

COMMITTEE OF THE WHOLE MEETING AGENDA

Wednesday, August 14, 2024

Immediately following the Village Board Meeting, but not before 6:30 p.m.

Caledonia Village Hall - 5043 Chester Lane

Caledonia, WI 53402

1. **Meeting called to order**
2. **Roll Call**
3. **Approval of Minutes:** Committee of the Whole – July 23, 2024
4. **Public Comment** - Provides a two-minute opportunity for citizens to voice opinions to the Committee of the Whole. The Committee of the Whole cannot respond as this may conflict with open meeting requirements.
5. **New Business**
 - A. Discussion on possible resolution authorizing waiving rezoning fees for properties in a legacy Zoning District.
 - B. Suggested items to be placed on the next meeting agenda (*with no action*)
6. **Continuing Business**
 - A. Discussion on the need to establish a new zoning district that would accommodate small scale farm uses (Hobby Farms) with residential uses (*CoW 6/11/2024, CoW 6/25/2024, CoW 7/23/2024*)
7. **Closed Session**
 - A. The Committee of the Whole will take up a motion to go into CLOSED SESSION, pursuant to Wis. Stat. s. 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, Wis. Stat. s. 19.85(1)(g), to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, and Wis. Stat. S.19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility **specifically:** to discuss a Notice of Potential Material Change of Circumstances from the City of Racine under the Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement dated April 25, 2002, and to discuss the position of Assistant Village Attorney/Human Resources Manager.”
 - B. The Village Board reserves the right to go back into OPEN SESSION, and possibly take action on the items discussed during the closed session, including authorizing a waiver of conflict of interest for Pruitt, Ekes & Geary, S.C and to move to the remaining items on the agenda.
8. **Adjournment**

1 - Order

President Weatherston called the Committee of the Whole meeting to order at 7:25 p.m. at the Caledonia Village Hall.

2 – Roll Call

PRESENT: 5 – President Weatherston, Trustee Stillman, Trustee Martin, Trustee Lambrecht, and Trustee Pierce

EXCUSED: 2 – Trustee Wishau and Trustee McManus

STAFF: Interim Administrator/Police Chief Christopher Botsch, Public Services Director Tony Bunkelman, Village Engineer Ryan Schmidt, Finance Director Wayne Krueger, Development Director Peter Wagner, Fire Chief Jeff Henningfeld, Village Attorney Elaine Ekes, HR Manager/Assistant Village Attorney Tyler Helsel, Clerk Jennifer Olsen, and Deputy Clerk Norgie Montes De Oca-Metzinger

3 – Approval of Minutes

A motion was made by Trustee Stillman to approve the Committee of the Whole minutes of July 9, 2024, seconded by Trustee Pierce.

A motion was made by Trustee Pierce to amend the motion to approve the Committee of the Whole minutes of July 9, 2024 to rephrase items 5A-3 and 5A-4, seconded by Trustee Martin. **The motion failed 2-3.**

The motion to approve the minutes carried 3-2.

4 – Public Comment

The following people appeared to speak before the Committee:
None

5 – New Business

A. Background of municipal services offered by Fiserv

Staff presented on the item, summarizing the material included in the packet.

B. Implementation/Enforcement concerns on Animals at Large Ordinance and options for impoundment

Trustees raised concerns and asked questions regarding the enforcement of Animals at Large Ordinance. Staff was directed to research the issue and report back in one month.

A motion was made by Trustee Martin to lay over the item until the August 27 Committee of the Whole meeting, seconded by Trustee Pierce. **The motion carried 5-0.**

C. Village Board Rules of Procedure—Interplay between Code and Robert’s Rules of Order

Staff provided information on Roberts Rules of Order and Village Ordinances that prescribe the conduct of meetings, including the procedure for tie votes. The Village Attorney suggested that if the Committee or Board would like to further clarify meeting procedural rules they may propose an ordinance change to adopt local rules of procedure.

D. Minutes of Village Board Meetings—Purpose, procedure and correcting

Staff provided information clarifying what the legal effect of meeting minutes are, and the industry standard best practices for recording minutes. Staff suggested that if the Committee or Board would like to further clarify meeting minute content requirements they may propose an administrative rule or ordinance. Options for recording of meeting to be posted on the Village website were also discussed.

E. Code Enforcement Report – Review the Village’s activities and actions regarding existing zoning code violations.

Staff presented on the item, summarizing the material included in the packet.

F. 2025 Proposed Budget Schedule

Staff presented on the item, summarizing the material included in the packet.

G. Suggested items to be placed on the next meeting agenda (*with no action*)
None

6 – Continuing Business

- A. Discussion on the need to establish a new zoning district that would accommodate small scale farm uses (Hobby Farms) with residential uses (*CoW 6/11/2024, CoW 6/25/2024*)

Motion by Trustee Martin to lay over to the next meeting, **seconded by** Trustee Pierce. **Motion carried 7-0.**

7 – Closed Session

- A. The Committee of the Whole will take up a motion to go into CLOSED SESSION, pursuant to Wis. Stat. s. 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, and Wis. Stat. s. 19.85(1)(g), to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved **specifically**: to discuss a Notice of Potential Material Change of Circumstances from the City of Racine under the Racine Area

Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement dated April 25, 2002 and options to move forward pursuant to the Intergovernmental Sewer Service Agreement.

Motion by Trustee Stillman to go into closed session, seconded by Trustee Pierce.
Motion carried by the following roll call vote:

Ayes: 5 – Weatherston, Martin, Stillman, Lambrecht, Pierce

Excused: 2 – McManus and Wishau

- B. The Village Board reserves the right to go back into OPEN SESSION, and possibly take action on the items discussed during the closed session and to move to the remaining items on the agenda.

Motion by Trustee Stillman to go into open session, seconded by Trustee Pierce.
Motion carried 5-0.

8 – Adjournment

President Weatherston adjourned the meeting at 8:37 p.m.

