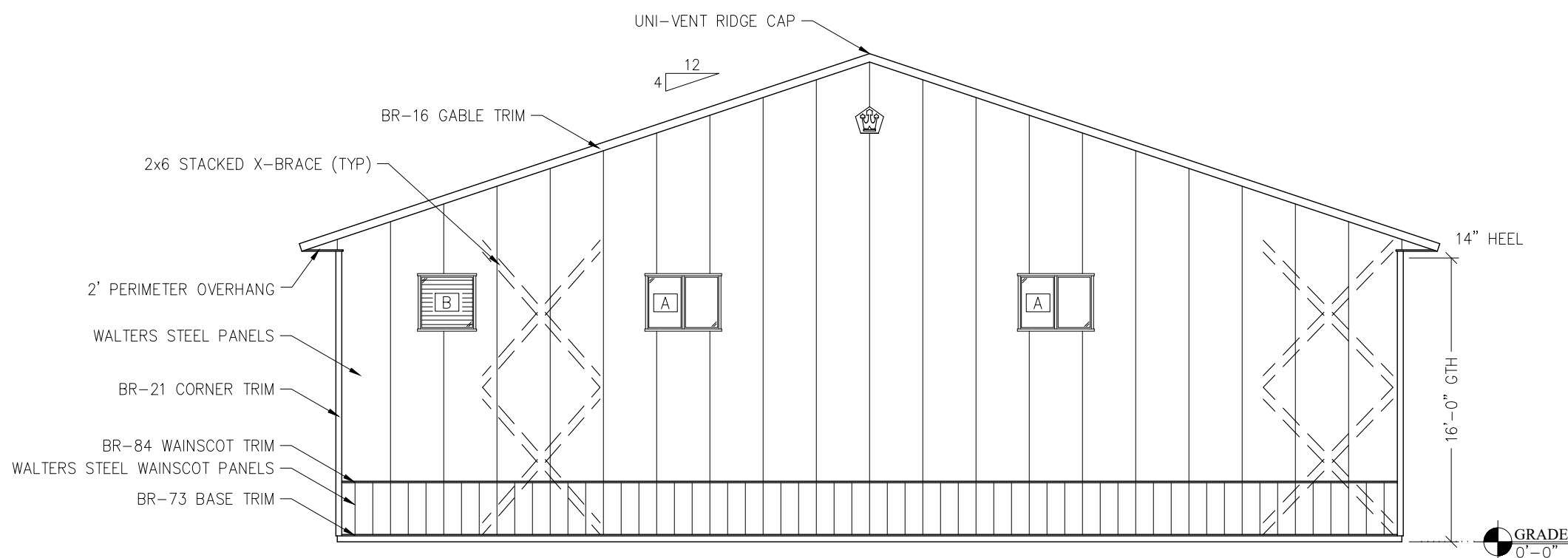
LAST SAVED BY:  
TBROWN ON: 5/6/2021

SCALE:  
1/8" = 1'-0"  
0 5 8 10

JOB NUMBER:  
94-0659

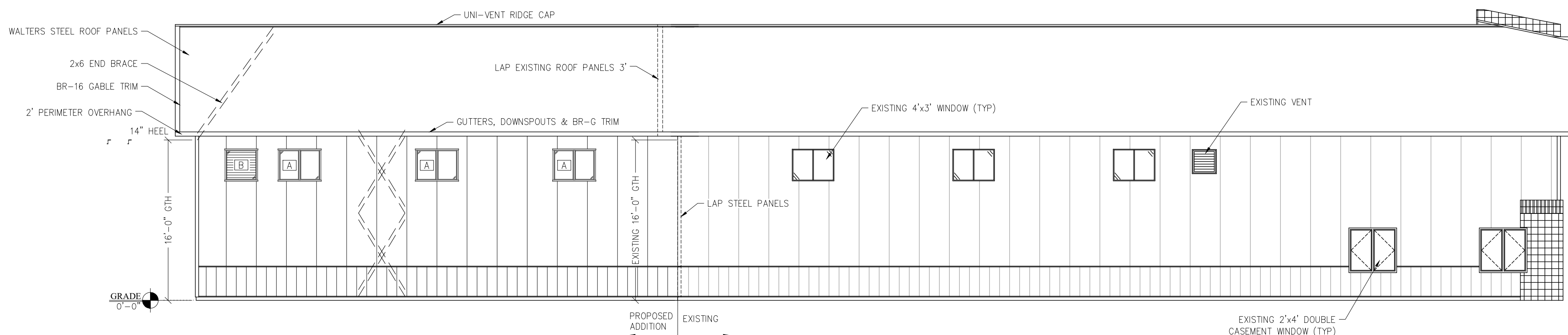
SHEET NUMBER:

A2.1



**1 EAST END ELEVATION**  
A2.1 SCALE: 1/8" = 1'-0"

\*\*MAINTAIN LEVEL APPROACH TO WALKDOORS\*\*



**2 NORTH SIDE ELEVATION**  
A2.1 SCALE: 1/8" = 1'-0"



Meeting Date: May 24, 2021

Item No. 5d

## PLAN COMMISSION REPORT

Proposal: Status Review Zoning Code Revisions

Description: Review proposed draft Chapters 6, 10, & 12 of the Village Zoning Code.

Applicant(s): Village of Caledonia

Address(es): n/a

**Suggested Motion:** No action required.

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**Background:** When the Town of Caledonia became the Village of Caledonia in 2005, the Village adopted Racine County's Zoning Code as their own. Since that time, the Village has amended its code several times and has created zoning code Title 16. As a result, staff has had to reference both Title 16 of the Village Code and Racine County's Zoning Code that was adopted in 2005 when applying the zoning code for development projects and code enforcement. This split in regulations is difficult for developers, residents, and businesses to understand what the rules and regulations are for the Village. Staff has been working on merging the two code sections into one unified Village code Title. This process has been more time consuming than originally anticipated.

Staff has prepared draft Chapters 6, 10, & 12 for review and discussion. Chapter topics for discussion will be:

- Chapter 6: Zoning Districts
- Chapter 10: Accessory Structures
- Chapter 12: Off Street Parking

The purpose of this agenda item to review and discuss the content of the chapter and answer questions or take suggestions as to what should be and not be included in these chapters. Chapters 10 & 12 have some changes from the County and have been highlighted. Chapter 6 was a complete reformat and reclassification of zoning districts. I've included the original draft language along with the proposed draft chapter.

No action is required at this time. Over the next few Plan Commission meetings, staff will be presenting new chapters for your review and input. It is anticipated that the Title 16 will include eighteen chapters. Some of the chapters have few, if any, changes, and others will have significant changes or reorganization than what currently exists.

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Respectfully submitted:

A handwritten signature in black ink that reads "Peter Wagner". The signature is written in a cursive, flowing style.

Peter Wagner, AICP  
Development Director

# DRAFT

## CHAPTER 6 Zoning Districts Established

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<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-6-1	Zoning Districts Established		
16-6-2	A-1 Agricultural District		
16-6-3	R-1 Country Estate District		
16-6-4	R-2 Single Family Residential District		
16-6-5	R-3 Single Family Residential District		
16-6-6	R-4 Single Family Residential District		
16-6-7	R-5 Single Family Residential District		
16-6-8	Rd-1 Two-Family Residential District		
16-6-9	RM-1 Multi-Family Residential District		
16-6-10	B-1 Neighborhood Business District		
16-6-11	B-2 Community Business District		
16-6-12	B-3 Highway Business District		
16-6-13	BP-1 Business Park District		
16-6-14	M-1 Light Manufacturing and Office District		
16-6-15	M-2 General Manufacturing District		
16-6-16	M-3 Heavy Manufacturing District		
16-6-17	M-4 Quarrying District		
16-6-18	I-1 Institutional District		
16-6-19	P-1 Park District		
16-6-20	C-1 Resource Conservation District		
16-6-21	SSO Structural Setback Overlay District		
16-6-22	NSO Non-Structural Setback Overlay District		
16-6-23	SWO Shoreland-Wetland Overlay District		

# DRAFT

## 16-6-1 Zoning Districts Established

- (a) GENERAL: The Regulations of the various Sections of this Code are made specifically applicable to each individual district as hereinafter set forth in the Individual District sections of this Code.
- (b) Format of District Regulations and Summary
- (1) Basic Districts: All property in the Village has been placed on the basic districts created for the purpose of establishing the general pattern of intended land use consistent with the General Plan for Comprehensive Development.
  - (2) Overlay Districts: Overlay of "floating" districts are also established which provide for the possibility of superimposing upon a basic district certain additional permissive uses and regulatory standards applicable thereto without disturbing the underlying basic district regulations. The basic intent is similar to that upon which conditional use grants are premised and in effect represent the granting of specifically defined special use rights in specifically defined areas.
  - (3) Planned Unit Development Districts: The Planned Unit Development District is intended to allow for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the intent of the normal district regulations of this ordinance. These districts consist of subdivisions, commercial, industrial, and mixed use land uses.
  - (4) Organization of District Regulations: For convenience and readability the uses as permitted in each district and the supplementary regulations thereto are presented in a summary tabular form consisting of the following:
    - a. A statement of intent interpreting the intended purpose of the specific district classification.
    - b. The specific numeric requirements of the provisions of this Code made applicable to the district. In case of an Overlay district the requirements listed apply to the uses permitted by virtue of the overlay and do not alter the application of the underlying district regulations to the use permitted therein.
    - c. A list of permitted, accessory, and conditional uses with a reference to related provisions of the Ordinance.
- (c) BASE DISTRICTS
- (1) Agricultural District
    - a. A-1 Agricultural District
  - (2) Single-Family Residential Districts
    - a. R-1 Country Estate District
    - b. R-2 Single Family Residential District
    - c. R-3 Single Family Residential District
    - d. R-4 Single Family Residential District
    - e. R-5 Single Family Residential District
  - (3) Multi-Family Residential Districts
    - a. Rd-1 Two-Family Residential District
    - b. RM-1 Multi-Family Residential District
  - (4) Commercial Districts
    - a. B-1 Neighborhood Business District
    - b. B-2 Community Business District
    - c. B-3 Highway Business District
  - (5) Business Park District
    - a. BP-1 Business Park District

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- (6) Industrial Districts
  - a. M-1 Light Manufacturing and Office District
  - b. M-2 General Manufacturing District
  - c. M-3 Heavy Manufacturing District
  - d. M-4 Quarrying District
- (7) Institutional & Park Districts
  - a. I-1 Institutional District
  - b. P-1 Park District
- (8) Conservation District
  - a. C-1 Resource Conservation District

(d) **OVERLAY DISTRICTS**

- (1) The following overlay districts are created:
  - a. SSO Structural Setback Overlay District
  - b. NSO Non-Structural Setback Overlay District
  - c. SWO Shoreland-Wetland Overlay District

(e) **PLANNED UNIT DEVELOPMENT DISTRICTS**

- (1) New Planned Development Districts are created as they are approved by the Village and are notated as "PUD-" Planned Unit Developments along with the corresponding number in which they were approved (ex. PUD-1).

(f) **DISTRICT BOUNDARIES**

- (1) Boundaries of the districts, except for the floodplain districts, structural and nonstructural districts, are hereby established as shown on a series of maps entitled "Zoning Maps, Village of Caledonia, Wisconsin," dated to correspond with their adoption by the Village, as amended, which accompany and are a part of this chapter. Unless otherwise noted on the zoning map, such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; centerlines of street, highways, alleys, easements, and railroad rights-of-way or such lines extended. Where a C-1 resource conservation district is delineated on the zoning district map in a linear form along a perennial or intermittent watercourse, the district boundaries shall be construed to be the following unless otherwise noted on the zoning district map:
  - a. One hundred (100) feet from the ordinary high-water mark of perennial streams.
  - b. Fifty (50) feet from the ordinary high-water mark of intermittent streams.

**16-6-2 A-1 Agricultural District**

- (a) **STATEMENT OF INTENT:** This district is intended to provide for agricultural and related uses in rural areas where non-farm residential development is not of significant proportions presently nor anticipated or to be encouraged. Residential development in this district is permitted at densities not to exceed 0.2 dwelling units per net acre.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
150	5 Acres*	35'***	75'	25'	25'

\* If sewer, lot size can be 40,000 SF for one family dwelling lot & 80,000 SF for two family dwelling lot if created for farm owner family

\*\* Unless reduced by Lot Averaging per Title 14 of Caledonia Codes

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\*\* Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.

(c) PERMITTED USES BY RIGHT

- (1) General farm practices such as dairying, forestry; grazing, livestock, apiary, and crops.
- (2) One single or one two-family dwelling, whether or not such dwellings are associated with farm operations. The principal structure shall be the residential structure intended to service the parcel on which such residence is located.
- (3) Undeveloped natural resource and open space areas;
- (4) Land within a federal or state agricultural land conservation payment program.
- (5) Livestock and farm animals per Title 7-1-13(3).
- (6) Solar Energy Farm Facility

(a) PERMITTED ACCESSORY USES

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- (2) An activity or business operation that is an integral part of or incidental to, an agricultural use.
- (3) Any other use that the *Department of Agriculture, Trade and Consumer Protection* (DATCP), by rule, identifies as an agricultural use.
- (4) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in paragraph (1) or (3), that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (5) Accessory structures may be permitted in the agricultural district prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
- (6) Not more than one (1) roadside stand on any one (1) farm not exceeding 200 square feet in area for the sale of farm products produced on the premises shall be permitted as an accessory use.

(e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) Private Utility Installations (Principal structures not less than 100' from residential district lot line)
- (2) Animal Hospitals (Lot area 3+ Acres and Principal Structures not less than 100' from a residential district)
- (3) Commercial Egg Production
- (4) Pea vineries, creameries and condenseries
- (5) Commercial Raising of Animals such as dogs, foxes, goats, mink, pigs, and rabbits (must meet W.S.A. § 91.01(1))
- (6) Commercial Grain and Seed Operations
- (7) Sod Farms
- (8) Airstrips
- (9) Storage, parking, and maintenance of vehicles and equipment (600' from residential districts along with screening approved by the Plan Commission)

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- (10) Colleges; universities; hospitals; sanitariums; religious, charitable, penal and correctional institutions; cemeteries and crematories provided all principal structures and uses are not less than fifty (50) feet from any lot line.
- (11) Bed and Breakfast
- (12) Non-farm residences
- (13) Itinerant agricultural laborer's quarters not for rent

## 16-6-3 R-1 Country Estate District

(a) STATEMENT OF INTENT: This district is intended to provide for high quality detached single family residential development of a semi-rural nature on a large lot, low density basis in areas not intended to be served by municipal sewer facilities. Residential development in this district is permitted at densities not to exceed 0.33 dwelling units per net acre.

### (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
200*	3 Acres*	35'	75'	75'	30'

\* Unless reduced by Lot Averaging per Title 14 of Caledonia Codes

### (c) PERMITTED USES BY RIGHT

- (1) One single-family dwelling.
- (2) Licensed Community Living Arrangements (serving 8 or fewer persons).

### (d) PERMITTED ACCESSORY USES

- (1) Private accessory structures subject to Section 16-10-4.
- (2) Home Occupations per Section 16-10-2.
- (3) Livestock and farm animals per Title 7-1-13(3).
- (4) Renewable energy structures attached to principal structure.
- (5) Buildings housing animals shall be located not closer than fifty (50) feet from any lot line.

### (e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) Private Utility Installations provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- (2) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums
- (3) Stables, nurseries, orchards, riding trails
- (4) Public and parochial and private elementary and secondary schools and churches.
- (5) Licensed Community Living Arrangements (serving more than 8 persons, but no more than twenty (20) persons).

(f) The sum total of the floor area on all floors of the principal and all accessory buildings shall not exceed twenty (20) percent of the lot area.

## 16-6-4 R-2 Single Family Residential District

(a) STATEMENT OF INTENT: This district is intended to provide for high quality detached single family residential development of a suburban character on a moderately large lot, moderately low density basis in areas intended or not intended to be served by municipal sewer facilities. Residential development in this district is permitted at densities not to exceed 1.1 dwelling units per net acre.

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(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
150	40,000 SF	35'	50'	50'	15'

(c) PERMITTED USES BY RIGHT

- (1) One Single-family dwelling.
- (2) Licensed Community Living Arrangements (serving 8 or fewer persons).

(d) PERMITTED ACCESSORY USES

- (1) Private accessory structures subject to Section 16-10-4.
- (2) Home Occupations per Section 16-10-2.
- (3) Renewable energy structures attached to the principal structure.

(e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) All Private Utility Installations provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- (2) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums
- (3) Public and parochial and private elementary and secondary schools and churches.
- (4) Licensed Community Living Arrangements (serving more than eight (8) persons, but no more than twenty (20) persons).

(f) The sum total of the floor area on all floors of the principal and all accessory buildings shall not exceed twenty (20) percent of the lot area.

## 16-6-5 R-3 Single Family Residential District

(a) STATEMENT OF INTENT: This district is intended to provide for a moderately high quality detached single family residential development of a suburban character, but of slightly higher density and permitting smaller lots than the R-2 District and intended to be served by municipal sewer facilities. Residential development in this district is permitted at densities not to exceed 2.2 dwelling units per net acre.

(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
100	20,000 SF	35'	30'	30'	10'

(c) PERMITTED USES BY RIGHT

- (1) One Single-family dwelling.
- (2) Licensed Community Living Arrangements (serving 8 or fewer persons).
- (3)

(d) PERMITTED ACCESSORY USES

- (1) All Accessory Uses per the R-2 District.

(e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) All Conditional Uses per the R-2 District.



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- (f) The sum total of the floor area on all floors of the principal and all accessory buildings shall not exceed thirty (30) percent of the lot area.

## 16-6-6 R-4 Single Family Residential District

- (a) STATEMENT OF INTENT: This district is intended to provide for a moderately high quality detached single family residential development of a suburban character, but of slightly higher density and permitting smaller lots than the R-3 District and intended to be served by municipal sewer facilities. Residential development in this district is permitted at densities not to exceed 3.0 dwelling units per net acre.

- (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
90	14,520 SF	35'	30'	30'	10'

- (c) PERMITTED USES BY RIGHT

- (1) One Single-family dwelling.
- (2) Licensed Community Living Arrangements (serving 8 or fewer persons).

- (d) PERMITTED ACCESSORY USES

- (1) All Accessory Uses per the R-2 District.

- (e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) All Conditional Uses per the R-2 District.

- (f) The sum total of the floor area on all floors of the principal and all accessory buildings shall not exceed forty (40) percent of the lot area.

## 16-6-7 R-5 Single Family Residential District

- (a) STATEMENT OF INTENT: This district is intended to provide for a moderately high quality detached single family residential development of a suburban character, but of slightly higher density and permitting smaller lots than the R-4 District and intended to be served by municipal sewer facilities. Residential development in this district is permitted at densities not to exceed 4.0 dwelling units per net acre.

- (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
75	10,890 SF	35'	25'	25'	10'

- (c) PERMITTED USES BY RIGHT

- (1) One Single-family dwelling.
- (2) Licensed Community Living Arrangements (serving 8 or fewer persons).

- (d) PERMITTED ACCESSORY USES

- (1) All Accessory Uses per the R-2 District.