Respectfully submitted:
Jennifer Olsen
Village Clerk

§ 500-55. HFA Hobby Farm Agricultural District. [Added 4-19-2011 by Ord. No. 11-001]

- A. District intent. This district is designed to provide for, maintain, preserve, and enhance small area agricultural lands historically utilized for crop production but which are not included within the EA Exclusive Agricultural Preservation District or GA General Agricultural District and which are generally best suited for smaller farm units, including horse farming, hobby farming, orchards, and other similar small-scale agricultural-related activity. The overall intent of the HFA District is to retain the rural character of areas of the Town of Barton in which the HFA District is used. The HFA District residential development intensities are consistent with the maintenance of a rural countryside character and lifestyle. The HFA District serves as a transitional district between the more intensive farmland areas (such as the EA Exclusive Agricultural Preservation District or GA General Agricultural District areas) and the countryside, estate, and suburban intensity residential areas of the Town. The HFA District is further intended to be used for parcels of land which directly abut either the EA Exclusive Agricultural Preservation District or GA General Agricultural District areas. The HFA District is intended to be served by on-site soil absorption sewage disposal systems. The HFA District areas shall not be located contiguous to the incorporated City of West Bend and are typically located somewhat distant from the boundaries of the incorporated City of West Bend. The HFA District is not mapped on the Town Land Use Plan but may be used in the General Agricultural (GA), Rural Countryside Single-Family Residential (R-1), and Countryside Single-Family Residential (R-2) land use districts on Maps 22 through 25 of the adopted "Comprehensive Plan for the Town of Barton: 2035," dated April 2008 (as amended), provided that all standards of the HFA District are met. The HFA District is considered an agricultural district.
- B. District standards. The HFA District is further intended to have the standards as set forth in Table 2L at the end of this chapter. Those developments served by on-site sewage disposal systems must meet all requirements set forth under § 500-14 of this chapter.
- C. Permitted, accessory, and special uses.
- (1) Permitted uses in the GA District shall be permitted uses in the HFA District, and hobby farms (as defined in § 500-201) shall be allowed as a permitted use in the GA District and the HFA District, and Table 4, titled "Permitted and special uses in the Residential Districts," and Table 5, titled "Permitted and Special Uses in Nonresidential Districts," shall be modified accordingly.¹
 - (2) Special uses in the GA District shall be special uses in the HFA District, and Table 4, titled "Permitted and Special Uses in the Residential Districts," and Table 5, titled "Permitted and Special Uses in Nonresidential Districts," shall be modified accordingly, except that a maximum of one single-family dwelling structure shall be allowed on a lot or parcel in the HFA District, and no additional dwelling units on a lot or parcel are allowed in the HFA District.²
 - (3) See § 500-66 and Table 4, Permitted and Special Uses in the Residential Zoning District; see § 500-67 and Table 5, Permitted and Special Uses in the Nonresidential

1. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

Zoning Districts; see § 500-68, Floodplain and floodway areas; see § 500-69, Shoreland wetland areas; see § 500-70, Wetland areas; see Article X, Special Uses; and see Article XI, Accessory and Temporary Uses.

12.20-5 AE-1 AGRICULTURAL EQUESTRIAN CLUSTER SINGLE-FAMILY DISTRICT (3/2/10)

(a) Primary purpose and characteristics.

The AE-1 Agricultural Equestrian Cluster Single-Family District is intended to preserve rural landscape character; sensitive natural resource areas; equestrian buildings, barns, paddocks, pastures, and scenic corridors (vistas); while permitting residential estate type housing on clustered lots as a secondary use and integrated as part of an equestrian facility. The AE-1 Agricultural Equestrian Cluster Single-Family District may be served either by on-site soil absorption sewage disposal systems or by public sanitary sewer facilities. Specific objectives are as follows:

- 1 To maintain and protect rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, and critical species habitat by setting them aside from development and allow for development of equestrian facilities.
- 2 To provide quality residential development that has direct access to equestrian facilities.
- 3 To preserve scenic views and to minimize views of new development from existing streets.
- 4 To provide for the unified and planned development of clustered single-family, low-density residential uses, incorporating large areas of permanent protected equestrian facilities, open space, and natural resources.
- 5 To provide for greater design flexibility in the siting of dwellings and equestrian features in order to minimize the disturbance of the rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
- 6 To create groups of dwellings with direct visual and physical access to open space and equestrian trails while separating vehicular traffic from the equestrian facilities.
- 7 To permit equestrian use of open space by residents of the development and the public, when appropriate.
- 8 To create a network of equestrian trails between equestrian developments and public land.

(b) Principal Uses.

- 1 Equestrian Facility, private, confined to a single lot including equestrian buildings, such as, barns, arenas, silos, storage sheds, cribs, paddocks, and stables.
- 2 Clustered single-family detached dwellings.
- 3 Community living arrangements having a capacity for 8 or fewer persons and which shall be in conformance with all state statutory requirements.
- 4 Essential services.
- 5 Foster family homes having less than 4 foster children and not exceeding 8 total occupants and which are in conformance with all state statutory requirements.

- 6 Open space, including:
 - a Conservation of land in its natural state (for example, woodland, fallow field, or managed meadow.)
 - b Wildlife sanctuary, forest preserve, or similar uses designated for the protection and propagation of wildlife.
 - c Pasture for horses
 - d Passive recreation, including, but not limited to, hiking trails, bridle trails, picnic areas, community gardens, and lawn area.
 - e Easements for access, drainage, sewer and water lines, pipelines, or other public purposes.
 - f Storm water management facilities including detention basins, retention basins, rain gardens, and other best management practices.
 - g Water supply, and sewerage systems for individual lots, cluster groups, or the entire development.
 - h Utility and street rights-of-way except that their land areas shall not count toward the minimum open space requirement.

(c) Residential Accessory Uses

- 1 Accessory structures such as detached garages, sheds, gazebos, and boathouses.
- 2 Home occupations and professional home offices.
- 3 Small wind energy system
- 4 Solar energy system
- 5 Swimming pools and spas.
- 6 Fences.
- 7 Decks and Patios (see also section 12.18.3)

(d) Equestrian Conditional Uses.

- 1 Private roads and gated entrances
- 2 Public equestrian facility offering services open to the public (such as riding classes, public riding hours, and shows)
- 3 Housing for Caretakers
- 4 Bridle equipment sales and repair (pro shop)
- 5 Utility substations
- 6 Wind energy systems
- 7 Solar energy systems

(e) Residential Conditional Uses

- 1 Private roads and gated entrances provided that said private roads: meet local unit of government road specifications and standards, are located within an access easement which shall be a minimum of 66 feet wide, are maintained by the Homeowners Association comprised of the owners of all lots within said equestrian development and meet all safety and access standards promulgated by the local unit of government fire and rescue officials.
- 2 Community living arrangements having 9 but not more than 15 persons which shall be in conformance with all state statutory requirements.

- 3 Utility substations
- 4 Wind energy systems
- 5 Solar energy systems
- 6 Community swimming pools
- 7 Community center for the use of residents not including equestrian facilities

(f) Required Facilities – The district requires that as a condition of approval there is an existing equestrian facility on the site with a minimum capacity of 100 horses, or that an equestrian facility will be built. For those circumstances when facilities are not in place there will be no zoning permits granted on the residential portion of the site until the equestrian facility is built according to submitted plan and guarantees made that it will remain for perpetuity through deed restrictions.

(g) Separation Distances for Residential Cluster Groups.

1 The outer boundaries of all residential cluster groups shall conform to the following separation distances:

From all tract boundaries	50 feet
From equestrian buildings, barns, and paddocks	50 feet
From other cluster groups	50 feet
From wetlands, floodplains, or navigable waterways	35 feet
From active recreation areas, such as courts or playing fields	50 feet

2 All separation areas for cluster groups along existing streets shall be landscaped in accordance with Section 14.08-15 of the Kenosha County Land Division Control Ordinance in order to block views of new residential development, preserve scenic views, and to protect rural landscape character.

3 The separation distances along existing arterial streets and tract boundaries may be reduced to a minimum of 50 feet if the applicant can demonstrate that existing vegetation, topography or a combination of these form an effective visual screen.

(h) Overall Density and Dimensional Standards

1	Minimum tract size	120 acres
2	Maximum density[a]	1 du/5 acres
3	Equestrian Facility/open space [b]	60 percent

a Existing dwellings that may or not be part of a farmstead shall be counted towards the total density. Housing for caretakers does not count toward density. Acres refer to gross land area including all lands within tract, except existing street, railroad, existing trail and existing utility rights-of-way and/or easements. Only 20 percent of wetlands and floodplain may be counted toward the calculation of density.

b In the calculation of equestrian/open space areas, the following shall be excluded: private residential lot areas; existing and/or planned public street rights-of-way and/or private street easements; existing public trail rights-of-way

and/or easements; and existing railroad and existing utility rights-of-way and/or easements.

(i) Lot Density and Dimensional Standards

1 For equestrian facility lots and residential dwelling lots:

Development Standard	Equestrian Facilities Lot	Residential lot
Minimum lot area	10 acres	60,000 sq. ft.
Minimum lot width [a]	300 feet	150 feet
Street yard	40 feet	50 feet
Shore yard	Not less than 75 feet from the ordinary high water mark of any navigable water	
Side yard	25 feet	25 feet
Rear yard	50 feet	50 feet
Accessory buildings setback and size regulation [b]	See section 12.27-6	See section 12.27-6
Maximum building height	65 feet for equestrian building; 35 feet for separate caretaker building - 35 feet	
Maximum building coverage	N/A	10 percent

- a Lot frontage may be reduced on lots located on a cul-de-sac, court, or curve to feet provided there is at least 150 feet at the building setback line.
- b Accessory buildings on residential lots are not permitted in front yards.

(j) Design Standards for Equestrian Facility

- 1 All equestrian facility, including equestrian buildings, such as, barns, arenas, silos, storage sheds, cribs, paddocks, and stables, must be contained to a single lot.
- 2 A site plan for the equestrian facility lot must be included as part of the plat and zoning petition.
- 3 A plat may contain only one lot with equestrian facilities.
- 4 In locating equestrian facilities, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single wooded lot is cleared for the construction of a barns, arenas, silos, storage sheds, cribs, paddocks, and stables, and onsite soil absorption system.
- 5 Equestrian facility shall abut open space to the front or rear for a distance of at least 50 feet in order to provide direct access to the open space. Open space across a street located on the subject development property shall qualify for this requirement.

(k) Design Standards for Residential Cluster Groups.

- 1 All dwelling shall be grouped in clusters groups, each of which shall contain at least 2 but not more than 12 units and shall be surrounded by equestrian facility/open space.
- 2 Cluster groups may contain more than 12 units, and cluster groups may be assembled into larger groupings not separated by equestrian facility/open space, provided that the

applicant can demonstrate that such an alternative plan is more appropriate for the tract and will meet both the general intent and design standards of this ordinance.

3 A plat may contain one or more cluster groups.

4 Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and interior equestrian facility/open space. When the development does not contain individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than 50 feet.

5 The outer boundaries of each cluster group shall meet the separation distances specified in Section 12.20-5(g).

6 Cluster groups shall be defined and separated by equestrian facility/open space in order to provide direct access to the equestrian facility/open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way or street easement is designed as a boulevard.

7 All lots in a cluster group shall take access from interior streets.

8 All lots in a cluster group shall abut equestrian facility/open space to the front or rear for a distance of at least 50 feet. Equestrian facility/open space across a street located on the subject development property shall qualify for this requirement.

9 In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and onsite soil absorption system.

10 Street trees shall be provided as required by the local unit of government land division or subdivision ordinance within which the development is located. If no such local unit of government land division or subdivision ordinances exists or requires the planting of street trees, street trees shall be required in cluster groups at a minimum rate of one 2-inch caliper tree per dwelling unit and shall comply with the requirements of Section 14.08-15 of the Kenosha County Land Division Control Ordinance.

(I) Design Standards for Open Space.

1 Open space shall consist of only those uses identified in section 12.20-5 (b) 6.

2 The location of Open space shall be consistent with the objectives of any applicable comprehensive plan or comprehensive plan component.