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- (e) PERMITTED USES BY CONDITIONAL USE PERMIT
  - (1) All Conditional Uses per the R-2 District.
- (f) The sum total of the floor area on all floors of the principal and all accessory buildings shall not exceed fifty (50) percent of the lot area.

## 16-6-8 Rd-1 Two-Family Residential District

- (a) STATEMENT OF INTENT: This district is intended to provide for residential development for 2 family dwellings but of slightly higher density and permitting smaller lots than the RM-1 District. This district shall be found where such development would be compatible with surrounding uses, the density would not create service problems, and in areas served by municipal sewer. Residential development in this district is permitted at densities not to exceed 6.0 dwelling units per net acre.

### (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
100	14,520 SF	35'	30'	30'	10'

- (c) PERMITTED USES BY RIGHT
  - (1) One Two-family dwelling.
  - (2) Licensed Community Living Arrangements (serving 8 or fewer persons).
- (d) PERMITTED ACCESSORY USES
  - (1) All Accessory Uses per the R-2 District.
- (e) PERMITTED USES BY CONDITIONAL USE PERMIT
  - (1) All Conditional Uses per the R-2
  - (2) Rest homes, nursing homes, homes for the aged, clinics and children's nurseries provided all principal structures and uses are not less than fifty (50) feet from any lot line.
  - (3) Licensed commercial day care centers.

## 16-6-9 RM-1 Multi-Family Residential District

- (a) STATEMENT OF INTENT: This district is intended to provide for multi-family residential development not to exceed eight (8) dwelling units per structure on a single lot in areas served by municipal sewer.

### (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
120	16,000 SF*	35'	35'	50'	20'

\* Lot Area is shown as the minimum for the district regardless of the amount of units proposed in a structure. The lot area minimum is further defined depending on the proposed units per the following:  
-2,000 SF of lot area required per efficiency unit  
-2,500 SF of lot area required per 1-bedroom unit  
-3,000 SF of lot area required per 2- or more bedroom units

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- (c) PERMITTED USES BY RIGHT
  - (1) Two-family dwellings
  - (2) Multiple-family dwellings up to eight (8) units per structure.
  - (3) Licensed Community Living Arrangements (serving fifteen (15) or fewer persons).
  
- (d) PERMITTED ACCESSORY USES
  - (1) All Accessory Uses per the R-2 District.
  
- (e) PERMITTED USES BY CONDITIONAL USE PERMIT
  - (1) All Conditional Uses per the R-2.
  - (2) Multiple-family dwellings with greater than eight (8) units per structure.
  - (3) Rest homes, nursing homes, homes for the aged, clinics and children's nurseries provided all principal structures and uses are not less than fifty (50) feet from any lot line.
  - (4) Mobile Home Parks (Restrictions in Conditional Use permit portion of this ordinance)
  - (5) Licensed Community Living Arrangements (serving sixteen (16) or more persons).

## **16-6-10 B-1 Neighborhood Business District**

(a) STATEMENT OF INTENT: This district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood and the character, appearance and operation of which are compatible with the character of the surrounding area. Outdoor display or storage of product and merchandise are prohibited.

(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
75	15,000 SF	35'	25'	25'	10'

- (c) PERMITTED USES BY RIGHT
  - (1) Retail establishments selling and storing product and merchandise
  - (2) Professional Offices
  - (3) Restaurants without drive-through facility
  - (4) Financial Institutions without drive-through facility
  - (5) Churches
  - (6) Personal Service Establishments
  - (7) State Licensed Massage Therapy
  - (8) State Licensed Tattoo/ Piercing Studio
  
- (d) PERMITTED ACCESSORY USES
  - (1) Uses incidental with the operation of the business subject to Plan Commission approvals.
  - (2) Off-street parking and loading areas in conjunction with the operation of the business.
  - (3) Renewable energy structures attached to principal structure.
  
- (e) PERMITTED USES BY CONDITIONAL USE PERMIT

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- (1) Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.
- (2) Licensed commercial day care centers.
- (3) Pet Grooming
- (4) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
- (5) Private Utility Installations provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

(f) **BUILDING AREA**

- (1) The maximum building floor area shall be 5,000 square feet
- (2) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

**16-6-11 B-2 Community Business District**

- (a) **STATEMENT OF INTENT:** This district is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices and service establishments serving the daily needs of the surrounding local community area that offer a wider range of retail products and services that are provided in the B-1 District.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
75	20,000 SF	35'	25'	25'	10'

(c) **PERMITTED USES BY RIGHT**

- (1) All uses permitted by right in the B-1 District
- (2) Liquor Stores
- (3) Personal Service Establishments
- (4) Trade and Variety Stores

(d) **PERMITTED ACCESSORY USES**

- (1) Uses incidental with the operation of the business subject to Plan Commission approvals.
- (2) Off-street parking and loading areas in conjunction with the operation of the business.
- (3) Renewable energy structures attached to principal structure

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) All conditional uses as found in the B-1 District.
- (2) Funeral Homes (provided all principal structures and uses are not less than twenty-five (25) feet from any lot line)
- (3) Financial institutions with drive-thru facilities.
- (4) Drive-in establishments for food and beverage

(f) **BUILDING AREA**

- (1) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

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## 16-6-12 B-3 Highway Business District

(a) STATEMENT OF INTENT: This district is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and of the office and service facilities serving a larger community trade area. The size and location of such districts shall be based upon relationship of the community need and economy.

### (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
200	40,000 SF	45'	40'	40'	10'

### (c) PERMITTED USES BY RIGHT

- (1) All uses permitted by right in the B-2 District
- (2) Animal Hospitals (Lot area 3+ Acres and Principal Structures not less than 100' from a residential district)
- (3) Auto and Boat Sales/Service/Repair
- (4) Building Material & Product Sales
- (5) Taxidermy

### (d) PERMITTED ACCESSORY USES

- (1) Uses incidental with the operation of the business subject to Plan Commission approvals.
- (2) Off-street parking and loading areas in conjunction with the operation of the business.
- (3) Renewable energy structures attached to principal structure.

### (e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) All conditional uses as found in the B-2 District.
- (2) Landscape Contractors and Yards
- (3) Clubs, Fraternities, and Lodges
- (4) Commercial Recreation Facilities
- (5) Public passenger transportation terminals (not less than 100' from residential district boundary)
- (6) Vehicle sales, service, washing, gas, and repair stations, garages, taxi stands and public parking lots (provided all gas pumps are not less than thirty (30) feet from any side or rear lot line and twenty-five (25) feet from any existing or proposed street line).
- (7) Drive-In Theatres (provided that a planting screen at least twenty-five (25) feet wide is created along any side abutting a residential district and no access is permitted to or within one thousand (1,000) feet of an arterial street)
- (8) Motels and Hotels
- (9) Self-service storage facilities (mini-warehouses) and yards (The maximum lot coverage by structures for a self-service storage facility shall not exceed fifty (50) percent, and such facility shall not exceed fifteen (15) feet in height and shall meet the setbacks for the district in which it is located)
- (10) Microbreweries, wineries, distilleries.

(f) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed forty (40) percent of the lot area.

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## 16-6-13 M-1 Light Industrial and Office District

(a) STATEMENT OF INTENT: This district is intended to provide for the orderly and attractive grouping in appropriately landscaped grounds of a mix of low-impact (of a limited nature and size) manufacturing, industrial, wholesaling, limited warehousing, research and development, engineering, and testing related service facilities and uses which occur within enclosed buildings, and which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factor; and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect.

### (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Acces. Building Height	Street Setback	Rear Setback	Side Setback
150	43,560 SF	50'	30'	25'	25'*	15'*

\*Side and rear setbacks shall not be less than thirty (30) feet to a residential, institutional, or park district line, and subject to landscaped buffer requirements in Section .

### (c) PERMITTED USES BY RIGHT

- (1) General and Professional Offices
- (2) Schools
- (3) Tool and Dye
- (4) Commercial Greenhouses
- (5) Warehousing
- (6) Light Manufacturing
- (7) Laboratories (research and product development, engineering and testing)

### (d) PERMITTED ACCESSORY USES

- (1) Uses incidental with the operation of the business subject to Plan Commission approvals.
- (2) Off-street parking and loading areas in conjunction with the operation of the business.
- (3) Renewable energy structures attached to principal structure.

### (e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) Public passenger transportation terminals ((not less than 100' from residential district boundary), such as heliports, bus and rail depots, except airports, airstrips and landing fields (not less than 100' from residential and on 20 acres+).
- (2) Commercial service facilities such as restaurants and fueling stations
- (3) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.
- (4) Private Utility Installations provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- (5) Self-Service Storage Facilities (mini-warehouses)
- (6) Micro-breweries, distilleries, and wineries

### (f) BUILDING AREA

- (1) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed sixty (60) percent of the lot area.

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## 16-6-14 M-2 General Industrial District

(a) STATEMENT OF INTENT: This district is intended to provide for the same type of manufacturing and industrial development as in the M-2 District, but in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls.

(b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
200 feet	43,560 SF	50'	40'	25'*	20'*

\*Side and rear setbacks shall not be less than thirty (30) feet to a residential, institutional, or park district line, and subject to landscaped buffer requirements in [Section](#).

(c) PERMITTED USES BY RIGHT

- (1) All M-1 permitted uses.
- (2) Manufacturing & Packaging Facilities
- (3) Food Product Facilities
- (4) Wholesalers & Distributors

(d) PERMITTED ACCESSORY USES

- (1) Uses incidental with the operation of the business subject to Plan Commission approvals.
- (2) Off-street parking and loading areas in conjunction with the operation of the business.
- (3) Renewable energy structures attached to principal structure.

(e) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) All M-1 conditional uses.
- (2) Airports and landing fields (not less than 100' from residential and on 20 acres+).
- (3) Self-storage facilities and yards (The maximum lot coverage by structures for a self-service storage facility shall not exceed fifty (50) percent, and such facility shall not exceed fifteen (15) feet in height and shall meet the setbacks for the district in which it is located)
- (4) Recycling drop-off sites
- (5) Animal Hospitals (Lot area 3+ Acres and Principal Structures not less than 100' from a residential district)

(f) BUILDING AREA

- (1) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed eighty (80) percent of the lot area.

## 16-6-15 M-3 Heavy Manufacturing District

(a) STATEMENT OF INTENT: This district is intended to provide for the same type of manufacturing and industrial development as in the M-2 District, but in those areas where the relationship to surrounding land use may create problems of compatibility and may necessitate as stringent regulatory controls.

(b) BASIC REGULATIONS

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Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
200 feet	1 acre	60'	40'	30'*	25'*

\*Side and rear setbacks shall not be less than thirty (30) feet to a residential, institutional, or park district line, and subject to landscaped buffer requirements in [Section](#).

(c) **PERMITTED USES BY RIGHT**

- (1) All M-2 permitted uses.

(d) **PERMITTED ACCESSORY USES**

- (1) Uses incidental with the operation of the business subject to Plan Commission approvals.  
 (2) Off-street parking and loading areas in conjunction with the operation of the business.  
 (3) Renewable energy structures attached to principal structure.

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) All M-2 conditional uses.  
 (2) Adult establishment uses per Section 16 of this ordinance.  
 (3) Sanitary landfills and their related accessory uses  
 (4) The following subject to being at least six hundred (600) feet from residential and public/semipublic districts:  
 a. Manufacturing of abrasive materials  
 b. Storage and/or manufacturing of explosives and flammables  
 c. Beverage Bottling

(f) **BUILDING AREA**

- (1) The sum total of the floor area on all floors of the principal building and all accessory buildings shall not exceed sixty (60) percent of the lot area.

**16-6-16 M-4 Quarrying District**

- (a) **STATEMENT OF INTENT:** This district is intended to provide an environment capable of addressing the unique concerns associated with extractive operations.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Extractive Setbacks	Misc. Setbacks
As Necessary*	As Necessary*	45'	0'-200'*	100'***

\*Lot width and size is as necessary to comply with all district regulations subject to Plan Commission approval.

\*\*All excavations shall be at least 200' from a right-of-way or property line; 200-foot excavation setback can be reduced to 0' if approved by Plan Commission if a common lot line is shared with another mineral extraction operation.

\*\*\*All accessory uses such as offices, other structures, parking areas, and stockpiles shall be at least 100' from any right-of-way line or property line.

(c) **PERMITTED USES BY RIGHT**

- (1) Mineral extraction operations and concrete and concrete products manufacturing (The manufacture of concrete and concrete products, including concrete and asphalt batch



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plants, may occur on a parcel only during the duration of the on-site mineral extraction activity).

- (2) Nonmetallic mining and associated extractive operations pursuant to Chapter NR135 Wisconsin Administrative Code and subject to Title 7 Chapter 11 of Caledonia codes.

(d) **PERMITTED ACCESSORY USES**

- (1) Uses incidental with the operation of the business subject to Plan Commission approvals.
- (2) Renewable energy structures attached to principal structure.

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) All M-3 District Conditional Uses

**16-6-17 BP-1 Business Park District**

- (a) **STATEMENT OF INTENT:** This district is intended to provide for the same type of manufacturing and industrial development as in the M-2 District, but in those areas where the relationship to surrounding land use may create problems of compatibility and may necessitate as stringent regulatory controls.

(c) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
As Necessary*	As Necessary*	60'	50'	25'	20'

\*Lot width and size is as necessary to comply with all district regulations subject to Plan Commission approval.

(d) **PERMITTED USES BY RIGHT**

- (1) All M-2 permitted uses.

(e) **PERMITTED ACCESSORY USES**

- (1) Uses incidental with the operation of the business subject to Plan Commission approvals.
- (2) Off-street parking and loading areas in conjunction with the operation of the business.

(f) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) All M-2 conditional uses.
- (2) The following subject to being at least six hundred (600) feet from residential and public/semipublic districts:
  - a. Manufacturing of abrasive materials
  - b. Storage and/or manufacturing of explosives and flammables
  - c. Beverage Bottling

**16-6-18 I-1 Institutional District**

- (a) **STATEMENT OF INTENT:** This district is intended to specifically define areas where churches, schools, libraries, and other uses of a public or institutional nature shall be permitted subject to such regulatory standards as will insure compatibility with the surrounding uses an area.

(b) **BASIC REGULATIONS**

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Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
100	20,000 SF	50’*	40	40	40

\*Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

(c) **PERMITTED USES BY RIGHT**

- (1) Public and Private Institutional Uses
- (2) Schools
- (3) Health Facilities
- (4) Churches

(d) **PERMITTED ACCESSORY USES**

- (1) Uses incidental with the operation of a principal or conditional use subject to Plan Commission approvals.

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) Airports and Landing Fields (not less than 100’ from residential and on 20 acres+)
- (2) Recycling Drop-Off Sites (see conditional use grant section for restrictions)
- (3) Licensed Commercial Day Care Centers
- (4) Cemeteries

**16-6-19 P-1 Parkland & Recreational District**

- (a) **STATEMENT OF INTENT:** This district is intended to provide areas where outdoor recreational needs of the citizens can be met. This district is intended to specifically define areas where park and recreation uses of a public or private nature shall be permitted subject to such regulatory standards as will insure compatibility with the surrounding uses of an area.

(b) **BASIC REGULATIONS**

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
100	15,000 SF	35’	50’	50’	50’

\*

(c) **PERMITTED USES BY RIGHT**

- (1) Parkland Recreation Uses

(d) **PERMITTED ACCESSORY USES**

- (1) Uses incidental with the operation of a principal or conditional use subject to Plan Commission approvals.

(e) **PERMITTED USES BY CONDITIONAL USE PERMIT**

- (1) The following private recreational uses: assembly structures, golf facilities, campgrounds, swimming pools athletic fields, lodges, archery and firearm ranges, zoological and botanical gardens.
- (2) Recreational based motorized off-road vehicle trails.

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## 16-6-20 C-1 Resource Conservation District

(a) STATEMENT OF INTENT: This district is intended to provide areas where open space and limited outdoor recreational needs of the citizens can be met. This district is intended to specifically define areas where conservation uses of a public or private nature shall be permitted subject to such regulatory standards as will insure compatibility with the surrounding uses an area.

### (b) BASIC REGULATIONS

Lot Width	Lot Area	Building Height	Street Setback	Rear Setback	Side Setback
As Necessary*	As Necessary*	As Allowed**	As Allowed**	As Allowed**	As Allowed**

\*Lot width and size is as necessary to comply with all district regulations subject to Plan Commission approval.

\*\*Structures are not permitted unless accessory to a principal or conditional use as approved by the Planning Commission

### (c) PERMITTED USES BY RIGHT

(1) Public and private passive recreation and open space uses including: fishing; flood overflow and floodwater storage; hunting; pedestrian and equestrian trails; preservation of scenic, historic and scientific areas; public fish hatcheries, soil and water conservation practices; sustained yield forestry; stream bank and lakeshore protection; water retention ponds; and wildlife areas.

### (d) PERMITTED ACCESSORY USES

(1) Uses incidental with the operation of a principal or conditional use subject to Plan Commission approvals.

### (e) PERMITTED USES BY CONDITIONAL USE PERMIT

(1) The following Public and private passive recreation and open space uses including: Boating, game farms, grazing, orchards, shooting preserves, swimming, truck farming, utilities, water measurement and water control facilities, and wild crop harvesting (These above uses shall not involve drainage; dumping; filling; tilling; mineral, soil, or peat removal; or any other use that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen or topography).

## 16-6-21 SSO Structural Setback Overlay District PEG to provide actual definition and difference of SSO and NSO in their minds so Pete knows how/when to permit moving forward

(a) STATEMENT OF INTENT: The SSO structural overlay district is intended to be used to protect people and property from shore erosion damage in Lake Michigan shoreland areas which are recommended to be protected by properly designed, constructed and maintained shore protection structures.

Compliance with the structural setback distances set forth is assumed to provide reasonable protection from further bluff recession if the shore protection structures are properly designed, constructed, and maintained. However, even proper protection structures meeting all of the required criteria may fail during major storm events or other natural occurrences. These regulations do not guarantee or warrant that development in compliance with its terms will be protected from all erosion damage. Reliance on these regulations shall not create liability on the part of the board of

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trustees, its agencies or employees for any erosion damages that may occur as a result of reliance upon, and conformance with, this chapter.