3 All open space areas shall be part of a larger contiguous and integrated open space system. At least 75 percent of the open space shall be contiguous to another open space area. For the purpose of this section, contiguous shall be defined as located within 50 feet across which access is possible, for example on opposite sides of an internal street.

4 Open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this ordinance. Primary and secondary environmental corridors and isolated natural areas as identified by the Southeastern Wisconsin Regional Planning Commission are of particular significance for protection.

5 Natural features shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural

processes, as recommended by professionals in the area being modified. Permitted modifications may include woodland management, reforestation, meadow management, wetlands management, stream bank protection, and buffer area landscaping.

- 6 All wetland, floodplain, unique wildlife habitat areas, steep slopes over 12 percent, 100 percent of lowland environmental corridor and at least 80 percent of upland primary environmental corridors shall be contained in open space.
- 7 Common boundaries with existing or future open space on adjacent tracts, when shown in an applicable comprehensive plan or comprehensive plan component, shall be established whenever possible.
- 8 To preserve scenic views, ridge tops and hill tops should be contained within open space wherever possible. Trees shall not be removed from ridge tops or hill tops.
- 9 At least 80 percent of the area of existing woodlands shall be contained within open space; 20 percent of the area of existing woodlands may be used for lot areas and residential development. This limitation may be exceeded under the following conditions:
 - a The site is primarily wooded and development at permitted density would not be possible without encroaching further on woodlands.
 - b Any encroachment on woodlands beyond 20 percent shall be the minimum needed to achieve maximum permitted density.
- 10 No open space shall be less than 10,000 square feet in area, with the exception of landscape islands in cul-de-sac streets, and not less than 30 feet in width at any point. Open space not meeting this standard shall not be counted toward the total required percentage of open space.
- 11 The boundaries of open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where open space ends and private lot areas begin. Where structural demarcations, such as fences or fence posts, are used, they shall be the minimum needed to accomplish the objective.
- 12 Trails in open space that abut residential lots in cluster groups shall be identified by plantings, fences, or other landscape features.
- 13 Under no circumstances shall all open space be isolated in one area of the development. Open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- 14 Open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.
- 15 Safe and convenient pedestrian access and access for maintenance purposes shall be provided to open space areas. At least one access point per cluster group shall be provided, having a width equal to or greater than 50 feet. This width may be reduced to no less than 30 feet if the applicant can demonstrate that, meeting the lot width requirement would run counter to the objectives of this ordinance.

(m) Ownership and Maintenance of Common Facilities and Open space.

1 The following methods may be used, either singly or in combination, to own any common facilities (i.e. community swimming pools and community center) and/or open space. Common facilities and open space shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common facilities and open space. Ownership methods shall conform to the following:

a Owners Association.

Common facilities and/or open space shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The homeowners association shall be governed according to the following:

- 1) The applicant shall provide to the Kenosha County Department of Planning and Development a description of the organization, including its bylaws and all documents governing maintenance requirements and use restrictions for common facilities and/or open space.
- 2) The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
- 3) Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
- 4) The organization shall be responsible for maintenance and insurance of common facilities and/or open space.
- 5) The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities and/or open space.
- 6) The organization shall have or hire adequate personnel to administer, maintain, and operate common facility and/or open space.
- 7) The applicant for any tract proposed to contain common facilities and/or open space shall arrange with the Town Assessor a method of assessment of the common facilities and/or open space which will allocate to each tax parcel in the development a share of the total tax assessment for such common facilities and/or open space. Real estate taxes shall be paid by the individual unit owner directly to the Town.
- 8) Written notice of the proposed transfer of common facilities and/or open space by the homeowner's association or the assumption of maintenance of common facilities and/or open space must be given at all members of the organization and to the Town and County at least 39 days prior to such event.

b Condominium

Common facilities and/or equestrian facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved by the Town/County Attorney and shall be in conformance with the "Condominium Ownership Act" of 1977 (Chapter 703, Wisconsin Statutes), as amended. All open space and other common facilities shall be held as "common element" by

the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

- c Fee simple dedication to a public agency.
The Town/County or other public entity acceptable to the Town/County may, but shall not be required to, accept any portion of the common facilities and/or open space, provided that:
 - 1) There shall be no cost of acquisition (other than costs incidental to the transfer of ownership, such as title insurance);
 - 2) Any facilities so dedicated shall be accessible to the residents of the Town/County, if the Town/County so chooses;
 - 3) The Town/County or other public entity shall maintain such common facilities and/or open space.
 - 4) The equestrian facility owner shall hold a conservation easement on the land and facilities so dedicated, protecting the common facilities and/or open space from development in perpetuity.

- d Dedication of conservation easements to a public agency. The Town/County or other public agency acceptable to the Town/County may, but shall not be required to, accept easements for public use of any portion of the common facilities and/or open space, title of which is to remain in private ownership, provided that:
 - 1) There shall be no cost of easement acquisition (other than costs incidental to the transfer of ownership, such as title insurance);
 - 2) A satisfactory maintenance agreement shall be reached between the owner and the Town/County.
 - 3) Lands under a Town/County easement may or may not be accessible to the residents of the Town/County.

- e Fee simple dedication to a private conservation organization.
An owner may dedicate any portion of the common facilities to a private, not-for-profit conservation organization, provided that:
 - 1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
 - 2) The conveyance contains appropriate provisions for proper reverter or retransfers in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - 3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.

- f Transfer of easements to a private conservation organization.

- 1) The organization is acceptable to the Town/County and is a bona fide conservation organization;
 - 2) The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
 - 3) A maintenance agreement acceptable to the Town/County is established between the owner and the organization.
- g Ownership retained by the original landowner and/or equestrian facility owner.
- 1) The Town/County and the residents of the development shall hold conservation easements on the land protecting it from any further development.
 - 2) Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- h Other methods acceptable to the Kenosha County Department of Planning and Development.
- 2 Maintenance and operation of common facilities and open space.
- a A plan and narrative for the use, maintenance, and insurance of all common facilities and open space, including provisions for funding, shall be provided to and approved by the Kenosha County Department of Planning and Development prior to preliminary plan approval. Such plan shall:
- 1) Define ownership;
 - 2) Establish necessary regular and periodic operation and maintenance responsibilities, including mowing schedules, weed control, planting schedules, clearing and cleanup.
 - 3) Include a manure management plan.
 - 4) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - 5) At the discretion of the Kenosha County Department of Planning and Development, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities and open space for a maximum of one year.
- b In the event that the organization(s) established to own and/or maintain common facilities and open space, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the Town/County may serve written notice upon such organization, and upon the residents and owners of the uses related thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the

corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance, and any permits may be revoked or suspended. The Town/County may enter the premises and take corrective action.

- c The costs of corrective action by the Town/County shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and open space and shall become a lien on said properties. The Town/County, at the time of entering upon such common facilities and open space for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

3 Leasing of common facilities and/or open space.

Common facilities and/or open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:

- a The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
- b The common facilities and/or open space lands to be leased shall be maintained for the purpose set forth in the ordinance.
- c The operation of such leased common facilities and/or open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
- d The lease, and any transfer of assignment thereof, shall be subject to the approval of the Town/County Board.
- e Lease agreements so entered upon shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town/County Board.

4 Conservation.

Common facilities and open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Kenosha County Department of Planning and Development and duly recorded in the office of the County Register of Deeds.

Chapter 90. Zoning

ARTICLE 100. Base Districts

DIVISION 90-150. Agricultural Districts

§ 90-150.10. Districts established.

[Ord. No. 19-2020, 6-8-2020]

The Village's agricultural zoning districts are listed in Table 90-150-1. When this zoning chapter refers to "agricultural" zoning districts or "AG" zoning districts, it is referring to these districts.

Table 90-150-1 Agricultural (AG) Districts	
Symbol	District Name
AG-1	Limited Agriculture
AG-2	General Agriculture

§ 90-150.20. District descriptions.

[Ord. No. 19-2020, 6-8-2020]

- (a) General. Agricultural zoning districts are generally intended to accommodate farming, agricultural and traditional rural (principal and accessory) uses.
- (b) AG-1 Limited Agricultural District. The AG-1 District is primarily intended to accommodate small-scale, low-intensity farming, agricultural and traditional rural activities, including the keeping of a limited number of horses or farm animals.
- (c) AG-2 General Agricultural. The AG-2 District is primarily intended to accommodate full-scale farming and agricultural uses in areas where farming is to be encouraged and generally protected from encroachment by urban uses. The AG-1 District may also be applied in areas to prevent premature urban development where sewer, water and other infrastructure and service capacity is inadequate to safely accommodate such development.

§ 90-150.30. Allowed uses.

[Ord. No. 19-2020, 6-8-2020]

Uses are allowed in AG Districts in accordance with the use regulations of Division 90-310.

§ 90-150.40. Lot and building regulations.

[Ord. No. 19-2020, 6-8-2020]

Buildings in AG Districts are subject to compliance with the lot and building regulations of Table 90-150-2.

Table 90-150-2 AG District Lot and Building Regulations		
Regulation	AG-1	AG-2
(a) Lot		
Maximum lot area (acres)	19.99	No maximum
Minimum lot area (acres)	5	20
1 Minimum lot width (feet)		
Interior lot	300	500
Corner lot	150	40
Maximum building coverage (% of lot)	25	55
(b) Principal Building Siting		
2 Street setback (minimum; feet)	25	25
3 Driveway side (minimum; feet)	12	12
4 Nondriveway side (minimum; feet)	8	8
5 Rear (minimum; feet)	25	25
(c) Accessory Building Siting		
Allowed location	Allowed in rear yard only	
Side and rear setbacks (minimum; feet)	10	10
Building separation (minimum; feet)	10	10
(d) Maximum Building Height		
7 Principal building (feet)	35	35
Accessory building (feet)	24	24

§ 90-150.50. Horses and farm animals.

[Ord. No. 19-2020, 6-8-2020]

See Division 90-340.

§ 90-150.60. Other regulations.

[Ord. No. 19-2020, 6-8-2020]

Buildings and uses in AG Districts are subject to all other applicable regulations of this zoning chapter, including the following:

(a) Accessory uses and structures. See Division 90-330.

(b) Parking. See Division 90-420.

- (c) Landscape and screening. See Division 90-430.
- (d) Signs. See Division 90-440.
- (e) Sewer service. The municipal sewer service provisions of § **90-410.10** expressly apply to properties in AG Districts.
- (f) Water service. Properties in AG Districts are exempt from the municipal water service provisions of § **90-410.20**.
- (g) Building on vacant platted lots. Vacant lots that were platted and recorded before the effective date specified in § **90-10.30** may be built upon in the AG District to accommodate a residential dwelling unit that is accessory to an agricultural use. Such lots may be built upon to accommodate a residential dwelling unit that is not accessory to an agricultural use only if all of the criteria are met:
 - (1) The lot cannot be returned to agricultural use by virtue of damage done to the land as part of subdividing, or its remote accessibility to farming as a result of surrounding roads and housing;
 - (2) The soils are suitable for on-site sewage disposal, as verified by the issuance of necessary Village and other required permits for such use; and
 - (3) Information regarding Subsection (g)(1) and (2) of this section is presented to the Plan Commission for review, and the Plan Commission determines that the criteria are satisfied, and that there are no other reasons why the subject lot should not be built upon, including the widening or extending of highways, etc. The Plan Commission must indicate in its decision which district lot and building regulations should be applied to the allowed construction.

ARTICLE 300. Uses

DIVISION 90-310. Allowed Uses

§ 90-310.10. Use Table.

[Ord. No. 19-2020, 6-8-2020]

Principal uses are allowed in accordance with Table 90-310-1.

§ 90-310.20. Interpretation of Use Table.