- (b) APPLICATION: The SSO structural overlay district applies to those Lake Michigan shoreline areas which are located south of the northern one-half of Township 4 North, Range 23 East, Section 8, in the Village of Caledonia and Mt. Pleasant. In addition, the SSO district applies to the northernmost one thousand three hundred (1,300) feet of Lake Michigan shoreline in Section 6 of the Village of Caledonia, Township 4 North, Range 23 East, which is covered by fly ash deposits. All new development within this overlay district shall be adequately protected by properly designed, constructed, and maintained shore protection structures or measures. Such structural protection structures or measures shall meet the criteria established in Recommendations of the Racine County Technical Subcommittee on Shoreland Development Standards to the Racine County Land Use Committee, 1982.
- (c) BOUNDARIES: Boundaries of the structural and nonstructural setback overlay districts shall be determined as follows. The boundaries of the SSO structural setback overlay district shall be determined through the use of the following equation establishing a setback distance from the existing Lake Michigan bluff edge:
- (1) SSO structural setback overlay district distance = Horizontal distance required to achieve one on two and one-half stable bluff slope + Minimum facility setback distance.
- (d) STABLE SLOPE:
- (1) In delineating the SSO structural setback overlay district, the required recession or regrading of the bluff needed to form a stable slope, plus a minimum facility setback distance, shall be computed. The provision of the stable slope provides protection against further major bluff recession, as long as the shore protective structures are effective. This stable slope distance is measured from the existing bluff edge. The minimum facility setback distance is then measured from the edge of the regraded bluff needed to form a stable slope. The minimum facility setback distance provides a safety factor against possible failure of the protective structures during extreme storm events or other natural occurrences, and provides a buffer area which helps protect the regraded bluff edge from excessive surface water runoff and from the potential bluff instability which could be caused by the additional weight of buildings being placed close to the bluff edge. In addition, the minimum facility setback distance provides an area which may be effectively utilized to facilitate surface water and subsurface water drainage and control.
- (2) The distance required to achieve a one (1) on two and one-half (2½) stable slope is set forth in Table 12, page 65, of SEWRPC Community Assistance Planning Report No. 86, A Lake Michigan Coastal Erosion Management Study for Racine County, Wisconsin, and shall be used to determine the stable slope distance. Minimum facility setback distances measured from the edge of the net stable slope distance shall be as follows:
- a. Two hundred (200) feet for all structures except public utilities; public recreational facilities and single-family residential units.
  - b. One hundred (100) feet for public utilities, public recreational facilities, and single family residential units. The minimum setback distance may be reduced in areas of existing facility development to be at least the average distance from the edge of the net stable slope distance to adjacent principal structures located on abutting parcels (excluding public right-of-ways and easements), although the minimum setback distance shall not be less than fifty (50) feet from the edge of the net stable slope distance. If an abutting parcel is vacant, a setback of one hundred (100) feet will be assumed for purposes of averaging.

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- (e) MODIFICATIONS:
  - (1) The calculated SSO structural setback overlay district distance may be modified upon submittal by an applicant or property owner of acceptable engineering analyses which indicated that the required distance for a stable slope is different than as defined in SEWRPC Community Assistance Planning Report No. 86, or that the height of the bluff is different than the assumed height.
- (f) STRUCTURES PROHIBITED: New, permanent residential, institutional, commercial, industrial and agricultural structures designed for human habitation or the confinement of animals are prohibited in the SSO structural setback overlay district.
- (g) PERMITTED USES BY RIGHT
  - (1) Surface and subsurface water drainage and control; general farming activities, not including the erection of structures; open space; outdoor recreation; yard; storage of portable equipment and supplies; accessory buildings such as storage sheds; and minor structures such as driveways, sidewalks, patios and fences.
- (h) PERMITTED ACCESSORY USES
  - (1) Uses incidental with the operation of a principal or conditional use.
- (i) PERMITTED USES BY CONDITIONAL USE PERMIT
  - (1) Tree cutting and shrubbery clearing, land disturbance and earth movements, and shore protection structures.

## **16-6-22 NSO Non-Structural Setback Overlay District**

- (a) STATEMENT OF INTENT: The NSO nonstructural setback overlay district is intended to be used to protect people and property from shore erosion damage in Lake Michigan shoreland areas which are not protected by properly designed, constructed, and maintained shore protection structures.

The nonstructural setback distance provisions for the Lake Michigan shoreland are considered the minimum reasonable requirements necessary to reduce bluff recession damages to facilities for an anticipated fifty-year hazard period. These requirements are based upon engineering, geological, and other scientific studies and principles. Higher rates of erosion may occur. Erosion rates may be increased by natural causes such as major storms or high lake levels or by manmade causes such as construction activities.

- (b) APPLICATION: The NSO nonstructural setback overlay district applies to those Lake Michigan shoreline areas which are located north of the southern one-half of Township 4 North, Range 23 East, Section 8, Village of Caledonia, except for the northernmost one thousand three hundred (1,300) feet of Lake Michigan shoreline in Section 6 of the Village of Caledonia, which is covered by fly ash deposits.
- (c) BOUNDARIES: Boundaries of the structural and nonstructural setback overlay districts shall be determined as follows. The boundaries of the NSO nonstructural setback overlay district shall be determined through the use of the following equation establishing a setback distance from the existing Lake Michigan bluff edge:
  - (1) NSO nonstructural setback overlay district distance = Horizontal distance required to achieve one on two and one-half stable bluff slope + (Average annual bluff recession rate × 50 years) + Minimum facility setback distance.

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(d) STABLE SLOPE:

- (1) In delineating the NSO nonstructural setback overlay district, the expected bluff recession over a fifty-year period, plus the required recession, or re-grading the bluff needed to form a stable slope, plus a minimum facility setback distance from the regraded bluff edge, shall be computed. The NSO district thus includes those Lake Michigan shoreland areas which, based on historical bluff recession rates, are expected to be lost due to bluff recession, and the formation of a stable slope, over a fifty-year period, plus a minimum facility setback distance.
- (2) The distance required to achieve a one (1) on two and one-half (2½) stable slope is set forth in Table 12, page 65, of SEWRPC Community Assistance Planning Report No. 86, A Lake Michigan Coastal Erosion Management Study for Racine County, Wisconsin, and shall be used to determine the stable slope distance. Minimum facility setback distances measured from the edge of the net stable slope distance shall be as follows:
  - a. Two hundred (200) feet for all structures except public utilities; public recreational facilities and single-family residential units.
  - b. One hundred (100) feet for public utilities, public recreational facilities, and single-family residential units. The minimum setback distance shall be reduced in areas of existing facility development to the average distance from the regraded bluff edge to adjacent structures within one hundred (100) feet of the structure, although the minimum setback distance shall not be less than fifty (50) feet from the edge of the net stable slope distance.

(e) MODIFICATIONS:

- (1) The calculated NSO nonstructural setback overlay district distance may be modified upon submittal by an applicant or property owner of acceptable engineering analyses which indicate that the actual bluff recession rate is different than as set forth in SEWRPC Community Assistance Planning Report No. 86, that the required distance for a stable slope is different, or that the height of the bluff is different than the height presented in the report.

(f) STRUCTURES PROHIBITED: New, permanent residential, institutional, commercial, industrial and agricultural structures designed for human habitation or the confinement of animals are prohibited in the NSO nonstructural setback overlay district.

(g) PERMITTED USES BY RIGHT

- (1) General farming activities, not including the erection of structures; open space, outdoor recreation; yard; storage of portable equipment and supplies; accessory buildings such as storage sheds; and minor structures such as driveways, sidewalks, patios and fences.

(h) PERMITTED ACCESSORY USES

- (1) Uses incidental with the operation of a principal or conditional use.

(i) PERMITTED USES BY CONDITIONAL USE PERMIT

- (1) Tree cutting and shrubbery clearing, land disturbance and earth movements, shore protection structures, and the placement of structures or buildings which may be relocated at a cost not to exceed 30 percent of the equalized value of the structure.

**16-6-23 SWO Shoreland Wetland Overlay District**

- (a) The restrictions of the Shoreland Wetland Overlay District are outlined in Section 15 of this ordinance.

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## CHAPTER 10 Accessory Uses and Structures

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<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-10-1	General Requirements		
16-10-2	Home Occupations		
16-10-3	Accessory Uses and Structures		
16-10-4	Various Performance Standards		
16-10-5	Other Temporary and Accessory Use Restrictions		

### 16-10-1 GENERAL REQUIREMENTS

- (a) Any accessory use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided.
- (b) Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction, except as provided in agricultural districts.
- (c) Accessory structures may be permitted in the agricultural districts prior to the presence of the principal structure provided that the parcel on which the accessory structure will be located is ten (10) contiguous acres in size or larger, the accessory structure is intended for an agricultural use, the proposed accessory structure meets the setback requirements needed for a principal structure in that district, and the accessory structure is at least one hundred (100) feet from any existing residence on abutting parcels.
- (d) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.
- (e) No accessory use or structure shall be permitted without a principal use on a property except as specifically otherwise provided or approved by the Plan Commission or as part of an allowed use in an agricultural district.
- (f) Except for signs and towers for broadcast facilities and/or wind energy, which are regulated separately, any detached accessory structure less than thirty-six (36) square feet in area is exempt from the requirement for obtaining a Building Permit. In addition, any temporary, seasonal outdoor above-ground swimming pool, hot tub, or whirlpool bath that does not remain erected on the same lot for more than one hundred twenty (120) consecutive days is exempt from the requirement for obtaining a Building Permit.

### 16-10-2 HOME OCCUPATIONS

- (a) Home Occupations are permitted Accessory Uses in any residential district, not requiring a building permit, subject to the provisions of this Section.
- (b) Regulations Applicable to Home Occupations:
  - (1) The primary use of the structure shall be as a dwelling unit.
  - (2) No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation on the premises.

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- (3) No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes.
- (4) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes.
- (5) There shall be no outside operations, storage, or display of materials or products.
- (6) Total storage of materials or products used in the business shall not exceed 128 cubic feet in volume.
- (7) No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home occupation.
- (8) No process shall be used which is hazardous to public health, safety, morals, or welfare.
- (9) Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two business visitors per hour, not to exceed a total of eight visitors per day, and not more than two deliveries of product or material per week.
- (10) The home occupation shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas.
- (11) No advertisement shall be placed in any media containing the address of the property.
- (12) No activity related to a home occupation shall be conducted in any detached structure or in any attached garage. On-site tune-up, servicing, repair, salvage, wrecking, or painting services for non-property owner owned automobiles, trucks, boats, trailers, snowmobiles, recreational vehicles, or other motorized vehicles shall be prohibited as a home occupation.

## 16-10-3 ACCESSORY USES AND STRUCTURES

### RESIDENTIAL ("R" DISTRICT) ACCESSORY STRUCTURES:

- (1) Size:
  - a. Parcels Less than 2 Acres: The area of an accessory structure shall not occupy more than 1,200 square feet or 75% of the square footage of the living area of the principal structure, whichever is smaller, unless allowed to be larger per separate Village policies as adopted by the Village Board.
  - b. Parcels Greater than 2 Acres: The area of an accessory structure shall not occupy more than 1,600 square feet or 75% of the square footage of the living area of the principal structure, whichever is smaller, unless allowed to be larger per separate Village policies as adopted by the Village Board.
- (2) Height: Shall not exceed seventeen (17) feet in height.
- (3) Location: Detached structures are permitted in the rear and side yards and shall not be closer than ten (10) feet to a principal structure or five (5) feet to a side or rear lot line.
  - a. When the street yard setback of a principal structure exceeds the required setback for the particular district in question, a detached accessory structure may be permitted in the street yard provided the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater.
- (4) Number: The maximum number of accessory buildings in a residential district less than one (1) acre in size shall be two (2). If a parcel is greater than one (1) acre, more than two accessory buildings may be allowed and shall require Plan Commission approval.
- (5) Patios constructed at or below yard grade, may be installed in the rear or side yard adjacent to the principal structure without the issuance of a building permit; and shall not be located closer than five (5) feet to a lot line.
- (6) Decks located adjacent to or attached to a principal structure can project into the required side and rear setback for a principal structure for the district in which they are located by



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six (6) feet. Freestanding decks surrounding private swimming pools shall be located at least ten (10) feet from the principal structure and shall be located at least five (5) feet from a side or rear lot line. All decks shall require the issuance of a building permit.

- (7) Residential Air Conditioning Condensers / Power Generators may be located adjacent to a residence in the rear yard and side yard, provided that all condensers and generators shall be located at least five (5) feet from a side or rear lot line. Residential air conditioning condensers and power generators shall not be located in the street yard.
- (8) Private Swimming Pools are permitted as accessory uses in the rear yard in any district; except the C-1 Resource Conservation District; however, the swimming pool shall be located at least eight (8) feet from the principal structure, be located at least three (3) feet from any side or rear lot line, and be installed in accordance with the City building, plumbing, and electrical codes, including the issuance of all required permits.
- (9) Private Tennis Courts / Basketball Courts are permitted as accessory uses in the rear yard in any district, except the C-1 Resource Conservation District. A building permit is required for all tennis/basketball courts and:
  - a. All tennis courts shall be surrounded by a fence not less than ten (10) feet in height.
  - b. No lighting installed around a tennis court or basketball court shall project onto adjacent properties; and
  - c. No private tennis court or basketball court shall be located closer than five (5) feet to a lot line.

## NON-RESIDENTIAL DISTRICT ACCESSORY STRUCTURES:

- (1) Height: Shall not exceed in height twice their distance from the nearest lot line.
- (2) Area: The aggregate total floor area of all accessory buildings shall not exceed three (3) percent of the total lot area, except that on agriculturally zoned parcels, ten (10) acres or more in area, the accessory building areas may be greater than the three (3) percent limit when used solely for the pursuit of agriculture; in all non-residential and non-agricultural districts accessory building areas greater than three (3) percent are allowed, when approved by the Planning Commission as part of a Building, Site, and Operation Plan review, and where said buildings are used solely accessory to the principal use on said lot.

SHORELAND DISTRICT: Within the shoreland wetland overlay district, accessory uses and detached accessory structures are permitted in the street yard portion of waterfront lots provided that such uses or structures shall not be closer than twenty-five (25) feet to the street right-of-way.

- (d) FENCES: Per the requirements found in Title 15 Chapter 5 of the Village of Caledonia ordinances
- (e) FLAGPOLES: are permitted as accessory uses in all yards of any zoning district.
- (f) MUNICIPALLY-OWNED EMERGENCY SIRENS: are permitted as accessory structures in all yards on any property in any zoning district with or without an existing principal structure or use.

## 16-10-4 VARIOUS PERFORMANCE STANDARDS

- (a) Water Quality Protection: No residential, commercial, industrial, institutional or recreational use shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that might run off, seep, percolate or wash or be harmful to human, animal, plant or aquatic life. This section shall not apply to uses other than those enumerated in it.

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- (b) Noise: At no point on the boundary of a Residence or Business district shall the sound intensity level of any individual operation (other than the operation of motor vehicles or other mobile equipment) exceed 62 dBA, respectively, during normal operations.
- (c) Exterior Lighting: Any lighting source on a lot or parcel which is for the purpose of illuminating any structure exterior, sign, parking lot or outdoor area shall be established in a manner which satisfies the following conditions:
  - (1) The maximum allowable light trespass shall be 0.5 horizontal footcandles four feet above ground. The point of measurement of this offending light shall be at the property line for residential, commercial, industrial, institutional or public use. The measurement shall not include any ambient natural light.
  - (2) Light sources shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and at a point five (5) feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity so as to cause discomfort or annoyance
- (d) Maintenance: Any fence, wall, hedge, yard space or landscaped area required by this chapter or grant of variance or conditional use shall be kept free of an accumulation of refuse or debris. Plant materials must be well kept in a healthy, growing condition; and structures, such as walls and fences, shall be maintained in good repair and appearance at all times.
- (e) Odors: No residential, commercial, industrial, institutional or recreational use shall emit an odor of such nature or quantity as to be offensive or unhealthful which is detectable at the lot line.

## 16-10-5 OTHER TEMPORARY AND ACCESSORY USE RESTRICTIONS

- (a) Temporary uses may be permitted by the Zoning Administrator for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the Village Plan Commission after review of site and operation plans. Special requirements may be imposed for parking, sanitary facilities, lighting, and hours of operation. Temporary uses permitted under this section may be allowed one (1) temporary sign not to exceed 32 square feet in area on one side and 64 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within ten (10) days following the temporary activity.
  - (1) Christmas tree sales may be permitted in the commercial and manufacturing districts, but not exceed 42 days.
  - (2) Farmers markets may be permitted in all commercial and manufacturing districts.
- (b) Regulation on Rummage/Garage Sales
  - (1) Definitions.
    - a. Rummage/Garage Sale. Rummage/Garage Sale shall mean any sale of personal property, which is not exempted as per 7-16-1 (d), conducted on any residentially zoned property within the Town, irrespective of what the sale is designated as by the seller.
    - b. Personal Property. Personal Property shall mean and include any property, other than real estate, which is acquired in the course of living in or maintaining a dwelling unit.
    - c. Residentially Zoned Property. Residentially zoned property shall mean any property zoned as R-1, R-2, R-2S, R-3, R-3A, R-4, R-5, R-6, R-6A, R-7, or R-8.
  - (2) Application. The purpose of this ordinance is to restrict the frequency of rummage/garage sales at a residential property. This ordinance does not affect or

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impact the applicability of health ordinances, nuisance ordinances, zoning ordinances, business and licensing ordinances or any other ordinance of the Town.

- (3) Restrictions.
  - a. It shall be unlawful for any person or party to sell other than personal property at a Rummage/Garage Sale.
  - b. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale on more than nine (9) calendar days, whether or not consecutive, within any calendar year.
  - c. It shall be unlawful for any person or party to hold or permit to be held a Rummage/Garage Sale during the hours of 8:00 p.m. to 8:00 a.m. on any day.
- (4) Exceptions.
  - a. Farm produce. The sale of farm produce on property zoned R-1 shall not constitute Rummage/Garage Sale and shall not be regulated by Section 7-16-1
  - b. Juvenile Beverage Stands. The sale of beverages and/or snacks by a juvenile shall not constitute a Rummage/Garage Sale and shall not be regulated by Section 7-16-1.
  - c. Single Article Sales. The offering for sale of not more than one article of personal property, such as the sale of a single car, boat, snowmobile, bicycle, snow blower, etc., shall not be regulated by Section 7-16-1.
  - d. Licensed Sales. Any sale which is otherwise licensed by the Town of Caledonia shall not be regulated by Section 7-16-1.
- (5) Penalties. Penalties and restrictions as per Sec. 1-1-6 "General Penalty" shall apply to violations of this Section.

(c) "Portable Storage Structure" is any container, storage unit, shed-like container or portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is used for the disposal or storage of personal property of any kind and which is located for such purposes outside an enclosed building.

- (1) The use of portable storage structures are allowed under the following conditions.
  - a. There must be no more than one (1) portable structure per property.
  - b. The portable storage structure must be no larger than ten (10) feet wide, twenty (20) feet long, and ten (10) feet high.
  - c. A portable storage structure must not remain on the property in any zoning district in excess of thirty (30) days in any calendar year.
  - d. Portable structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction and must be removed from the site within fourteen (14) days of the end of the construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.

(d) Ponds, impoundments and similar bodies are permitted in all zoning districts provided that:

- (1) To the maximum extent possible, all excavated material shall remain on site and shall be integrated into the restoration of the pond area.
- (2) Detailed plans (site plan, cross section, depth, area, location and disposition of spoils, timing) of the proposed pond excavation and restoration shall be submitted to the planning and development department for review and approval.
- (3) A permit is required for such pond construction prior to any excavation.

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- (4) Except as discussed below, these provisions apply to all ponds, including, but not limited to, those utilized for the following purposes: drainage, recreation, aesthetics, sediment control, fish management. Stormwater ponds done by drainage districts according to district plans, ponds which have been previously reviewed and approved as part of an erosion control plan and existing ponds are exempt from such provisions.
  - (5) Borrow pits for public facility construction, such as for public roads, are subject to review and approval by the planning and development department.
  - (6) Ponds to be constructed in the shoreland or floodplain areas remain subject to the shoreland, wetland and/or floodplain provisions of this chapter which may limit such construction and will require a shoreland conditional use permit.
  - (7) Ponds should be constructed in conformance with the standards of the soil conservation service.
  - (8) If the excavated material from the project site is sold, given away, or is otherwise removed from the site in a manner in which the principal use appears to be soil removal, and pond construction appears to be a secondary result, the parcel shall be rezoned to M-4 quarrying district and a mineral extraction conditional use permit shall be obtained prior to any excavation or grading on the parcel.
- (d) Because it is difficult to enumerate all temporary uses that may occur in the City, any other use which the Plan Commission finds to be similar to other temporary uses permitted in a given district, will not be disruptive to the neighborhood, and will not create a hazard to traffic in a neighborhood may be permitted. The Plan Commission may impose additional operational or construction conditions on such temporary uses when it is deemed necessary.

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## CHAPTER 12 Off Street Parking

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<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
16-12-1	Off Street Parking		

### 16-12-1 OFF STREET PARKING

- (a) **OFF STREET PARKING REQUIRED:** Off-street vehicle parking areas shall be provided for buildings and uses as hereinafter specified. Such parking shall be reasonably adjacent to the use or building served; be intended specifically to serve the residents, patrons, and/or employees of said use or building; and the required number of spaces must be demonstrably usable and accessible for such purpose.
- (b) **APPLICATION TO EXISTING USES:** The provision of parking space shall not be required for legally existing uses as of the date of this ordinance, but shall be required for any expansion for such use by the addition of new primary floor area or other spatial expansion of building or use generating new parking demand.
- (c) **DETERMINATION OF NEED:** The number of parking areas required shall be based upon the anticipated parking demand of individual uses and shall be as follows or as may be designated hereinafter for specific uses or situations as per Plan Commission approval. In any case of structures or uses not mentioned, the provision for a use which is similar shall apply:

<b>Use</b>	<b>Parking Requirements</b>
Single Family Dwelling and Mobile Homes	2 spaces per dwelling unit
Two-Family and Multi-Family Dwellings	2 spaces per dwelling unit
Hotels and Motels	1 space for each guest room plus 1 stall for each 3 employees
Colleges, Secondary, and Elementary Schools	1 stall for each 2 employees plus a reasonable number of stalls for student and other parking
Hospitals, Clubs, Lodges, Sororities, Dormitories, Lodging houses, and Boardinghouses	1 stall for each 2 beds plus 1 stall for each 3 employees
Rest Homes, Nursing Homes, Sanitariums, and Institutions	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and Dental Clinics	3 stall for doctor plus 1 stall for each employee
Churches, Theatres, Auditoriums, Community Centers, Vocational and Night Schools, and Other Places of Public Assembly	1 stall for each 5 seats
Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores	1 stall for each 150 square feet of floor area
Manufacturing and Processing Plants, Laboratories and Warehouses	1 stall for each 2 employees during any 12-hour period
Financial Institutions, Business, Governmental and Professional Offices	1 stall for each 300 square feet of floor area
Funeral Homes	1 stall for each 4 seats
Bowling Alleys	5 stalls for each alley

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## (d) ADJUSTMENTS TO REQUIRED PARKING:

The purpose of this section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize storm water runoff, to avoid construction of unnecessarily large storm water management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this section.

(1) Adjustments. In all districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:

(a) Evidence That Actual Parking Demands Will Be Less Than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Chapter requires.

(b) Availability of Shared Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that off-site shared parking spaces are available within 400 feet of the lot line and within the same block to satisfy the parking demand. When a reduction of parking spaces attributable to shared parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that such shared parking can be accomplished. Any and all such agreements shall be recorded with the Milwaukee County Register of Deeds, at the applicant's expense, and a copy of the recorded agreement shall be filed with the City Clerk. The off-site shared parking spaces shall be clearly posted for the joint use of employees, and/or tenants, or customers of each respective use sharing those spaces.

(c) Use of Optional Modes of Transportation. Upon demonstration to the Plan Commission that effective alternative transportation to the automobile will occur within 12 months following the issuance of the certificate of compliance, the Plan Commission may reduce parking requirements. Optional modes of transportation may include, but is not limited to, bus transit, van pool operations, car pool/ride sharing, and bicycles. Parking management plans/operations may also be used as a basis to reduce required parking. Parking management plans may include, but are not limited to, flexible working hours or shifts, preferential parking for car pools/van pools, transit/van pool fare subsidy, imposition of a charge for parking, and establishment of a transportation coordinator to implement car pool, van pool, and transit programs. Proposals for adjustments of parking requirements under this section shall show how the alternative transportation modes will be implemented, the permanency of such modes, extent of the program, the number of vehicles the mode will replace, and other pertinent information.

(d) All businesses that cater to customers who drive vehicles larger than what can be accommodated in a 10' X 20' parking space, shall provide the appropriate number of parking spaces and access aisles to accommodate these vehicles.

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- (e) STANDARD DIMENSIONS:
  - (1) Parking stalls shall be no less than nine (9) feet in width and not less than 180 square feet in area exclusive of the space required for ingress and egress.
  - (2) Drive aisles shall be a minimum of 24 feet in width for two-way traffic and 12-feet in width for one-way traffic on sites. Fire Code requirements may apply above these stated drive aisle requirements in some cases.
- (f) AMERICAN DISABILITIES ACT: Adequate parking stalls shall be made available for disabled persons per federal and state requirements.
- (g) LOCATION: Location of parking areas shall be on the same lot as the principal use.
- (h) SURFACING: Any driveway or off-street parking area (other than that provided for a residence) shall be hard surfaced or maintained in a reasonably dustless condition by dust-proofing applications. The method of surfacing shall be approved by the Plan Commission.
- (i) CURBS: Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines. The extent of curbing need on a given parking lot shall be approved by the Plan Commission.
- (j) SCREENING: Any off-street parking area, other than that provided for a residence, which abuts or faces a residence district shall provide a planting screen, landscaped fence, or wall, at least four (4) feet in height along the side abutting or fronting on a residence district (Subject to Planning Commission discretion for unique situations). Plans for such screen shall be submitted to the Plan Commission for approval prior to installation.
- (k) PARKING SETBACKS:
  - (1) In any residential district no vehicle shall be allowed to park closer nor shall any drive be permitted closer than five (5) feet to the abutting residential lot line and the parking of a vehicle must be on a hard surface of compacted gravel or concrete/asphalt. The following setbacks shall apply for the parking of vehicles in zoning districts in the Village and shall comply with the requirements of this subsection:

### Off-Street Parking Setbacks by District:

District	Setback from Right-of-Way	Setback from Side & Rear Property Lines
Residential	0 ft	5 ft
Multi Family -Residential	15 ft	15 ft
Commercial	15 ft	0 ft
Manufacturing	15 ft	0 ft
Park/Institutional	15 ft	15 ft

- (2) In any off-street parking area for a commercial use, no vehicle shall be allowed to park closer nor shall any drive be permitted closer than fifteen (15) feet to an abutting residential district (Subject to Planning Commission discretion for unique situations and approved

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screening methods).

(l) DRIVEWAY ACCESS:

- (1) Adequate access to a public street shall be provided for each parking area, and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and a minimum of twenty-four (24) feet for all other uses.
- (2) No direct access shall be permitted to the existing or proposed rights-of-way of expressways, freeways or interstate highways, nor to any other road, street or highway, without permission of the authority maintaining the facility.
- (3) Vehicle entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be at least two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.
- (4) Adjacent residential uses may agree to establish a common driveway. In such cases, the driveway midpoint should be the property line between the two (2) parcels; however, the precise location of such driveway will be determined by the jurisdictional authority. The driveway must meet standard specifications and the landowner(s) shall record cross access agreements to ensure continued use, upkeep and maintenance of the combined access points.
- (5) Cross access to and between neighboring properties shall be implemented wherever possible. The goal in this requirement is to remove as much incidental, site-to-site traffic from adjacent roads as practical thus reducing the possibility of traffic conflicts and accidents. Cross access may be achieved by the interconnection of parking lots or the construction of a separate drive. Sharing of access to state and county trunk highways by commercial or industrial land uses may also be permitted. Such shared access shall have the approval of the county highway department or state department of transportation, depending upon jurisdiction. A cross access agreement shall be recorded by all landowners utilizing such shared access. Such shared access must meet standard specifications.
- (6) Access drives to principal structures which traverse wooded, steep, or open fields shall be constructed and maintained to a width and base material depth sufficient to support access by emergency vehicles. All driveways shall have a minimum width of twelve (12) feet with road strength capable of supporting emergency and fire vehicles, in compliance with any Village standards.

(m) RESIDENTIAL & COMMERCIAL PARKING RESTRICTIONS:

- (1) Parking of vehicles accessory to a residential use shall be limited to those actually used by the residents or for temporary parking for guests. Vans or pickup trucks used for private and recreational use, or a motor home (recreational vehicle), or a van or pickup truck used in a business or trade and commercial vehicle used for transportation to and from a place of employment or workplace of the occupant may be parked on a residential property.
- (2) One (1) commercial vehicle of not over one-ton rated capacity may be parked per residential dwelling unit, providing all of the following conditions are met: vehicle is registered and licensed; used by a resident of the premises; gross weight does not exceed ten thousand (10,000) pounds, including any load; height does not exceed nine (9) feet as measured from ground level, excluding antennas, air vents, and roof-mounted air conditioning units, but including any load, bed, or box; and total vehicle length does not exceed twenty-six (26) feet, including attachments thereto (such as plows, trailers, etc.).
- (3) Recreational vehicles shall be parked a minimum of five feet from the rear and side lot lines. Such vehicles are not restricted to a minimum setback to a principal structure. If



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parked in the street yard, the recreational vehicle must be parked on a driveway or on an improved surface such as asphalt, concrete, or compacted gravel. For the purpose of this section, recreational vehicles shall include boats and trailers, snowmobiles and trailers, minibikes or trailbikes and trailers, motor homes, utility trailers, fifth-wheel trailers, and unoccupied tent campers and travel trailers, all-terrain vehicles and personal watercraft and trailers.

(a) Recreational Vehicle Size Limits: Any recreational vehicle stored in a residential district shall not exceed 8.5 feet in width, 32 feet in length, and 13 feet in height.

- (4) Single-Family and Two-Family Residential parking shall be limited to parking within an enclosed attached garage or detached accessory structure or on an improved surface such as: asphalt; concrete; or compacted gravel. Paving beyond driveways to cover all or more than fifty percent (50%) of a residential front yard is prohibited.
  - (5) No other vehicular equipment of a commercial or industrial nature, except as stated above, shall be parked or stored for more than two (2) consecutive hours and four (4) accumulated hours during any twenty-four-hour period on any lot in any zoning district except business and industrial districts or as permitted by an approved conditional use in the A-1 district.
  - (6) Outdoor parking of semi-tractors/trailers on commercial property (B-districts), that is not a principal use (e.g., truck sales), an accessory use (e.g., delivery vehicles), or which has not been approved through the conditional use or site plan review process is prohibited.
  - (7) A gathering, not to exceed 24 hours at any one time which results in vehicles not parked on an improved parking surface would be exempt from these parking limits for the 24-hour period.
  - (8) Agricultural equipment (such as farm tractors, plows, farm plows, seeders, combines, cultivators, trucks owned and used by the farmer in the operation of the farm, etc.) used in a farm operation are permitted in all agricultural districts.
- (n) OCCUPATION OF PARKED VEHICLES PROHIBITED: No Camping Trailer or Recreational Vehicle shall be used for the purpose of habitation in the Village.
- (o) USES NOT ENUMERATED: In any case where there is question as to the parking requirements for a use or where such requirements are not specifically enumerated, such case shall be brought before the Plan Commission, which shall have the authority to determine the appropriate application of the parking requirements to the specific situation.
- (p) STREET SERVICING PROHIBITED: No building for commercial or industrial purposes shall hereafter be erected or placed on a lot in a manner requiring servicing directly from the abutting public street.

(c) Consistent with the provisions of section 20-986, no zoning permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this chapter.  
(Code 1975, § 7.087)

**Secs. 20-193—20-210. Reserved.**

**ARTICLE VI. DISTRICT REGULATIONS\***

**DIVISION 1. GENERALLY**

**Sec. 20-211. District designations.**

For the purpose of this chapter, the county is hereby divided into basic use districts and overlay districts, as follows:

- R-1 Country estate district
- R-2 Suburban residential district (unsewered)
- R-2S Suburban residential district (sewered—large lots)
- R-3 Suburban residential district (sewered)
- R-3A Suburban residential district (sewered)
- R-4 Urban residential district I
- R-5 Urban residential district II
- R-5A Urban residential district III
- R-6 Two-family residential district
- R-7 Multifamily residential district
- R-8 Planned residential district
- P-1 Institutional park district
- P-2 Recreation park district
- C-1 Resource conservancy district
- B-1 Neighborhood business district
- B-2 Community business district
- B-3 Commercial service district
- B-4 Planned business district
- B-5 Highway business district
- B-6 Water oriented business district
- B-7 Adult entertainment business district

10A  
to  
only  
residential  
district

- A-1 General farming district I
- A-2 General farming and residential district II
- A-3 General farming district III
- A-4 Truck farming district
- M-1 Light industrial and office district
- M-2 General industrial district
- M-3 Heavy industrial district
- M-4 Quarrying district
- FW Urban floodway district
- FCO Urban floodplain conservancy overlay district
- FFO Urban floodplain fringe overlay district
- GFO General floodplain overlay district
- APO Airport protection overlay district
- SSO Structural setback overlay district
- NSO Nonstructural setback overlay district
- SWO Shoreland-wetland overlay district
- PUD Planned unit development overlay district

(Code 1975, § 7.031; Ord. No. 86-17, § 7.031, 7-22-86)

**Sec. 20-212. District boundaries—Generally.**

Boundaries of the districts, except for the floodplain districts, structural and nonstructural districts, and airport protection districts, are hereby established as shown on a series of maps entitled "Zoning Maps, County of Racine, Wisconsin," dated to correspond with their adoption by the local municipalities, as amended, which accompany and are a part of this chapter. Unless otherwise noted on the zoning map, such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey Lines; lot or property lines; centerlines of street, highways, alleys, easements, and railroad rights-of-way or such lines extended. Where a C-1 resource conservation district is delineated on the zoning district map in a linear form along a perennial or intermittent watercourse, the district boundaries shall be construed to be the following unless otherwise noted on the zoning district map:

- (1) One hundred (100) feet from the ordinary high-water mark of perennial streams.

\*Cross reference—Signs regulations, § 20-1356 et seq.

- (2) Fifty (50) feet from the ordinary high-water mark of intermittent streams.  
(Code 1975, § 7.031)

**Sec. 20-213. Same—Floodlands.**

Floodland zoning district boundaries shall be determined as follows: The GFO general floodplain overlay district boundaries, except within the Pike River Watershed and for the Root River main stem, shall be determined through the use of flood profiles published in the Flood Insurance Study-Racine County, Wisconsin (Unincorporated Areas), by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration, and dated October 1, 1981. The information contained in the flood insurance study is further illustrated in the FEMA Flood Insurance Rate Maps and Floodway and Flood Boundary Maps, dated April 1, 1982, and the boundaries are depicted on the large scale topographic mapping of the county.

The GFO general floodplain overlay district boundaries within the Pike River Watershed—including Sorenson Creek, Nelson Creek, Lamparek Creek, Chicory Creek, Waxdale Creek, and Bartlett Branch—shall be determined through the use of flood profiles published in SEWRPC Planning Report No. 35, A Comprehensive Plan for the Pike River Watershed, dated June 1983, as amended by the June 1993 Floodplain Boundary Revision, Waxdale Creek. The profiles are set forth in Figures G-3, G-4, G-6, G-7, G-13, G-14, G-15, and G-16 of the watershed plan and in the Waxdale Creek Revision (June 1993). The regulatory flood profile is labeled "Flood Stage—Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval".

The GFO general floodplain overlay district boundaries for the Pike River main stem shall be determined through the use of the flood profiles published in the SEWRPC document, Amendment to the Pike River Watershed Plan, March 1996. The flood profiles and floodplain are set forth in Exhibits O through R and in Exhibit AB. The regulatory flood profile is labeled "Flood Stage—Year 2010 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval".

The GFO general floodplain overlay district for the Root River main stem shall be determined through the use of the flood profiles published in SEWRPC Community Assistance Planning Report No. 152, A Storm Water Drainage and Flood Control System Plan for the MMSD, December 1990. The flood profiles and floodplain are set forth in Figure 44 and in Map 107. The regulatory flood profile is labeled "Flood Stage—Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval".

The GFO general floodplain overlay district boundaries for Spring Brook, from the mouth of the stream to HEC-2 Cross-Section 25, five thousand one hundred seventy-five (5,175) feet upstream, shall be determined through the use of the flood elevations established by a hydraulic analysis conducted by Ferris, Hansen and Associates as such were reviewed and modified by the Southeastern Wisconsin Regional Planning Commission in Community Assistance File No. 301-156.

The GFO general floodplain overlay district boundaries for an unnamed tributary to the Goose Lake Branch Canal; known locally and referenced hereafter as the North Cape Lateral; upstream from North Britton Road in United States Public Land Survey Sections 25 and 36, Township 4 North, Range 20 East, Town of Norway, as well as an unnamed tributary to the North Cape lateral located in the northeast one-quarter of said section 36, shall be determined through the use of the flood elevations established by a detailed floodplain analysis conducted by the Southeastern Wisconsin Regional Planning Commission as set forth in the April 3, 2002, SEWRPC Staff Memorandum, FLOODPLAIN ANALYSIS FOR THE NORTH CAPE LATERAL AND TRIBUTARY, TOWN OF NORWAY, RACINE COUNTY.

The GFO, general floodplain overlay district, boundaries for Tributary No. 2 to the west branch of the Root River Canal and an unnamed tributary to Tributary No. 2, both of which are located in United States Public Land Survey section 4 and 5, Township 3 North, Range 21 East, Town of Yorkville, shall be determined through the use of the flood elevations established by a detailed floodplain analysis conducted by the Southeast-

ern Wisconsin Regional Planning Commission as set forth in the March 14, 2003, SEWRPC Memorandum, FLOODPLAIN DETERMINATION FOR THE TRIBUTARY NO 2 TO THE WEST BRANCH OF THE ROOT RIVER CANAL AND ITS UN-NAMED TRIBUTARY, TOWN OF YORKVILLE, RACINE COUNTY.

The FW urban floodway district boundaries shall be determined by the scale on the Supplementary Floodland Zoning Map, County of Racine, Wisconsin, dated April 1, 1982, which accompanies and is made part of this chapter.

The FCO urban floodplain conservancy overlay district boundaries and the FFO urban floodplain fringe overlay district boundaries shall be determined by the floodland limits shown on the supplementary floodland zoning map.