[Ord. No. 19-2020, 6-8-2020]

- (a) Use classification system. Uses are listed in the first column of Table 90-310-1. This zoning chapter classifies uses into categories and subcategories, as explained in Division 90-320. In some cases, specific use types are listed in addition to the use categories and subcategories.
- (b) Permitted uses. Uses identified with a "(P)" are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of Table 90-310-1 and with all other applicable regulations of this zoning chapter.
- (c) Conditional uses. Uses identified with a "(C)" are allowed only if reviewed and approved in accordance with the conditional use procedures of Division 90-550.
- (d) Prohibited uses. Uses identified with a "-" are expressly prohibited. Uses that are not listed in the Table and that cannot be reasonably interpreted (as stated in § **90-320.50**) to fall within any defined use category or subcategory are also prohibited.

- (e) Uses prohibited on ground floor of building. Uses identified with a "↑" are allowed in the subject zoning district but only when located above the ground-floor. Such uses are prohibited on the ground floor.
- (f) Reference. The final (Reference) column of Table 90-310-1 includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires conditional use approval. Bracketed numbers also refer to use-specific conditions, which are included as footnotes immediately following the Use Table.
- (g) Accessory use. Only a limited number commonplace accessory uses are identified by Table 90-310-1. Other customary accessory uses may be allowed in conjunction with principal uses permitted by right or by conditional use approval, subject to compliance with all applicable accessory use regulations of Division 90-330.

Table 90-310-1: Use Table

USE CATEGORY	Residential			Mixed-Use					Commercial					Public	Agricul.	Description and supple- mental regulations
	RE	RL	RH	MX1	MX2	MX3	MX4	C1	C2	C3	C4	C5	P1			
RESIDENTIAL																
Household living																
Single household (per lot)	P	P	P	P [^]	P [^]	P [^]	P [^]	P	P [^]	P [^]	-	-	-	P	P	§ 90-320.60(a)(1)a
Two households (per lot)	-	P	P	P [^]	P [^]	P [^]	P [^]	P	P [^]	P [^]	-	-	-	P	P	§ 90-320.60(a)(1)b
Three or more households (per lot)	-	-	P	P [^]	P [^]	P [^]	P [^]	P [^]	P [^]	P [^]	-	-	-	-	-	§ 90-320.60(a)(1)c
Group living																
Community living arrangement (up to 8 residents)	P	P	P	P [^]	P [^]	P [^]	P [^]	P [^]	P [^]	P [^]	-	-	-	P	P	§ 90-320.60(b)
Community living arrangement (9 to 15 residents)	-	-	P	P [^]	P [^]	P [^]	P [^]	P [^]	P [^]	P [^]	-	-	-	-	-	§ 90-320.60(b)
Community living arrangement (over 16 residents)	-	-	C	C [^]	C [^]	C [^]	C [^]	C [^]	C [^]	C [^]	-	-	-	-	-	§ 90-320.60(b)
Institutional residential	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	§ 90-320.60(b)
PUBLIC/CIVIC																
Airport	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	§ 90-320.70(a)
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	§ 90-320.70(b)
Club or lodge	C	C	C	-	-	-	-	P	P	P	-	-	C	C	-	§ 90-320.70(c)
College or university	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	§ 90-320.70(d)

P = Permitted by-right

C = Conditional use

^ = Upper story only

- = Prohibited use

Table 90-610-1: Use Table

USE CATEGORY	Residential			Mixed-Use					Commercial			Public	Agricul.	Description and supple- mental regulations			
	RE	RL	RH	MX1	MX2	MX3	MX4	C1	C2	C3	C4				C5	P1	P2
Use subcategory																	
Defention or correctional facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	§ 90-320.70(e)
Governmental service	C	C	C	-	-	-	P	P	P	P	-	-	P	P	C	C	§ 90-320.70(f)
Hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	§ 90-320.70(g)
Library or cultural exhibit	C	C	C	-	-	-	-	-	-	-	-	-	P	P	-	-	§ 90-320.70(h)
Natural resource preservation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 90-320.70(i)
Parks and recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 90-320.70(j)
Religious assembly	C	C	C	C	C	C	P	C	C	C	-	-	P	P	C	C	§ 90-320.70(k)
Safety service	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	§ 90-320.70(l)
School	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	§ 90-320.70(m)
Utilities and public services, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§ 90-320.70(n)
Utilities and public services, major	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	§ 90-320.70(n)
COMMERCIAL																	
Animal service																	
Boarding	-	-	-	-	-	-	C	-	C	P	P	-	-	-	C	P	§ 90-320.80(a)(1)a
Grooming	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	§ 90-320.80(a)(1)b
Veterinary	-	-	-	-	C	P	P	C	P	P	P	-	-	-	-	-	§ 90-320.80(a)(1)c

P = Permitted by-right C = Conditional Use ^ = Upper story only - = Prohibited use

Table 90-310-1: Use Table

USE CATEGORY	Residential			Mixed-Use					Commercial					Agricul.	Description and supple- mental regulations	
	RE	RL	RH	MX1	MX2	MX3	MX4	C1	C2	C3	C4	C5	P1			P2
Use subcategory																
Specific Use Type	RE	RL	RH	MX1	MX2	MX3	MX4	C1	C2	C3	C4	C5	P1	P2	AG1	AG2
Assembly or entertainment																
Type 1	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-
Type 2	-	-	-	-	-	P	P	-	-	P	P	-	-	-	-	-
Business or trade school																
Indoor	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-
Outdoor	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Commercial service	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-
Day care																
Adult day care	-	-	-	-	-	P	P	-	P	P	-	-	P	P	-	-
Family day-care home	P	P	P	-	-	-	-	-	P	-	-	-	-	-	P	P
Day-care center (up to 30 enrollees)	-	-	P	-	-	P	P	-	P	P	-	-	P	P	-	-
Day-care center (more than 30 enrollees)	-	-	-	-	-	P	P	-	P	P	-	-	C	P	-	-
Financial service																
Convenient cash business	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-
All other financial services	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-
Funeral or mortuary service	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-
Lodging																

P = Permitted by-right

C = Conditional use

M = Upper story only

- = Prohibited use

§ 90-320.80(b)(1)a

§ 90-320.80(b)(1)b

§ 90-320.80(c)(1)a

§ 90-320.80(c)(1)b

§ 90-320.80(d)

§ 90-320.80(e)(1)a

§ 90-320.80(e)(1)b

§ 90-320.80(e)(1)c

§ 90-320.80(e)(1)c

§ 90-320.80(f)(1)a

§ 90-320.80(f)(1)b

§ 90-320.80(g)

Table 90-S10-4: Use Table

USE CATEGORY	Residential			Mixed-Use					Commercial			Agricultural	Description and supplemental regulations			
	RE	RL	RH	MX1	MX2	MX3	MX4	C1	C2	C3	C4			C5	P1	P2
Use subcategory																
Bed-and-breakfast inn	P	P	P	-	-	-	-	-	-	-	-	-	-	P	P	§ 90-320.80(h)(1)a
Hotel or motel	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	§ 90-320.80(h)(1)b
Short-term rental	P	P	P	P	P	P	P	P	P	P	-	-	-	P	P	§ 90-320.80(h)(1)c
Office																
Business or professional	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	§ 90-320.80(i)(1)a
Medical or health practitioner (including clinics)	-	-	-	-	P	P	P	P	P	P	P	-	-	-	-	§ 90-320.80(i)(1)b
Parking, nonaccessory	P	P	P	-	-	P	P	-	P	-	P	C	-	-	-	§ 90-320.80(j)
Restaurants and bars																
Restaurant	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	§ 90-320.80(k)(1)a
Bar	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	§ 90-320.80(k)(1)b
Small-batch alcohol producers	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	§ 90-320.80(k)(1)c
Retail sales																
Consumer shopping and convenience goods	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	§ 90-320.80(l)
Building supplies and equipment	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	§ 90-320.80(l)(1)c
Self-service storage	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	§ 90-320.80(m)
Sexually oriented business	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	§ 90-320.80(n)
Sports and recreation, participant																

P = Permitted by-right C = Conditional use ^ = Upper story only - = Prohibited use

Table 80-310-1: Use Table

USE CATEGORY	Residential			Mixed-Use					Commercial					Agricult.	Description and supple- mental regulations	
	RE	RL	RH	MX1	MX2	MX3	MX4	C1	C2	C3	C4	C5	P1			P2
Use subcategory																
Indoor	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	\$ 90- 320.80(o)(1)a
Outdoor	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	\$ 90- 320.80(o)(1)b
Vehicle sales and service																
Commercial vehicle repair/maintenance	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	\$ 90- 320.80(p)(1)a
Commercial vehicle sales or rental	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	\$ 90- 320.80(p)(1)b
Fuel sales	-	-	-	-	-	P	P	-	C	P	P	-	-	-	-	\$ 90- 320.80(p)(1)c
Personal vehicle repair/maintenance	-	-	-	-	-	C	P	-	C	P	P	-	-	-	-	\$ 90- 320.80(p)(1)d
Personal vehicle sales or rental	-	-	-	-	-	C	P	-	C	P	P	-	-	-	-	\$ 90- 320.80(p)(1)e
Truck stop	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	\$ 90- 320.80(p)(1)f
Vehicle body and paint finishing shop	-	-	-	-	-	-	-	-	-	C	P	-	-	-	-	\$ 90- 320.80(p)(1)g
INDUSTRIAL																
Junk/salvage yard	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	\$ 90- 320.90(a)
Manufacturing, production and industrial service																
Artisan	-	-	-	-	-	P	P	P	P	P	P	P	-	P	P	\$ 90- 320.90(b)(1)a
Limited	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	\$ 90- 320.90(b)(1)b
General	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	\$ 90- 320.90(b)(1)c

P = Permitted by-right C = Conditional use A= Upper story only - = Prohibited use

Chapter 400. Zoning

Article VIII. Base Districts

§ 400-42. RCE Country Estate District.

- A. Statement of intent. This district is intended to preserve a rural setting of very low density and high quality for "estate" or "gentleman's farm" type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development, in areas both intended and not intended to be served by municipal sewer or water facilities.
- B. Basic regulations. (See Article V for general enabling and qualifying language.)
- (1) Lot size.
 - (a) Minimum area: 120,000 square feet.
 - (b) Minimum average width: 250 feet.
 - (2) Density. Residential lot area per dwelling unit; lot area per dwelling unit: 120,000 square feet.
 - (3) Building location.
 - (a) Minimum setback: 50 feet.
 - (b) Minimum offset:
 - [1] One side: 40 feet.
 - [2] All other sides: 40 feet.
 - (4) Building size.
 - (a) Minimum residential floor area:
 - [1] Single-family:^[1]
 - [a] First floor: 1,100 square feet.
 - [b] Total: 1,100 square feet.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

 - [2] Multifamily per dwelling unit: —.
 - (b) Floor area ratio: 15%.
 - (5) Open space. Minimum per residential dwelling unit: 80,000 square feet.
 - (6) Height. Maximum permitted:
 - (a) Principal structure: 35 feet.

(b) Accessory structure: see Article **V**.

C. Permitted uses (see Article **V**).

(1) Permitted uses by right.

(a) Single-family detached dwellings.

(b) Public parks and recreation areas, but not including facilities for organized athletics except as a permitted conditional use.

(c) Crop, dairy, cattle, horse, goat/sheep and tree farming subject to the following:
[Amended 6-26-2018 by Ord. No. 1418; 3-18-2020 by Ord. No. 1442]

[1] The keeping or raising of hogs or fur bearing animals shall not be permitted.

[2] The keeping or raising of poultry and domestic livestock, except for hogs and fur bearing animals, the raising of which is absolutely prohibited in this district, shall be permitted as part of a principal agricultural use of the premises on farms of at least 10 acres in area on the basis of not more than one head of livestock per 40,000 square feet of land, nor more than 50 fowl per 40,000 square feet of land.

(d) Horticulture, but not including commercial greenhouses in excess of 1,000 square feet.

(e) Public utility transmission and distribution lines, poles and other accessories, provided that when a utility proposes a main intercity transmission facility, it shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning construction of a specific route shall file with the Plan Commission mapped description of the route of such transmission line.

(2) Permitted accessory uses.