Where conflicts exist between the floodland limits as shown on the maps and actual field conditions, the one-hundred-year recurrence interval flood elevation profiles contained in the flood insurance study shall be the governing factor in locating the regulatory floodland limits. (Code 1975, § 7.031; Ord. No. 94-155, § 7, 11-10-94; Ord. No. 96-209, 2-25-97; Ord. No. 97-63, 7-8-97; Ord. No. 2000-12, 5-23-00; Ord. No. 2002-152, 11-12-02; Ord. No. 2003-77, 8-26-03)

**Sec. 20-214. Same—Airport protection.**

The airport protection overlay district includes all lands within the jurisdiction of this chapter

which underlie any of the protected surfaces defined for Racine Commercial Airport in section 20-898. Boundaries of the initial APO district (Racine Commercial Airport) are shown on the accompanying map entitled Airport Protection Zone, consisting of nine (9) sheets, which is incorporated in and made a part of this chapter. (Code 1975, § 7.031)

**Sec. 20-215. Same—Shoreland-wetland areas.**

Shoreland-wetland overlay district boundaries shall be determined by the limits of the wetlands within the shoreland area that are designated as wetlands of five (5) acres or greater on the wetlands inventory maps stamped "FINAL" on December 12, 1984, or any subsequent updated maps, that have been adopted by Resolution of the Racine County Board of Supervisors and are on file in the office of the zoning administrator.

The zoning maps mentioned above shall include all shorelands as described in section 20-9. (Code 1975, § 7.031; Ord. No. 86-17, § 7.031, 7-22-86; Ord. No. 97-290S, 4-14-98)

**Sec. 20-216. Same—Vacation of streets, alleys.**

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. (Code 1975, § 7.031)

**Sec. 20-217. Same—Setback overlay districts.**

(a) Boundaries of the structural and nonstructural setback overlay districts shall be determined as follows. The boundaries of the SSO structural setback overlay district shall be determined through the use of the following equation establishing a setback distance from the existing Lake Michigan bluff edge:

$$\text{SSO structural setback overlay district distance} = \text{Horizontal distance required to achieve one on two and one-half stable bluff slope} + \text{Minimum facility setback distance}$$

(b) The stable slope distance and the minimum facility setback distance are described in section 20-916 et seq.

(c) The boundaries of the NSO nonstructural setback overlay district shall be determined through the use of the following equation establishing a setback distance from the existing Lake Michigan bluff edge

$$\begin{aligned} \text{NSO nonstructural setback} &= \text{Horizontal distance required to achieve a one on two and} \\ \text{overlay district distance} &\text{ one-half stable bluff slope +} \\ &\text{(Average annual bluff recession rate} \times \text{50 years) +} \\ &\text{Minimum facility setback distance} \end{aligned}$$

(Code 1975, § 7.031)

**Sec. 20-218. Zoning map.**

A certified copy of the zoning maps adopted and made a part of the chapter are on file in the zoning administrator's office.  
(Code 1975, § 7.032)

**Secs. 20-219—20-235. Reserved.**

**DIVISION 2. R-1 COUNTRY ESTATE DISTRICT**

**Sec. 20-236. Uses.**

The following uses are permitted in the R-1 country estate district:

- (1) *Principal uses.* One-family dwellings on estate lots and sustained yield forestry.
- (2) *Conditional uses.* Stables, nurseries, orchards, riding trails and uses specified in section 20-1336, all subject to approval pursuant to section 20-1141.  
(Code 1975, § 7.033; Ord. No. 88-160, § 7.033, 1-10-89)

**Sec. 20-237. Area requirements.**

The area requirements for the R-1 country estate district are as follows:

(1) Lot	Width	Minimum	300 feet
	Area	Minimum	5 acres
(2) Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

**Sec. 20-238. Yard setback requirements.**

The minimum yard setback requirements in the R-1 country estate district are as follows:

<i>Yard</i>	<i>Minimum setback distance</i>
(1) Shore .....	75 feet
(2) Street .....	100 feet
(3) Rear .....	100 feet
(4) Side .....	50 feet

(Code 1975, § 7.033)

**Secs. 20-239—20-255. Reserved.**

**DIVISION 3. R-2 SUBURBAN RESIDENTIAL DISTRICT (UNSEWERED)**

**Sec. 20-256. Uses.**

The following uses are permitted in the R-2 suburban residential district (unsewered):

- (1) *Principal uses.* One-family dwellings on lots not served by public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1141.

(Code 1975, § 7.033)

**Sec. 20-257. Area requirements.**

The area requirements for the R-2 suburban residential district (unsewered) are as follows:

(1) Lot	Width	Minimum	150 feet
	Area	Minimum	40,000 sq. feet

- |                   |        |              |         |
|-------------------|--------|--------------|---------|
| (2) Build-<br>ing | Height | Maxi-<br>mum | 35 feet |
|-------------------|--------|--------------|---------|
- (Code 1975, § 7.033)

**Sec. 20-258. Yard setback requirements.**

The minimum yard setback requirements in the R-2 suburban residential district (unsewered) are as follows:

- |                  |         |
|------------------|---------|
| (1) Shore .....  | 75 feet |
| (2) Street ..... | 50 feet |
| (3) Rear .....   | 50 feet |
| (4) Side .....   | 15 feet |
- (Code 1975, § 7.033)

**Secs. 20-259—20-275. Reserved.**

**DIVISION 4. R-2S SUBURBAN RESIDENTIAL DISTRICT (SEWERED—LARGE LOT)**

**Sec. 20-276. Uses.**

The following uses are permitted in the R-2S suburban residential district (sewered—large lots):

- (1) *Principal uses.* One-family dwellings on larger lots served by a public sanitary sewer.
  - (2) *Conditional uses.* See sections 20-1336 and 20-1141.
- (Ord. No. 87-73, 8-11-87)

**Sec. 20-277. Area requirements.**

The area requirements for the R-2S suburban residential district (sewered—large lots) are as follows:

- |                   |        |              |                 |
|-------------------|--------|--------------|-----------------|
| (1) Lot           | Width  | Mini-<br>mum | 150 feet        |
|                   | Area   | Mini-<br>mum | 40,000 sq. feet |
| (2) Build-<br>ing | Height | Maxi-<br>mum | 35 feet         |
- (Ord. No. 87-73, 8-11-87; Ord. No. 2003-197, 2-12-04)

**Sec. 20-278. Yard setback requirements.**

The minimum yard setback requirements in the R-2S suburban residential district (sewered—large lots) are as follows:

- |                  |         |
|------------------|---------|
| (1) Shore .....  | 75 feet |
| (2) Street ..... | 50 feet |
| (3) Rear .....   | 50 feet |
| (4) Side .....   | 15 feet |
- (Ord. No. 87-73, 8-11-87)

**Secs. 20-279—20-295. Reserved.**

**DIVISION 5. R-3 SUBURBAN RESIDENTIAL DISTRICT (SEWERED)**

**Sec. 20-296. Uses.**

The following uses are permitted in the R-3 suburban residential district (sewered):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
  - (2) *Conditional uses.* See sections 20-1336 and 20-1337.
- (Code 1975, § 7.033)

**Sec. 20-297. Area requirements.**

The area requirements for the R-3 suburban residential district (sewered) are as follows:

- |                   |        |              |                 |
|-------------------|--------|--------------|-----------------|
| (1) Lot           | Width  | Mini-<br>mum | 100 feet        |
|                   | Area   | Mini-<br>mum | 20,000 sq. feet |
| (2) Build-<br>ing | Height | Maxi-<br>mum | 35 feet         |
- (Code 1975, § 7.033)

**Sec. 20-298. Yard setback requirements.**

The minimum yard setback requirements in the R-3 suburban residential district (sewered) are as follows:

- |                  |         |
|------------------|---------|
| (1) Shore .....  | 75 feet |
| (2) Street ..... | 35 feet |
| (3) Rear .....   | 50 feet |
| (4) Side .....   | 10 feet |
- (Code 1975, § 7.033; Ord. No. 97-203, 1-13-98)

**Secs. 20-299—20-315. Reserved.**

**DIVISION 6. R-3A SUBURBAN RESIDENTIAL DISTRICT (SEWERED)**

**Sec. 20-316. Uses.**

The following uses are permitted in the R-3A suburban residential district (sewered):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.  
(Code 1975, § 7.033)

**Sec. 20-317. Area requirements.**

The area requirements in the R-3A suburban residential district (sewered) are as follows:

(1) Lot	Width	Minimum	90 feet
	Area	Minimum	13,500 sq. feet
(2) Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

**Sec. 20-318. Yard setback requirements.**

The minimum yard setback requirements in the R-3A suburban residential district (sewered) are as follows:

- (1) Shore ..... 75 feet
  - (2) Street ..... 35 feet
  - (3) Rear ..... 50 feet
  - (4) Side ..... 10 feet
- (Code 1975, § 7.033)

**Secs. 20-319—20-335. Reserved.**

**DIVISION 7. R-4 URBAN RESIDENTIAL DISTRICT I**

**Sec. 20-336. Uses.**

The following uses are permitted in the R-4 urban residential district (I):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.

(2) *Conditional uses.* See sections 20-1336 and 20-1337.

(Code 1975, § 7.033)

**Sec. 20-337. Area requirements.**

The area requirements in the R-4 urban residential district (I) are as follows:

(1) Lot	Width	Minimum	75 feet
	Area	Minimum	10,000 sq. feet
(2) Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

**Sec. 20-338. Yard setback requirements.**

The minimum yard setback requirements in the R-4 urban residential district (I) are as follows:

- (1) Shore ..... 75 feet
  - (2) Street ..... 25 feet
  - (3) Rear ..... 25 feet
  - (4) Side ..... 10 feet
- (Code 1975, § 7.033)

**Secs. 20-339—20-355. Reserved.**

**DIVISION 8. R-5 URBAN RESIDENTIAL DISTRICT II**

**Sec. 20-356. Uses.**

The following uses are permitted in the R-5 urban residential district (II):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
- (2) *Conditional uses.* See sections 20-1336 and 20-1337.  
(Code 1975, § 7.033)

**Sec. 20-357. Area requirements.**

The area requirements in the R-5 urban residential district (II) are as follows:

(1) Lot	Width	Minimum	60 feet
---------	-------	---------	---------

	Area	Mini- mum	7,200 sq. feet
(2) Build- ing	Height	Maxi- mum	35 feet

(Code 1975, § 7.033)

**Sec. 20-358. Yard setback requirements.**

The minimum yard setback requirements in the R-5 urban residential district (II) are as follows:

(1) Shore .....	75 feet
(2) Street .....	25 feet
(3) Rear .....	25 feet
(4) Side .....	10 feet

(Code 1975, § 7.033)

**Secs. 20-359—20-375. Reserved.**

**DIVISION 9. R-5A URBAN RESIDENTIAL DISTRICT III**

**Sec. 20-376. Uses.**

The following uses are permitted in the R-5A urban residential district (III):

- (1) *Principal uses.* One-family dwellings on lots served by a public sanitary sewer.
  - (2) *Conditional uses.* See sections 20-1336 and 20-1337.
- (Ord. No. 86-17, § 7.033, 7-22-86)

**Sec. 20-377. Area requirements.**

The area requirements in the R-5A urban residential district (III) are as follows:

(1) Lot	Width	Mini- mum	65 feet
	Area	Mini- mum	10,000 sq. feet
(2) Build- ing	Height	Maxi- mum	35 feet

(Ord. No. 86-17, § 7.033, 7-22-86; Ord. No. 2003-197, 2-12-04)

**Sec. 20-378. Yard setback requirements.**

The minimum yard setback requirements in the R-5A urban residential district (III) are as follows:

(1) Shore .....	75 feet
(2) Street .....	25 feet
(3) Rear .....	25 feet
(4) Side .....	10 feet

(Ord. No. 86-17, § 7.033, 7-22-86)

**Secs. 20-379—20-395. Reserved.**

**DIVISION 10. R-6 TWO-FAMILY RESIDENTIAL DISTRICT**

**Sec. 20-396. Uses.**

The following uses are permitted in the R-6 two-family residential district:

- (1) *Principal uses.* Two-family dwellings on lots served by a public sanitary sewer.
  - (2) *Conditional uses.* See sections 20-1336 and 20-1337.
- (Code 1975, § 7.033)

**Sec. 20-397. Area requirements.**

The area requirements in the R-6 two-family residential district are as follows:

(1) Lot	Width	Mini- mum	100 feet
	Lot	Mini- mum	10,000 sq. feet
(2) Build- ing	Height	Maxi- mum	35 feet

(Code 1975, § 7.033)

**Sec. 20-398. Yard setback requirements.**

The minimum yard setback requirements in the R-6 two-family residential district are as follows:

(1) Shore .....	75 feet
(2) Street .....	25 feet
(3) Rear .....	25 feet
(4) Side .....	10 feet

(Code 1975, § 7.033; Ord. No. 91-264, pt. 1, 4-14-92)

**Secs. 20-399—20-405. Reserved.**



DIVISION 10.5. R-6A TWO-FAMILY RESIDENTIAL DISTRICT II

Sec. 20-406. Uses.

The following uses are permitted in the R-6A two-family district II:

- (1) Principal uses. Two-family dwellings on lots served by public sanitary sewer.
(2) Conditional uses. See sections 20-1336 and 20-1337.
(Ord. No. 91-130, § 7-033, 11-5-91)

Sec. 20-407. Area requirements. The area requirements in the R-6A two-family district II are as follows:

- (1) Lot Width Minimum 100 feet
Area Minimum 20,000 sq. feet
(2) Building Height Maximum 35 feet
(Ord. No. 91-130, § 7.033, 11-5-91; Ord. No. 2003-197, 2-12-04)

Sec. 20-408. Yard setback requirements. The minimum yard setback requirements in the R-6A two-family residential district II are as follows:

- (1) Shore ..... 75 feet
(2) Street ..... 50 feet
(3) Rear ..... 50 feet
(4) Side ..... 10 feet
(Ord. No. 91-130, § 7.033, 11-5-91; Ord. No. 91-264, pt. 3, 4-14-92)

Secs. 20-409—20-415. Reserved.

DIVISION 11. R-7 MULTIFAMILY RESIDENTIAL DISTRICT

Sec. 20-416. Uses.

The following uses are permitted in the R-7 multifamily residential district:

- (1) Principal uses. Multifamily dwellings, not to exceed eight (8) dwelling units per structure, on lots served by a public sanitary sewer.

- (2) Conditional uses. See sections 20-1336 and 20-1337.
(Code 1975, § 7.033)

Sec. 20-417. Area requirements.

The area requirements in the R-7 multifamily residential district are as follows:

- (1) Lot Width Minimum 120 feet
Area Minimum 15,000 sq. feet with no less than 2,000 sq. feet per efficiency unit; 2,500 sq. feet per 1-bedroom unit; and 3,000 sq. feet per 2-or more bedroom unit
(2) Building Height Maximum 35 feet
(Code 1975, § 7.033)

Sec. 20-418. Yard setback requirements.

The minimum yard setback requirements in the R-7 multifamily residential district are as follows:

- (1) Shore ..... 75 feet
(2) Street ..... 35 feet
(3) Rear ..... 50 feet
(4) Side ..... 20 feet
(Code 1975, § 7.033)

Secs. 20-419—20-435. Reserved.

DIVISION 12. R-8 PLANNED RESIDENTIAL DISTRICT

Sec. 20-436. Uses.

The following uses are permitted in the R-8 planned residential district:

- (1) Principal uses. Two-family dwellings, multifamily dwellings and clustered one-family lot developments, all served by a public sanitary sewer system.
(2) Conditional uses. The location and site plans for all structures and improvements which serve the principal use.
(Code 1975, § 7.033)

**Sec. 20-437. Area requirements.**

The area requirements for the R-8 planned residential district are as follows:

(1) Development	Area	10 acres in one ownership	
	Width	Minimum	450 feet
(2) Park land	Area	Minimum	20 percent of the development area
(3) Lot	Area	Minimum	4,000 sq. feet per row-house
			8,000 sq. feet for one-family dwellings
	Width	Minimum	120 feet for 1½ story row-houses
		Minimum	65 feet for one-family dwellings
(4) Building	Height	Maximum	35 feet

(Code 1975, § 7.033)

**Sec. 20-438. Yard setback requirements.**

The minimum yard setback requirements for the R-8 planned residential district are as follows:

- (1) Shore 75 feet
- (2) Street 30 feet
- (3) Rear 25 feet
- (4) Side 30 feet from exterior property lines of the development and between principal structures, with no less than 15 feet from any interior parcel line.

- (5) Side 10 feet (platted developments)

(Code 1975, § 7.033; Ord. No. 91-264, pt. 2, 4-14-92; Ord. No. 2001-29, 6-21-01)

**Secs. 20-439—20-455. Reserved.**

**DIVISION 13. P-1 INSTITUTIONAL PARK DISTRICT**

**Sec. 20-456. Uses.**

The following uses are permitted in the P-1 institutional park district:

- (1) *Principal uses.* Public and private institutional uses, such as schools; colleges; universities; hospitals; sanitariums, religious, charitable and penal institutions; cemeteries; and crematories.
- (2) *Conditional uses.* The location and site plans of all structures and improvements which serve the principal use. See also sections 20-1336 and 20-1246.

(Code 1975, § 7.034)

**Sec. 20-457. Area requirements.**

The area requirements for the P-1 institutional park district are as follows:

- (1) Development Area Minimum 20 acres
- (2) Structure Height Maximum 50 feet

(Code 1975, § 7.034)

**Sec. 20-458. Yard setback requirements.**

The minimum yard setback requirements for the P-1 institutional park district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 100 feet
- (3) Rear ..... 100 feet
- (4) Side ..... 100 feet

(Code 1975, § 7.034)

**Secs. 20-459—20-475. Reserved.**

**DIVISION 14. P-2 RECREATIONAL PARK DISTRICT**

**Sec. 20-476. Uses.**

The following uses are permitted in the P-2 recreational park district:

- (1) *Principal uses.* Public and existing private recreational uses, such as arboretums, bathing, boating, cycling, fishing,

horse riding, marinas, swimming, skating, sledding, skiing, nature trails and hiking.

- (2) *Conditional uses.* Extension of existing, or the creation of new, private recreational uses; all private recreational or assembly structures; golf courses; campgrounds; playgrounds; driving ranges; polo fields; swimming pools; zoological and botanical gardens; athletic fields; lodges; picnic areas; and archery and firearm ranges. See also section 20-1336.

(Code 1975, § 7.034)

**Sec. 20-477. Area requirements.**

The area requirements for the P-2 recreational park district are as follows:

(1) Development	Area	Minimum	10 acres
(2) Structure	Height	Maximum	35 feet

(Code 1975, § 7.034)

**Sec. 20-478. Yard setback requirements.**

The minimum yard setback requirements in the P-2 recreational park district are as follows:

(1) Shore .....	75 feet
(2) Street .....	100 feet
(3) Rear .....	100 feet
(4) Side .....	100 feet

(Code 1975, § 7.034)

**Secs. 20-479—20-495. Reserved.**

**DIVISION 15. C-1 RESOURCE CONSERVATION DISTRICT**

**Sec. 20-496. Uses.**

The following uses are permitted in the C-1 resource conservation district:

- (1) *Principal uses.* Fishing; flood overflow and floodwater storage; hunting; navigation; pedestrian and equestrian trails; preservation of scenic, historic and scientific areas; public fish hatcheries, soil and water conservation practices; sustained yield forestry; stream bank and lakeshore protection; water retention ponds; and wildlife areas.

- (2) *Conditional uses.* Boating, drainageways, game farms, grazing, orchards, shooting preserves, swimming, truck farming, utilities, water measurement and water control facilities, and wildcrop harvesting. The above uses shall not involve drainage; dumping; filling; tilling; mineral, soil, or peat removal; or any other use that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen or topography. See also section 20-1336.

(Code 1975, § 7.035)

**Sec. 20-497. Structures restricted.**

Structures are not permitted in the C-1 resource conservation district, except accessory to the principal or conditional uses.

(Code 1975, § 7.035)

**Secs. 20-498—20-505. Reserved.**

**DIVISION 15.5. C-2 UPLAND RESOURCE CONSERVATION DISTRICT**

The primary purpose of this district is to preserve, protect, enhance, and restore all significant woodlands, areas of rough topography, and related scenic areas within the county; and to provide for limited residential development at densities not to exceed one dwelling unit per three (3) acres. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the county, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the county. (Ord. No. 95-86, 9-26-95)

**Sec. 20-506. Uses.**

- (1) *Principal uses.* Farming and related agricultural uses when conducted in accordance with soil conservation service standards; hunting and fishing; forest preservation; forest and game management; preservation of scenic, historic, and

scientific areas; park and recreation areas; arboreta; botanical gardens; one single-family dwelling.

(2) *Conditional uses.* Hunting and fishing clubs; recreation camps; public or private campgrounds; gardening, tool, and storage sheds incidental to the residential use; general farm buildings, including barns, silos, sheds, and storage bins; private garages and carports; clustered residential developments; and utilities.  
(Ord. No. 95-86, 9-26-95)

**Sec. 20-507. Area requirements.**

The area requirements for the C-2 Upland Resource District are as follows:

(1) Lot	Width Minimum	300 feet
	Area Minimum	3 acres
(2) Buildings		
Dwelling	Height Maximum	35 feet
Residential accessory structures	Height Maximum	17 feet
Agricultural and other structures	Height Maximum	Two (2) times the distance from the nearest lot line

(Ord. No. 95-86, 9-26-95; Ord. No. 2003-197, 2-12-04)

**Sec. 20-508. Yard setback requirements.**

The minimum yard setback requirements in the C-2 Upland Resource Conservation District for all structures are as follows:

- (1) Rear, minimum . . . . . 100 feet
- (2) Side, minimum . . . . . 25 feet
- (3) Street, minimum . . . . . 100 feet
- (4) Shore, minimum . . . . . 75 feet

(Ord. No. 95-86, 9-26-95)

**Sec. 20-509. Tree cutting and shrubbery clearing limited.**

Land lying within the C-2 Upland Resource Conservation District shall not be clear cut of trees, shrubbery, or underbrush. No more than twenty (20) percent of the natural vegetation shall be removed from a parcel.

Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, or insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.  
(Ord. No. 95-86, 9-26-95)

**Secs. 20-510—20-515. Reserved.**

**DIVISION 16. B-1 NEIGHBORHOOD BUSINESS DISTRICT**

**Sec. 20-516. Uses.**

The following uses are permitted in the B-1 neighborhood business district:

- (1) *Principal uses.* The following uses provided that they shall be retail establishments, selling and storing only new merchandise; bakeries, barber shops, bars, beauty shops, business offices, clinics, clothing stores, clubs, cocktail lounges, confectioneries, delicatessens, drug stores, fish markets, florists, fraternities, fruit stores, gift stores, grocery stores, hardware stores, house occupations hobby shops, lodges, meat markets, optical stores, packaged beverage stores, professional offices, ~~res-~~taurants, self-service and pickup laundry and dry cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores and vegetable stores. Lots or land on which there is an existing residence shall not be subdivided or transferred in such a way as to cause the parcel on which it stands to fail to comply with the lot, area and yard requirements of the R-4 residential district in those areas served by public sanitary sewer or the R-2 residential district in those areas served by on-site sanitary disposal systems. Existing residences may be expanded and repaired in compliance with the applicable requirements of the R-4 or R-2 resi-

dential district depending on the availability of the public sanitary sewer, but no new residences may be built.

- (2) *Conditional uses.* See sections 20-1336 and 20-1339. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 88-160, § 7.036, 1-10-89; Ord. No. 91-130, § 7.036, 11-5-91; Ord. No. 93-9, 5-11-93)

**Sec. 20-517. Area requirements.**

The area requirements for the B-1 neighborhood business district are as follows:

(1)	Lot	Frontage	Minimum	75 feet
(2)	Building	Height	Minimum Maximum	15,000 sq. feet 35 feet

(Code 1975, § 7.036)

**Sec. 20-518. Yard setback requirements.**

The minimum yard setback requirements in the B-1 neighborhood business district are as follows:

- (1) Shore ... 75 feet
- (2) Street .. 25 feet
- (3) Rear .... 25 feet
- (4) Side .... 10 feet

(Code 1975, § 7.036; Ord. No. 2000-251S, 8-28-01)

**Secs. 20-519—20-535. Reserved.**

**DIVISION 17. B-2 COMMUNITY BUSINESS DISTRICT**

**Sec. 20-536. Uses.**

The following uses are permitted in the B-2 community business district:

- (1) *Principal uses.* All uses permitted in the B-1 neighborhood business district and the following: apartment hotels, appli-

ance stores, caterers, churches, clothing repair shops, crockery stores, department stores, electrical supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating supply, hotels, laundry and dry-cleaning establishments employing not over seven (7) persons, liquor stores, music stores, newspaper offices and press rooms, night clubs, office supplies, pawn shops, personal service establishments, pet shops, places of entertainment, photographic supplies, plumbing supplies, printing, private clubs, private schools, publishing, radio broadcasting studios, second-hand stores, signs, tattoo parlors, television broadcasting studios, trade and variety stores. Lots or land on which there is an existing residence shall not be subdivided or transferred in such a way as to cause the parcel on which it stands to fail to comply with the lot, area and yard requirements of the R-4 residential district in those areas served by public sanitary sewer or the R-2 residential district in those areas served by on-site sanitary disposal systems. Existing residences may be expanded and repaired in compliance with the applicable requirements of either the R-4 or R-2 residential district, depending on the availability of public sanitary sewer, but no new residences may be built.

- (2) *Conditional uses.* See sections 20-1336 and 20-1339 and 20-1246. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 88-160, § 7.036, 1-10-89; Ord. No. 91-130, § 7.036, 11-5-91; Ord. No. 93-9, 5-11-93; Ord. No. 2000-251S, 8-28-01)

**Sec. 20-537. Area requirements.**

The area requirements for the B-2 community business district are as follows:

(1) Lot	Frontage	Minimum	75 feet
	Area	Minimum	15,000 sq. feet
(2) Building	Height	Maximum	35 feet

(Code 1975, § 7.036)

**Sec. 20-538. Yard setback requirements.**

The minimum yard setback requirements in the B-2 community business district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 25 feet
- (3) Rear ..... 25 feet
- (4) Side ..... 10 feet

(Code 1975, § 7.036; Ord. No. 2000-251S, 8-28-01)

**Secs. 20-539—20-555. Reserved.**

**DIVISION 18. B-3 COMMERCIAL SERVICE DISTRICT**

**Sec. 20-556. Uses.**

The following uses are permitted in the B-3 commercial service district:

- (1) *Principal uses.* All uses permitted in the B-1 neighborhood business district, B-2 community business district and the following: adult establishments, animal hospitals with no outdoor pens, auction galleries, automotive sales and repair; bicycle sales, rental, repair; boat sales, rental and repair; building material and product sales; caterers; electrical supply; employment agencies; exterminating shops; food lockers; garden supplies; heating supply; medical appliance stores; monument sales; motorcycle sales, repair and service; newspaper offices and press rooms; pawn shops; physical culture and health studios; plumbing supplies; printing, advertising and publishing shops; private clubs and lodges; radio broadcasting studios; radio and television repair and service shops; recording studios; schools of dance, music and business; second hand shops, taxidermists; television broadcasting studios; trade and

contractor's offices; vending machines sales, service and repair welding repair shops. Lots or land on which there is an existing residence shall not be subdivided or transferred in such a way as to cause the parcel on which it stands to fail to comply with the lot, area and yard requirements of the R-4 residential district in those areas served by public sanitary sewer or the R-2 residential district in those areas served by on-site sanitary disposal systems. Existing residences may be expanded and repaired in compliance with the applicable requirements of the R-4 or R-2 residential district depending on the availability of the public sanitary sewer but no new residences may be built.

- (2) *Conditional uses.* See sections 20-1336 and 20-1339. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93; Ord. No. 2000-251S, 8-28-01; Ord. No. 2003-132, 11-18-03)

**Sec. 20-557. Area requirements.**

The area requirements for the B-3 commercial service district are as follows:

(1) Lot	Frontage	Minimum	75 feet
	Area	Minimum	15,000 sq. feet
(2) Building	Height	Maximum	35 feet

(Code 1975, § 7.036)

**Sec. 20-558. Yard setback requirements.**

The minimum yard setback requirements in the B-3 commercial business district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 25 feet
- (3) Rear ..... 25 feet
- (4) Side ..... 10 feet

(Code 1975, § 7.036; Ord. No. 2000-251S, 8-28-01)

**Secs. 20-559—20-575. Reserved.**

**DIVISION 19. B-4 PLANNED BUSINESS DISTRICT**

**Sec. 20-576. Uses.**

The following uses are permitted in the B-4 planned business district:

- (1) *Principal uses.* None.
- (2) *Conditional uses.* See sections 20-1336 and 20-1339 and 20-1246 as applicable. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93)

**Sec. 20-577. Area requirements.**

The area requirements for the B-4 planned business district are as follows:

(1) Lot	Frontage	Minimum	200 feet
	Area	Minimum	2 acres
(2) Building	Height	Maximum	45 feet

(Code 1975, § 7.036)

**Sec. 20-578. Yard setback requirements.**

The minimum yard setback requirements in the B-4 planned business district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 80 feet
- (3) Rear ..... 40 feet
- (4) Side ..... 10 feet

(Code 1975, § 7.036)

**Secs. 20-579—20-595. Reserved.**

**DIVISION 20. B-5 HIGHWAY BUSINESS DISTRICT**

**Sec. 20-596. Uses.**

The following uses are permitted in the B-5 highway business district:

- (1) *Principal uses.* Adult establishments. (See section 20-636 et al)

- (2) *Conditional uses.* Restaurants, gift shops places of entertainment, confectioneries and drug stores plus those specified in sections 20-1336, 20-1339, 20-1226 and 20-1246 as applicable. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93; Ord. No. 2003-132, 11-18-03)

**Sec. 20-597. Area requirements.**

The area regulations for the B-5 highway business district are as follows:

(1) Lot	Frontage	Minimum	400 feet
	Area	Minimum	4 acres
(2) Building	Height	Maximum	35 feet

(Code 1975, § 7.036)

**Sec. 20-598. Yard setback requirements.**

The minimum yard setback requirements in the B-5 highway business district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 100 feet
- (3) Rear ..... 40 feet
- (4) Side ..... 40 feet

(Code 1975, § 7.036)

**Secs. 20-599—20-615. Reserved.**

**DIVISION 21. B-6 WATER ORIENTED BUSINESS DISTRICT**

**Sec. 20-616. Uses.**

The following uses are permitted in the B-6 water oriented business district:

- (1) *Principal uses.* Existing water-oriented commercial uses, such as bait shops, bath-houses, bathing and fishing areas on lakes and streams, boat and marine sales, boat launching areas, boat liveries, boat stor-

age, repair and service marinas, dance halls, fishing equipment sales, hotels, motels, resorts, restaurants, and taverns.

- (2) *Conditional uses.* Extension of, or the creation of, new principal uses listed above. See also sections 20-1246, 20-1336 and 20-1339. Residential quarters may be permitted as a conditional use provided that such quarters are clearly accessory to the principal use on the property and occupy fifty (50) percent or less of the total floor space of the structure in which they are located.

(Code 1975, § 7.036; Ord. No. 91-130, § 7-036, 11-5-91; Ord. No. 93-9, 5-11-93)

**Sec. 20-617. Area requirements.**

The area requirements for the B-6 water oriented business district are as follows:

(1) Lot	Width	Minimum	150 feet
	Area	Minimum	40,000 sq. feet
(2) Structure	Height	Maximum	35 feet

(Code 1975, § 7.036)

**Sec. 20-618. Yard setback requirements.**

The minimum yard setback requirements in the B-6 water oriented business district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 50 feet
- (3) Rear ..... 50 feet
- (4) Side ..... 50 feet

(Code 1975, § 7.036)

**Secs. 20-619—20-635. Reserved.**

**DIVISION 22. B-7 ADULT ESTABLISHMENT USES**

*Editor's note*—Ord. No. 2003-132, adopted Nov. 18, 2003, repealed Div. 22, B-7 Adult entertainment business district, in its entirety and enacted a Div. 22, B-7 Adult establishment uses, to read as set out herein. Former Div. 22 derived from Code 1975, section 7.036 and Ord. No. 2002-239, § 1, 2-25-03.

**Sec. 20-636. Findings of fact.**

(a) Findings of fact:

- (1) The board finds that adult establishments as defined in this chapter require

special zoning in order to protect and preserve the health, safety, and welfare of the county.

- (2) Based on its review of report to the American Center for Law and Justice on the Secondary Impacts of Sexual Oriented Businesses; and based on its review of National Law Center Summaries of SOB Land Use Studies; and based on studies conducted in St. Croix County, Wisconsin; New Hanover County, North Carolina; Town and Village of Ellicottville, Cattaraugus County, New York; City of Garden Grove, California; Newport News, Virginia; and based on the findings incorporated in City of Renton v. Playtime Theaters, Inc., 475 U.S. 41 (1986); Colman A. Young v. American Mini-Theaters, Inc., 427 U.S. 50 (1976), the board finds that there is convincing evidence that the secondary effects of adult establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing business and surrounding residential areas, and decreased property values.

- (3) Based on its review of "Playing for Keeps", 2002 Racine County Economic Development Study, the board finds that Interstate 94 and State Trunk Highway 36 corridors are two (2) areas that are very important to the economic development of Racine County and should be protected from the secondary effects of adult establishments for the benefit of the health, safety and welfare of the community.

(b) The board intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; and preserve the property values and character of surrounding neighborhoods and areas.

(c) It is not the board's intent to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance



which addresses the secondary effects of adult establishments while providing an outlet for First Amendment protected activities.

(d) In order to minimize and control the secondary effects of adult establishments upon the county, it is the board's intent to prevent the concentration of adult establishments within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of adult establishments.  
(Ord. No. 2003-132, 11-18-03)

#### **Sec. 20-637. Uses.**

The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult establishments, as defined in this chapter, are entitled to certain protections, including the opportunity to locate in towns governed by the county zoning code. Therefore, an adult establishment shall be an allowed principal use in the B-3 and B-5 zoning districts and shall be a prohibited use in any other zoning district. The adult establishment may locate in the specified districts only if an adult establishment license has been granted by a town within the county which is subject to this zoning code if required by the town, and all the requirements of this chapter and the applicable zoning district's regulations are met.

(Ord. No. 2003-132, 11-18-03)

#### **Sec. 20-638. Regulations applicable to all adult establishments.**

(a) *Hours of operation:* No adult establishment shall be open for business at any time between the hours of 2:00 a.m. and 12:00 noon.

(b) *Animals:* No animals, except only for seeing-eye dogs required to assist the blind, shall be permitted at any time at or in any adult establishment or permitted premises.

(c) *Restricted access:* No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of adult establish-

ment employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the permitted premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

(d) *Exterior display:* No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," from any sidewalk, public or private right-of-way, or any property other than the lot on which the permitted premises is located. No portion of the exterior of an adult establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed by this chapter with regard to signs. This subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

(e) *Sign limitations:* All signs for adult establishments shall be flat wall signs. The business may have only one (1) non-flashing business sign which may only indicate the name of the business and identify it as an adult establishment and which shall not be larger than four (4) feet by four (4) feet. Temporary signs shall not be permitted in connection with any adult establishment.

(f) *Noise:* No loudspeakers or sound equipment audible beyond the adult establishment shall be used at any time.

(g) *Manager's stations:* Each adult establishment shall have one (1) or more manager's stations. The interior of each adult establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one (1) manager's station to every part of each area, except restrooms, of the establishment to which any adult establishment patron is permitted access for any purpose. The cashier's or

manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.

(h) *Adult booths prohibited:* Adult booths shall be prohibited in all adult establishments.

(i) *No loitering policy:* The adult establishment shall clearly post and enforce a no loitering policy.

(j) *Age limit restrictions:* The adult establishment shall clearly post and enforce age-limit restrictions. A one-square-foot sign shall be placed on each public entrance which shall state "Admittance to adults only" and may include other pertinent business information.

(k) *Measuring disbursement distances:* The distances in this section shall be measured by following a straight line, without regard to intervening structures, from the public entrance (existing or proposed) of an adult establishment to the nearest point of the protected use as described below.

(l) *Adequate parking:* One (1) parking space per one hundred fifty (150) square feet of total gross floor area shall be provided in a lighted area on the permitted premises of an adult establishment.

(m) *Spacing requirement:* No more than one (1) adult establishment may be located on any one (1) parcel and the location of any one (1) adult establishment shall be at least one thousand (1,000) feet from the establishment of any other adult establishment. This distance shall be measured from the public entrance of one (1) adult establishment to the public entrance of the other adult establishment.

(n) *Display windows prohibited:* All points of access into structures containing adult establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior.

(o) *Location requirement:* No permit shall be granted where the public entrance of the proposed adult establishment is within one thousand (1,000) feet of a residential use, residential district, house of worship, school, day care center,

playground, public park, recreation area, library, museum, Interstate 94, or State Trunk Highway 36. In the case of an area zoned residential, the distance shall be measured from the nearest point on the residential district zoning boundary line. From an area not zoned residential but used for residential purposes, the measurement shall be taken from the public entrance of the adult establishment to the nearest entrance of the building in residential use. From schools, houses of worship, day care centers, libraries, and museums, the distance shall be measured from the public entrance of the adult establishment to the main public entrance of the protected use. From playgrounds, public parks, recreation areas, and schools, houses of worship and day care centers with playgrounds or recreation areas, the distance shall be measured from the public entrance of the adult establishment to the nearest property line of the playground, public park, or recreation area. Along Interstate 94 and State Trunk Highway 36, this distance is measured from the outside highway right-of-way line, including frontage road(s).

(p) *Residential quarters not allowed:* No residential quarters shall be allowed on a premises with an adult establishment.  
(Ord. No. 2003-132, 11-18-03)

#### Sec. 20-639. Required information and documents.

##### (a) *Demographics.*

##### (1) *Individuals.*

- a. Applicant's legal name, all of the applicant's aliases, and the applicant's age;
- b. Applicant's business address.

##### (2) *Corporations.*

- a. Applicant corporation's complete name and official business address;
- b. Legal names, all aliases, the ages, and business addresses of all of the directors, officers, and managers of the corporation and of every person owning or controlling more than twenty-five (25) percent of the voting shares of the corporation;

- c. Applicant corporation's date and place of incorporation and the objective for which it was formed;
  - d. Proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Wisconsin;
  - e. Name of the registered corporate agent and the address of the registered office for service of process.
- (3) Partnerships (general or limited), joint ventures, or any other type of organization where two (2) or more persons share in the profits and liabilities of the organization.
- a. Applicant organization's complete name and official business address;
  - b. Legal name, all aliases, the ages, and business addresses of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
- (4) *Land trusts.*
- a. Applicant land trust's complete name;
  - b. Legal name, all aliases, and the business address of the trustee of the land trust;
  - c. Legal name, all aliases, the ages, and business addresses of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust;
  - d. The interest, if any, that the land trust holds in the permitted premises.
- (b) If a corporation or partnership is an interest holder that shall be disclosed pursuant to subsections (a)(2) and (3), then such interest holders shall disclose the information required in said subsections with respect to their interest holders.
- (c) The general character and nature of the applicant's business.
  - (d) The length of time that the applicant has been in the business of the character specified in response to subsection (c) above.
  - (e) The location (including street address and legal description) and telephone number of the premises for which the adult establishment permit is sought.
  - (f) The specific name of the business that is to be operated under the adult establishment permit.
  - (g) The identity of each fee simple owner of the permitted premises.
  - (h) A diagram showing the internal and external configuration of the permitted premises, including all doors, windows, entrances, exits, the fixed structural internal features of the permitted premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms.
- [A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six (6) inches and sufficient to show clearly the various interior dimensions of all areas of the permitted premises and to demonstrate compliance with the provisions of this chapter. The approval or use of the diagram required pursuant to this subsection shall not be deemed to be, and may not be interpreted or construed to constitute, any other county approval otherwise required pursuant to applicable County ordinances and regulations.]
- (i) The specific type(s) of adult establishment(s) that the applicant proposes to operate on the permitted premises.
  - (j) A copy of each adult establishment's permit, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to subsection (a) or (b) above.

(k) The name of the individual(s) who shall be the day-to-day, on-site manager(s) of the proposed adult establishment.

(l) The application fee, site plan review fee, and zoning permit fee in the amount as adopted by resolution or in the annual county budget.

(m) Any other information the zoning administrator may reasonably require to apply the requirements of this chapter.

(n) The zoning administrator reserves the right to require a survey from a surveyor licensed by the State of Wisconsin to determine the spacing requirements under this chapter.

(o) A site plan, landscaping plan, zoning permit application, and letter of agent status, if necessary, as required by site plan review application requirements adopted by the planning and development department.

(Ord. No. 2003-132, 11-18-03)

**Sec. 20-640. Incomplete applications returned.**

Any application for an adult establishment that does not include all of the information and documents required pursuant to this chapter, as well as the required fees, shall be deemed to be incomplete and shall not be acted on by the zoning administrator who shall give the applicant a written notification and explanation of such action pursuant to this section.

(Ord. No. 2003-132, 11-18-03)

**Sec. 20-641. Applicant cooperation required.**

An applicant for an adult establishment permit shall cooperate fully in the inspections and investigations conducted by Racine County. The applicant's failure or refusal to:

- (1) Give any information reasonably relevant to the investigation of the application;
- (2) Allow the permitted premises to be inspected;
- (3) Appear at any reasonable time and place, or

- (4) Otherwise cooperate with the investigation and inspection required by this chapter;

shall constitute an admission by the applicant that the applicant is ineligible for an adult establishment permit and shall be grounds for denial of the permit by the zoning administrator.

(Ord. No. 2003-132, 11-18-03)

**Sec. 20-642. Time for issuance or denial.**

The zoning administrator shall, within thirty (30) days after submittal of a completed application, or within such other period of time as the county and the applicant shall otherwise agree, either issue or deny an adult establishment permit pursuant to the provisions of this chapter.

(Ord. No. 2003-132, 11-18-03)

**Sec. 20-643. Standards for issuance or denial of permit.**

(a) *Issuance:* The zoning administrator shall issue an adult establishment permit to an applicant if the zoning administrator finds and determines all of the following:

- (1) All information and documents required by this chapter for issuance of an adult establishment permit have been properly provided.
- (2) No person identified in the application may:
  - a. Have been denied an adult establishment permit within twelve (12) months immediately preceding the date of the application;
  - b. Be a person whose adult establishment permit has been revoked within twelve (12) months immediately preceding the date of the application; or
  - c. Be a person whose adult establishment permit is under suspension at the time of application.

- (3) The adult establishment and the permitted premises comply with all requirements under this chapter and the appli-

cant has obtained a license required for the adult establishment by the town; if any.

- (4) The applicant has signed the permit he or she has received indicating his or her acceptance of the conditions of the permit.

(b) *Denial*: If the zoning administrator determines that the applicant has not met any one (1) or more of the conditions set forth in this section, then the zoning administrator shall deny issuance of the adult establishment permit and shall give the applicant a written notification and explanation of such denial.

(c) *License deemed to be issued*: If the zoning administrator does not issue or deny the adult establishment permit within thirty (30) days after the properly completed application is submitted, then the adult establishment permit applied for shall be deemed to have been issued.  
(Ord. No. 2003-132, 11-18-03)

#### Sec. 20-644. Enforcement.

(a) A violation of any conditions or an adult establishment permit is a violation of this chapter.

(b) Notwithstanding any other remedy, a violation of any conditions or an adult establishment permit shall be grounds for revocation of the adult establishment permit.  
(Ord. No. 2003-132, 11-18-03)

#### Sec. 20-645. Continued conforming status.

An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of the adult establishment permit, if a protected use is located within one thousand (1,000) feet of the adult establishment.  
(Ord. No. 2003-132, 11-18-03)

#### Secs. 20-646—20-655. Reserved.

### DIVISION 23. A-1 GENERAL FARMING DISTRICT I

#### Sec. 20-656. Uses.

The following uses are permitted in the A-1 general farming district I:

- (1) *Principal uses*. Apiculture, dairying; floriculture; forestry; grazing; greenhouses; hay; livestock raising; orchards; paddocks; pasturage; plant nurseries; poultry raising; raising of cash grain crops, mint, grass, seed crops, silage, tree fruits, nuts and berries, and vegetables; stables; truck farming; and viticulture. Farm dwellings for those farm owners and laborers actually engaged in a principal use and residential dwellings for the parents or children of the farm owners are accessory uses to the farm operation but shall comply with all the dwelling lot requirements of the A-2 general farming and residential district II. Such residential dwellings for parents and children are permitted as such a use is in compliance with the adopted state-county farmland preservation plan. A separate, recorded lot shall be created for such dwellings. Existing dwellings not accessory to any farm operation and farm dwellings remaining after consolidation of neighboring farms are permitted but shall comply with all the provisions of the A-2 general farming and residential district II. Not more than one (1) roadside stand on any one (1) farm shall be permitted as an accessory use. Principal uses shall include truck farming permitted in the A-4 district, subject to the size and height requirements provided therein.
- (2) *Conditional uses*. Animal hospitals; commercial egg production; commercial raising of animals, such as dogs, foxes, goats, mink, pigs and rabbits; condenseries; creameries; feed lots, grain elevators, commercial grain storage and seed operations, which operate exclusive of any farm operation; hatching or butchering of fowl, airports, airstrips and landing fields for

farm or personal use only; migratory laborers' housing; worm farms and sod farming. See sections 20-1226 and 20-1336.

(Code 1975, § 7.037; Ord. No. 82-141, § 7.037, 11-9-82; Ord. No. 93-9, 5-11-93; Ord. No. 2000-251S, 8-28-01)

**Sec. 20-657. Area requirements.**

The area requirements for the A-1 general farming district I are as follows:

(1) Farm	Area	Minimum	35 acres
(2) Structure	Height	Maximum	50 feet

(Code 1975, § 7.037)

**Sec. 20-658. Yard setback requirements.**

The minimum yard setback requirements in the A-1 general farming district I are as follows:

(1) Shore	75 feet
(2) Street	100 feet
(3) Rear	100 feet
(4) Side	100 feet

(Code 1975, § 7.037)

**Secs. 20-659—20-675. Reserved.**

**DIVISION 24. A-2 GENERAL FARMING AND RESIDENTIAL DISTRICT II**

**Sec. 20-676. Uses.**

The following uses are permitted in the A-2 general farming and residential district II:

- (1) *Principal uses.* All uses permitted in A-1 general farming district I plus one- and two-family dwellings, whether or not such dwellings are associated with farm operations. In the A-2 district, the principal structure shall be the residential structure intended to service the parcel on which such residence is located.

- (2) *Conditional uses.* All conditional uses permitted in the A-1 general farming district I. See sections 20-1202, 20-1226 and 20-1336.

(Code 1975, § 7.037; Ord. No. 89-255, 2-27-90)

**Sec. 20-677. Area requirements.**

The area requirements for the A-2 general farming and residential district II are as follows:

(1) Lot	Width	Minimum	150 feet
	Area	Minimum	40,000 sq. feet per family plus such acreage as is required by anti-pollution regulations or ordinances

(2) Buildings Dwelling	Height	Maximum	35 feet
Residential accessory structures	Height	Maximum	17 feet

Agricultural structures, such as barns, silos, sheds and storage bins	Height	Maximum	Two (2) times the distance from the nearest lot line
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(Code 1975, § 7.037; Ord. No. 2003-197, 2-12-04)

**Sec. 20-678. Yard setback requirements.**

The minimum yard setback requirements in the A-2 general farming and residential district II are as follows:

- (1) Shore
- (2) Street
- (3) Rear
- (4) Side

(Code 1975, § 7.037; Ord. No. 91-264, pt. 3, 4-14-92)

**Secs. 20-679—20-695. Reserved.**

**DIVISION 25. A-3 GENERAL FARMING DISTRICT III**

**Sec. 20-696. Purpose.**

The board of supervisors and town boards of supervisors adopting this chapter find that urbanization is taking place in certain areas of the county at a rapid pace, that scattered urbanization can greatly increase the public cost of installing public facilities, such as sewers and schools required to service such growth, and therefore that the public interest will be best served by channelling such development to suitable county

areas only at such time as it is economically feasible to plan, budget and commit to construction of the necessary supporting public services and facilities. Consequently, some county areas of potential growth will be placed in so-called holding districts, A-3 general farming district III, where nonagricultural development will be deferred until the appropriate legislative bodies determine that it is economically feasible to provide public services and facilities for uses other than those permitted in the holding district. It is intended that the status of all holding districts will be reviewed by the county planning and development committee no less frequently than every five (5) years in order to determine whether, in light of the foregoing general standards, there should be a transfer of all or part of a holding district to some other use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted and the cost and availability of the public services and facilities which will be necessitated by such new uses or uses.  
(Code 1975, § 7.037)

**Sec. 20-697. Uses.**

The uses permitted in the A-3 general farming district III are as follows:

- (1) *Principal uses.* All uses permitted in A-1 general farming district I.
- (2) *Conditional uses.* Same as in A-1 general farming district I.  
(Code 1975, § 7.037)

**Sec. 20-698. Area, yard requirements.**

The lot, building and yard requirements in the A-3 general farming district III shall be the same as in A-1 general farming district I.  
(Code 1975, § 7.037)

**Secs. 20-699—20-715. Reserved.**

**DIVISION 26. A-4 TRUCK FARMING DISTRICT**

**Sec. 20-716. Uses.**

The following uses are permitted in the A-4 truck farming district:

- (1) *Principal uses.* Apiculture, floriculture, greenhouses, horticulture, nurseries, orchards, paddocks, raising of cash crops, raising of horses not to exceed three (3) head for each five (5) acres, truck farming, and viticulture, and farm dwellings for those resident owners actually engaged in a principal agricultural use. Residential dwellings for laborers actually engaged in a principal agricultural use are accessory uses to the farm operation but shall comply with all the provisions of the R-2 residential district. Existing dwellings not accessory to any farm operation or dwellings remaining after consolidation of neighboring farms are permitted but shall comply with all the provisions of the R-2 residential district. Not more than one (1) roadside stand on any one (1) farm shall be permitted as an accessory use.
- (2) *Conditional uses.* See sections 20-1226 and 20-1336.  
(Code 1975, § 7.037)

**Sec. 20-717. Area requirements.**

The area requirements for the A-4 truck farming district are as follows:

- |                |        |         |          |
|----------------|--------|---------|----------|
| (1) Farm       | Width  | Minimum | 300 feet |
|                | Area   | Minimum | 10 acres |
| (2) Structures | Height | Maximum | 50 feet  |
- (Code 1975, § 7.037)

**Secs. 20-718—20-735. Reserved.**

**DIVISION 27. M-1 LIGHT INDUSTRIAL AND  
OFFICE DISTRICT****Sec. 20-736. Uses.**

(a) *Permitted uses.* The following uses are permitted in the M-1 light industrial and office district subject to approval by the planning and development committee as to location and operations:

- (1) General or clerical offices.
- (2) Professional offices.
- (3) Research and testing laboratories.
- (4) Schools and training centers.
- (5) Cleaning, pressing and dyeing establishments.
- (6) Commercial greenhouses.
- (7) Wholesalers and distributors.
- (8) Food locker plants.
- (9) Light industrial plants such as required for production of millwork, machine tools, paper containers, patterns, die castings, light metal fabrication and similar small industries.

(b) *Conditional uses.* All structures and improvements for principal uses subject to the following general provisions. See sections 20-1226 and 20-1336.

- (1) No merchandise shall be handled for sale or service rendered on the premises except such as are incidental or accessory to the principal permissible use of the premises, except for sales or service to industrial customers.
- (2) All operations and activities of all uses within this district shall be conducted wholly inside a building or buildings.
- (3) No continuous or intermittent noise from operations greater than the volume and range of noise emanating from vehicular



traffic or its equivalent in noise shall be detectable at the boundary line of any residence district.

- (4) No toxic matter, noxious matter, smoke or gas, and no odorous or particulate matter detectable beyond the lot lines shall be emitted.
- (5) No vibrations shall be detectable beyond the lot lines.
- (6) No glare or heat shall be detectable beyond the lot lines.
- (7) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any residence district or into public streets or parks.
- (8) The storage or use of chemicals, either solid, liquid or gas, shall be subject to the following conditions:
  - a. The storage, utilization, or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.
  - b. The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted provided the following condition is met: Said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
  - c. The manufacture of flammable materials which produce explosive vapors or gases is prohibited.

(Code 1975, § 7.038)

**Sec. 20-737. Area requirements.**

The area requirements for the M-1 light industrial and office district are as follows:

(1)	Building	Height	Maximum	35 feet
(2)	Accessory building	Height	Maximum	30 feet

(3)	Lot	Width	Minimum	150 feet
		Area	Minimum	As necessary to comply with all district regulations

(Code 1975, § 7.038)

**Sec. 20-738. Yard setback requirements.**

The minimum yard setback requirements in the M-1 light industrial and office district are as follows:

- (1) Street 100 feet on all streets the opposite side of which lies in a more restrictive district in this or a neighboring municipality and 25 feet minimum on streets both sides of which lie within this or a less restrictive district (wherein there shall be no structure of any kind or parking of automobiles)
- (2) Side 25 feet minimum, except where property is adjacent to residential districts when it shall be not less than 100 feet. (Parking of automobiles permitted in offset, except where property is adjacent to a residential district, or public building area, no parking space or access driveway shall be closer than 75 feet to any residential district or public building area.)
- (3) Rear 25 feet
- (4) Shore 75 feet

(Code 1975, § 7.038)

**Secs. 20-739-20-755. Reserved.**

**DIVISION 28. M-2 GENERAL INDUSTRIAL DISTRICT**

**Sec. 20-756. Uses.**

(a) *Permitted uses.* The following uses are permitted in the M-2 general industrial district subject to approval by the planning and development committee as to location and operations:

- (1) All M-1 permitted uses.

- (2) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastic, textiles and wood.
- (3) Manufacture, fabrication, packing, packaging and assembly of confections; cosmetics; electrical appliances; electronic devices; foods except garbage, fish and fish products, meat and meat products, and pea vineries; instruments; jewelry; pharmaceuticals; tobacco and toiletries.
- (4) Manufacturing and bottling of nonalcoholic beverages.
- (5) Painting.
- (6) Printing.
- (7) Publishing.

(b) *Conditional uses.* All structures and improvements for principal permitted uses. See sections 20-1226 and 20-1336. (Code 1975, § 7.038)

**Sec. 20-757. Height requirements.**

The maximum height of any building in the M-2 general industrial district is forty-five (45) feet. (Code 1975, § 7.038)

**Sec. 20-758. Yard setback requirements.**

The minimum yard setback requirements for the M-2 general industrial district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 50 feet
- (3) Rear ..... 25 feet
- (4) Side ..... 20 feet

(Code 1975, § 7.038)

**Secs. 20-759-20-775. Reserved.**

**DIVISION 29. M-3 HEAVY INDUSTRIAL DISTRICT**

**Sec. 20-776. Uses.**

(a) *Permitted uses.* The following uses are permitted in the M-3 heavy industrial district subject to approval by the planning and development committee as to location and operation:

- (1) All M-1 and M-2 uses.

- (2) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil, cloth, paint, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, size, starch, stove polish, textiles and varnish.
- (3) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
- (4) Manufacture and bottling of alcoholic beverages; bag cleaning; canneries; cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges; foundries; garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving provided such uses shall be at least six hundred (600) feet from residential and public and semipublic districts.
- (5) Outside storage and manufacturing areas.
- (6) Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from residential, public and semipublic districts.
- (7) Freight yards.
- (8) Freight terminals and trans-shipment depots.
- (9) Inside storage warehouses.
- (10) Breweries.

*Remove*

(11) Crematories.

(b) *Conditional uses.* All structures and improvements for principal permitted uses. See sections 20-1226 and 20-1336. (Code 1975, § 7.038)

**Sec. 20-777. Height requirements.**

The maximum height of any building in the M-3 heavy industrial district is sixty (60) feet. (Code 1975, § 7.038)

**Sec. 20-778. Yard setback requirements.**

The minimum yard setback requirements in the M-3 heavy industrial district are as follows:

- (1) Shore ..... 75 feet
- (2) Street ..... 50 feet
- (3) Rear ..... 25 feet
- (4) Side ..... 20 feet

(Code 1975, § 7.038)

**Secs. 20-779—20-795. Reserved.**

**DIVISION 30. M-4 QUARRYING DISTRICT**

**Sec. 20-796. Uses.**

The following uses are permitted in the M-4 quarrying district:

- (1) *Principal uses.* Mineral extraction operations and concrete and concrete products manufacturing that are presently in existence. The manufacture of concrete and concrete products, including concrete and asphalt batch plants, may occur on a parcel only during the duration of the on-site mineral extraction activity.
- (2) *Conditional uses.* Extension of legally existing mineral extraction operations and manufacture of concrete and concrete products or the creation of new such extraction or manufacturing operations; utilities. The manufacture of concrete and concrete products, including concrete and asphalt batch plants, may occur on a parcel only during the duration of the on-site mineral extraction activity. See section 20-1228.

(Code 1975, § 7.038; Ord. No. 2000-251S, 8-28-01)

**Sec. 20-797. Yard setback requirements.**

(a) All excavations shall occur within the M-4 quarrying district and shall be at least two hundred (200) feet from any right-of-way or property line. All accessory uses such as offices, parking areas, and stockpiles shall be located within the M-4 district and shall be at least one hundred (100) feet from any right-of-way or property line.

(b) When a mineral extraction operation abuts another such operation, the two hundred (200) foot setback for each operation from their common lot line may be reduced to a zero lot line setback through planning and development committee approval of restoration plan(s) in order to establish a more reasonable restoration of such operations.

(Ord. No. 88-160, § 7.038, 1-10-89; Ord. No. 2000-251S, 8-28-01)

**Sec. 20-798. Height requirement.**

The maximum height of any structure in the M-4 quarrying district shall be forty-five (45) feet. (Code 1975, § 7.038)

**Secs. 20-799—20-815. Reserved.**

**DIVISION 31. FW URBAN FLOODWAY DISTRICT**

**Sec. 20-816. Purpose.**

The FW urban floodway district is intended to be used to protect people and property in urban areas within the county from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Prohibiting development of the floodway will serve to diminish damages in the broader floodplain by not increasing flood stages. In delineating the FW district, the effects of development within the associated flood fringe shall be computed. No increase in flood stage shall be permitted that is equal to or greater than 0.01 foot unless the board of supervisors has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until all such affected units of government have amended their water surface profiles, and

floodland zoning maps to reflect the increased flood elevations. No urban floodway district changes shall be permitted where the cumulative effect of changes increases flood stages by more than 1.0 foot unless a waiver is secured from the Federal Emergency Management Agency (FEMA). The FW district shall only be utilized in areas of the county where public sanitary sewerage facilities are currently available or are programmed to be made available within twenty-four (24) months and where the elevation of the one hundred-year recurrence interval flood has been increased by two (2) or more feet since such elevation was originally established.

(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94)

#### Sec. 20-817. Uses.

The uses permitted in the FW urban floodway district are as follows:

- (1) *Principal uses.* Hunting and fishing, unless prohibited by other laws and ordinances; drainage; flood overflows; stream bank protection; general farming activities, not including the erection of structures; grazing, horticulture; sod farms; truck farming; harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds; normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses; sustained yield forestry; historic structures; and uses functionally dependent on a waterfront location such as docks or wharves.
- (2) *Conditional uses.* See section 20-1266.  
(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94)

#### Sec. 20-818. Prohibited uses.

The following uses are prohibited in the FW urban floodway district:

- (1) *Dumping and filling.* Lands lying within the floodway district shall not be used for dumping or be filled, except as authorized

to permit establishment of approved bulk-head lines or to accommodate bridge approaches.

- (2) *Dangerous materials storage.* Lands lying within the floodway district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality, human or animal life, fish or other aquatic life, or plant life.
- (3) *Structures.* Structures for human habitation or for the permanent confinement of animals shall not be permitted in the floodway district. Accessory structures for navigation controls and aids and bridge approaches may be permitted by conditional use grant. See section 20-1266.
- (4) *Incompatible uses.* Lands lying within the floodway district shall not be used for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewage disposal site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the floodway district.

(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94)

Secs. 20-819—20-835. Reserved.

### DIVISION 32. FCO URBAN FLOODPLAIN CONSERVANCY OVERLAY DISTRICT

#### Sec. 20-836. Purpose.

The FCO urban floodplain conservancy overlay district is intended to be used to prevent disruption of valuable natural or manmade resources and to protect watercourses in urban areas within the county including the shorelands of navigable waters, and areas that are not adequately drained, or which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare. In delineating the FCO district, consideration shall be given to the maintenance of

flood storage capacity and preventing significant increases in the flood discharges identified in the county's Flood Insurance Study. Significant increases are those which result in a rise in the regional flood profile of 0.01 foot or greater. The FCO district shall not be utilized in any area of the county except where used to complement use of the FW district.

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the in-

stance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.

(Code 1975, § 7.039; Ord. No. 94-155, § 9, 11-10-94)

#### Sec. 20-837. Permitted uses.

The uses permitted in the FCO urban floodplain conservancy overlay district are as follows:

- (1) *Principal uses.* Hunting and fishing, unless prohibited by other laws and ordinances; drainage; flood overflows; stream bank protection; general farming activities, not including the erection of structures; grazing; horticulture; sod farms; truck farming; harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds; normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses; sustained yield forestry; historic structures; and uses functionally dependent on a waterfront location such as docks or wharves.

- (2) *Conditional uses.* See section 20-1266.  
(Code 1975, § 7.039; Ord. No. 94-155, § 9, 11-10-94)

#### Sec. 20-838. Prohibited uses.

The following uses are prohibited in the FCO urban floodplain conservancy overlay district:

- (1) *Dumping and filling.* Lands lying within the floodplain conservancy overlay district shall not be used for dumping or be filled, except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches.
- (2) *Dangerous material storage.* Lands lying within the floodplain conservancy overlay district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality, human or animal life, fish or other aquatic life, or plant life.
- (3) *Structures.* Structures for human habitation or for the permanent confinement of animals shall not be permitted in the flood-

plain conservancy overlay district. Accessory structures for navigation controls and aids and bridge approaches may be permitted by conditional use grant. See section 20-1266.

- (4) *Incompatible uses.* Lands lying within the floodplain conservancy overlay district shall not be used for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewerage system site or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the floodplain conservancy overlay district.

(Code 1975, § 7.039; Ord. No. 94-155, § 9, 11-10-94)

#### Secs. 20-839—20-855. Reserved.

### DIVISION 33. FFO URBAN FLOODPLAIN FRINGE OVERLAY DISTRICT

#### Sec. 20-856. Purpose.

The FFO urban floodplain fringe overlay district is intended to provide for and encourage the most appropriate use of land and water in urban or urbanizing areas of the county subject to periodic flooding and to minimize flood damage to people and property. The FFO district shall not be utilized in any area of the county except where used to complement use of the FW district and only where public sanitary sewerage facilities are currently available or are programmed to be made available within twenty-four (24) months and where the elevation of the one-hundred-year recurrence interval flood has been increased by two (2) or more feet since such elevation was originally established.

Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more restrictive of the conflicting requirements shall apply.

(Code 1975, § 7.039; Ord. No. 94-155, § 10, 11-10-94)

**Sec. 20-857. Permitted uses.**

The uses permitted in the FFO urban floodplain fringe overlay district are as follows:

- (1) *Principal uses.* Any use of land, except structures, that is permitted in the underlying basic use district. Examples of such use would be croplands in an agricultural district; required yards in a residential district; or parking or loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two (2) feet or that such areas are not subject to flood velocities greater than two (2) feet per second upon the occurrence of a one-hundred-year recurrence interval flood.

(2) *Conditional uses.* See section 20-1266. (Code 1975, § 7.039; Ord. No. 94-155, § 10, 11-10-94)

**Sec. 20-858. Incompatible uses prohibited.**

Lands lying within the FFO urban floodplain fringe overlay district shall not be used for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewage disposal site or the construction of any well which is used to obtain water for ultimate human consumption.

(Code 1975, § 7.039; Ord. No. 94-155, § 8, 11-10-94)

**Secs. 20-859—20-875. Reserved.****DIVISION 34. GFO GENERAL FLOODPLAIN OVERLAY DISTRICT****Sec. 20-876. Purpose.**

The GFO general floodplain overlay district is intended to prevent development of the natural floodplains of the rivers, streams and lakes of the county not currently provided with traditional urban services including, but not limited to, sanitary sewerage facilities; water distribution facilities, stormwater collection; curb and gutter; sidewalks; and street lighting. Development of these natural floodplains could result in flood damage to persons and property; result in the creation of hazards to health or safety; result in increased

expenditures for flood relief or flood control projects; or could result in unsafe water conditions within these areas. In addition to any numbered A zones which may be placed in the GFO district, all unnumbered A zones which appear on the county's flood insurance rate map shall be placed in the GFO district.

(Code 1975, § 7.039; Ord. No. 86-86, § 7.039, 8-26-86)

**Sec. 20-877. Permitted uses.**

The uses permitted in the GFO general floodplain overlay district are as follows:

- (1) *Principal uses.* Hunting and fishing, unless prohibited by other laws and ordinances; drainage; flood overflows; stream bank protection; grazing, horticulture; sod farms; truck farming; harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds; normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses; and sustained yield forestry.

(2) *Conditional uses.* See section 20-1266. (Code 1975, § 7.039)

**Sec. 20-878. Prohibited uses.**

The following uses are prohibited in the GFO general floodplain overlay district:

- (1) *Dumping and filling.* Lands lying within the general floodplain overlay district shall not be used for dumping or be filled, except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches.
- (2) *Dangerous materials storage.* Lands lying within the general floodplain overlay district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.
- (3) *Structures.* Structures for human habitation and for the permanent confinement of animals shall not be permitted in the general floodplain overlay district. Accessory structures for navigation controls and aids,

landing strip, and prior written approval from the F.A.A. and Wisconsin Bureau of Aeronautics, if applicable.

- (5) Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- (6) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

(Code 1975, § 7.061; Ord. No. 99-58S, pt. 2, 7-13-99)

**Sec. 20-1112. Modification of yard requirements.**

The yard requirements stipulated elsewhere in this chapter may be modified as provided in this division.

(Code 1975, § 7.062)

**Sec. 20-1113. Projections into yards.**

(a) Uncovered decks, stairs, landings and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.

(b) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.

(c) The projections permitted in paragraph (a) above shall not encroach into the minimum required shore yard setback area, except as allowed by section 20-1046, and no projection shall be closer than ten (10) feet from any street right-of-way.

(d) The zoning administrator shall be authorized to review and issue a zoning permit to allow a nonconforming building addition projection, such as a wheelchair ramp, that is needed to allow the

minimum required reasonable accommodation that is necessary to allow ingress/egress by a handicapped or disabled person to the following:

- (1) A residential structure utilized by such person that lives on the property or such person employed in a home occupation on the property. Any such addition shall be removed within thirty (30) days from the time that the structure is no longer serving the aforementioned handicapped or disabled person. A deed restriction to this effect shall be recorded with the register of deeds department and proof of such shall be submitted to the zoning administrator before a zoning permit will be issued.
- (2) A commercial facility or any other structure that provides public accommodations.

Any such projection should be designed to be at least three (3) feet from any lot line and have a minimal intrusion into a floodplain, wetland, environmental corridor, or required shore yard setback.

(Code 1975, § 7.062; Ord. No. 97-203, 1-13-98; Ord. No. 2000-251S, 8-28-01; Ord. No. 2003-197, 2-12-04)

**Sec. 20-1114. Security fences.**

Security fences are permitted on the property lines in all districts except residential districts and as required under section 20-1226, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(Code 1975, § 7.062)

**Sec. 20-1115. Accessory uses.**

(a) Accessory uses and detached accessory structures are permitted in the rear and side yards only; they shall not be closer than ten (10) feet to the principal structure, and shall not exceed seventeen (17) feet in height for residential accessory structures or accessory structures in residential districts, the total of all residential accessory structures shall not occupy more than twenty (20) percent of the rear yard area, for lots five (5) acres or less in size or one-percent of the total lot area

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for those lots greater than five (5) acres and shall  
not be closer than three (3) feet to any lot line nor

five (5) feet to an alley line. Accessory structures in all non-residential districts shall not exceed in height twice their distance from the nearest lot line. The aggregate total floor area of such non-residential district accessory structures shall not exceed three (3) percent of the total area of the lot, except that on an agriculturally zoned parcel, ten (10) acres or more in area, the accessory building areas may be greater than the three (3) percent limit when used solely for the pursuit of agriculture; and in all non-residential and non-agricultural districts accessory building areas greater than three (3) percent are allowed, when approved by the planning and development committee and the town as part of the plan of operation and site plan review, and where said buildings are used solely accessory to the principal use on said lot; or on parcels which are the subject of a conditional use permit and as regulated by the conditional use permit.

(b) When the street yard setback of a principal structure exceeds the required setback for the particular district in question, a detached accessory structure may be permitted in the street yard provided that the street yard setback of the accessory structure is not less than the required setback for the district or the average street yard setback of principal structures on abutting parcels, if any, whichever is greater. On vacant parcels, the minimum setback may be used for averaging.

(c) Within the shoreland area, accessory uses and detached accessory structures are permitted in the street yard portion of waterfront lots provided that such uses or structures shall not be closer than twenty-five (25) feet to the street right-of-way.  
(Code 1975, § 7.062; Ord. No. 86-86, § 7.062, 8-26-86; Ord. No. 2000-251S, 8-28-01)

**Sec. 20-1116. Exemptions from yard requirements.**

(a) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(b) Landscaping and vegetation are exempt from the yard requirements of this chapter.  
(Code 1975, § 7.062)

**Sec. 20-1117. Boathouses.**

(a) Boathouses accessory to residential uses may be located within a shore yard but shall:

- (1) Be no closer than twenty (20) feet to the average annual high-water elevation of the stream, lake, pond or wetland. This distance may be varied by the board of adjustment in accordance with section 20-31 et seq.; in no case, however, shall boathouses be allowed to project beyond the shoreline;
- (2) Not exceed one (1) boathouse on the premises for each shoreland lot;
- (3) Not exceed a height of fifteen (15) feet above the high-water elevation;
- (4) Not exceed two hundred fifty (250) square feet in horizontal area covered; and
- (5) Not be closer than fifteen (15) feet to any side lot line.
- (6) Be constructed in such a manner as to orient the main opening of the boathouse toward the body of water.
- (7) Be used strictly for the storage of boats and water-related recreational accessories.

(b) The use of a boathouse for human habitation is prohibited. No plumbing, heating or cooking facilities may be provided in or for a boathouse.

(c) The roof of a boathouse shall not be used as a deck or for other such purposes, nor shall railings be placed on top of the boathouse.  
(Code 1975, § 7.062; Ord. No. 86-17, § 7.062, 7-22-86; Ord. No. 97-203, 1-13-98)

**Sec. 20-1118. Adjustment of shore yards.**

Shore yards may be reduced to the average of the shore yards existing on the abutting properties within a straight-line distance of one hundred (100) feet, excluding highway right-of-way or road easements, of the subject site but shall not be

**Sec. 20-1068. Floodproofing.**

Where floodproofing by means of elevating on fill is deemed inappropriate or impractical and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the following:

- (a) *Floodproofing measures* shall be designed to:
- (1) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood; and
  - (2) Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood; and
  - (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
  - (4) Insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.
- (b) *No permit* or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or development to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood for the particular area.
- (c) *Floodproofing measures* may include, but are not limited to:
- (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
  - (2) Addition of mass or weight to structures to prevent flotation;
  - (3) Placement of essential utilities above the flood protection elevation;

- (4) Surface subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
- (5) Construction of water supply wells, and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems;
- (6) Cutoff valves on sewer lines and the elimination of gravity flow basement drains; and/or
- (7) The construction of permanent or moveable watertight bulkheads, erection of permanent watertight shutters and doors, and installation of wire reinforced glass or glass block for windows.

(Ord. No. 94-155, § 11, 11-10-94)

**Editor's note**—Provisions enacted by Ord. No. 94-155, § 11, adopted Nov. 10, 1994, as § 20-1067, have been redesignated at the discretion of the editor as § 20-1068 pursuant to the previous designation of material as § 20-1067 by Ord. No. 93-3, adopted May 11, 1993.

**Secs. 20-1069—20-1085. Reserved.****DIVISION 5. OFF-STREET PARKING AND TRAFFIC REGULATIONS****Sec. 20-1086. Traffic visibility.**

(a) No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2½) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.

(b) In the case of arterial streets' intersection with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

(Code 1975, § 7.051)

**Sec. 20-1087. Loading requirements.**

In all districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.  
(Code 1975, § 7.052)

**Sec. 20-1088. Parking requirements.**

(a) In all districts and in connection with every use, there shall be provided, at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the provisions of this section.

(b) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one- and two-family dwellings and a minimum of twenty-four (24) feet for all other uses.

(c) Each parking space shall be not less than nine (9) feet in width and not less than one hundred eighty (180) square feet in area exclusive of the space required for ingress and egress.

(d) Location shall be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.

(e) All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

(f) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

(g) All open, off-street parking areas providing more than twenty-five (25) parking spaces, except parking areas restricted to use by employees only, shall provide parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the requirements of W.S.A., §§ 346.50, 346.503, and 346.505.

*Number of parking stalls required:*

Single-family dwelling and mobile homes	2 stalls for each dwelling unit
Two-family and multi-family dwellings	2 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodginghouses and boardinghouses	1 stall for each 2 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor plus 1 stall for each employee
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats
Colleges, secondary and elementary schools	1 stall for each 2 employees plus a reasonable number of stalls for student and other parking
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 2 employees during any 12-hour period
Financial institutions; business, governmental and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

(h) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use during such periods of time as the various uses are reasonably likely to be simultaneously requiring parking for employees, customers and other persons.  
(Code 1975, § 7.053; Ord. No. 88-160, § 7.053, 1-10-89)

**Sec. 20-1089. Driveway access.**

(a) No direct access shall be permitted to the existing or proposed rights-of-way of expressways, freeways or interstate highways, nor to any other road, street or highway, without permission of the authority maintaining the facility.

(b) Vehicle entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or place of public assembly.

(c) Adjacent residential uses may agree to establish a common driveway. In such cases, the driveway midpoint should be the property line between the two (2) parcels; however, the precise location of such driveway will be determined by the jurisdictional highway authority. The driveway must meet standard specifications and the landowner(s) shall record cross access agreements to ensure continued use, upkeep and maintenance of the combined access points.

(d) Sharing of access to state and county trunk highways by commercial or industrial land uses may also be permitted. Such shared access shall be shown on an adopted neighborhood or similar town plan as may be determined by the planning and development committee. Such shared access shall have the approval of the county highway department or state department of transportation, depending upon jurisdiction. A cross access agreement shall be recorded by all landowners utilizing such shared access. Such shared access must meet standard specifications.

(e) When a parcel contains two (2) or more different zoning districts, a driveway shall not traverse the district abutting the highway to service a use/structure on the rear portion of the parcel in a different zone(s) unless that use/structure is also permitted in the zoning district abutting the highway or when specifically allowed in a planned unit development.

(Code 1975, § 7.054; Ord. No. 86-86, § 7.054, 8-26-86; Ord. No. 2000-251S, 8-28-01)

**Sec. 20-1090. Off-street parking in B-4, B-5, B-6 districts.**

Off-street parking is permitted in all yards of the B-4, B-5 and B-6 business districts, but shall not be closer than twenty-five (25) feet to any public right-of-way.  
(Code 1975, § 7.062)

**Secs. 20-1091—20-1110. Reserved.****DIVISION 6. HEIGHT AND AREA REGULATIONS****Sec. 20-1111. Height.**

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modification shall be in accord with the following:

- (1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
- (2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks, are exempt from the height limitations of this chapter.
- (3) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.
- (4) Communication structures, such as radio and television transmission, receiving, and relay towers, aerials, and observation towers, shall not in any event exceed in height their distance from the nearest lot line, provided, however that any such structure, aerial or tower, if located within three (3) miles of a boundary line of an airport and landing strips, may not exceed the height limitations of the district in which it is located without prior proof of written notification of the public hearing to the owner of the said airport or