(a) Private garages subject to the provisions of Article **XV** subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No private garage in a residence district shall be used for operation of any metal working, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home occupation.

(b) One private garden shed subject to the provisions of Article **XV** subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.

(c) Other accessory structures subject to the provisions of Article **XV** and subject to approval of the Plan Commission and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No accessory structure in a residential district shall be used for the carrying on of any metal working, woodworking, masonry, carpentry, contracting or repair business except as a permitted accessory use or home occupation.

(d) The following signs subject to the general regulations governing signs:

[1] A sign identifying the property or the name of the owner or occupant not in excess of six square feet.

[2] A "No Hunting," "No Trespassing" or other similar sign and not in excess of six square feet in area.

[3] Signs pertaining to the lease or sale of the property on which located or any building thereon, not in excess of 20 square feet in area per sign and not more than two signs on any single parcel.

(e) Home occupations and professional offices, when incident to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the

conditions in § 400-164 of this chapter. (Home occupations, when undetermined if they meet the restrictions in § 400-164, may be allowed by Plan Commission determination and approval as necessary. The Plan Commission may allow minor variations to the restrictions in § 400-164 by conditional use grant only. However, the home occupation must demonstrate that it does not negatively affect the residential area.)^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(f) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises subject to the following:
[Amended 10-23-2014 by Ord. No. 1386]

[1] The keeping or raising of hogs or fur bearing animals other than rabbits shall not be permitted.

[2] The raising of chickens for personal use, on lots less than 120,000 square feet, shall be considered an accessory use in all single-family residential zoning districts and shall meet the following requirements below:

[a] Up to a total of four chickens allowed per single-family property. No chickens are allowed on commercial, industrial, or multifamily properties.

[b] No roosters.

[c] No slaughtering on site.

[d] Chickens shall be kept within a secure outdoor enclosure of no more than 50 square feet and said enclosure must be maintained in a clean and sanitary condition. Said enclosure must be cleaned on a regular basis to prevent offensive odors.

[e] Enclosures shall be located no closer than 25 feet to neighboring dwellings and a minimum of 10 feet from the property line.

[f] Chickens may not be kept in the front yard of a property. For the purpose of this subsection, "front yard" is defined as between a home and a roadway. Homes that are located on multiple roadways are considered to have multiple front yards.

[g] Chickens may not be kept within 50 feet of the ordinary high-water mark (OHWM) of any navigable waterway.

[h] The chickens cannot cause a nuisance or unhealthy condition or interfere with the normal use of property or enjoyment of life by humans or animals.

[i] A zoning permit is required from the Public Works and Development Department before the allowance of chickens per this Subsection **C(2)(f)**.

[j] In the event a property owner/tenant does not first get a permit or if the property owner/tenant who has a valid permit does not follow the above requirements of this Subsection **C(2)(f)**, permanent revocation of the allowance of chickens on the property under this subsection may take place.

[k] By receiving an approved permit, an applicant agrees to allow the City on-site inspections, upon agreed-upon times, to review any complaints.

[l] Failure to follow the requirements of this Subsection **C(2)(f)** is subject to citation.

[3] Not more than one head of livestock or 20 fowl shall be permitted per 40,000 square feet of lot area, nor shall any such livestock or fowl be permitted on a lot less than 120,000 square feet in area unless the requirements are met for chickens per Subsection **C(2)(f)[2]** above. See Subsection **C(2)(f)[4]** for further details on how to calculate the number of livestock and fowl allowed.

[Amended 3-18-2020 by Ord. No. 1442]

[a] Storage requirements.

[i] All bedding materials must be stored indoors.

[ii] Any outdoor piles of feed and bedding shall be located at least 100 feet from any public right-of-way or adjacent residential lot line.

[iii] Manure shall be stored no less than 100 feet from any public right-of-way or adjacent residential lot line.

[4] Determining the maximum number of livestock and fowl. The calculation of the maximum number of livestock and fowl allowed applies to all subsections in § **400-42C(2)(f)**. Different animal types may be combined, but the total calculated number of animals may not exceed the maximum per-acre density identified in § **400-42C(2)(f) [3]**. For example, a three-acre lot will allow for three head of livestock or 60 fowl; or a three-acre lot can have one horse, one sheep and 20 head of fowl, or equivalent numbers not to exceed the maximum allowed.

[Added 3-18-2020 by Ord. No. 1442]

[a] Contiguous land under the same ownership. The total acreage of parcels of land that are contiguous to each other, under that same ownership and have the appropriate zoning category may be used when calculating the maximum number of animals allowed. The minimum lot size for the keeping and raising of animals shall be met prior to additional animals being allowed for additional contiguous lands.

[b] Contiguous land that is leased. If contiguous land is being leased for agricultural purposes, the leased land area can be used when calculating the maximum number of animals allowed. Once the land is no longer being leased, the maximum number of animals allowed shall be adjusted. A written lease agreement, signed by all property owners, shall be required. The minimum lot size for the keeping and raising of animals shall be met prior to additional animals being allowed for additional contiguous lands. The leased land shall be used exclusively by the lessee.

[c] When determining the maximum number of animals allowed on contiguous lands, the land area can only be used once or by one property owner. Double counting is not allowed.

(g) Private residential outdoor recreation facilities.

(h) Service buildings and facilities normally incident to the use of a public park or recreation area.

(i) Any other structure or use normally accessory to the principal uses permitted.

(j) All those uses as listed in § **267-3** of Chapter **267**, Peddlers, Solicitors and Transient Merchants, of the City Code shall be permitted without Plan Commission approval unless traffic congestion is a concern or the residential integrity of the subject and adjacent properties is compromised. Agricultural produce sales shall be of a seasonal nature, grown by the seller, on agricultural zoned property or agriculturally used property including the principal residence.

(k) Hobby kennels, subject to the conditions in § **400-166A** of this chapter.^[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(l) Mother-in-law/family units, subject to the conditions in § **400-165** of this chapter.^[4]

- [4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (m) Vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as not more than 300 square feet, except that a maximum of two rental spaces may be permitted where they are the only spaces provided on said lot.
- (n) For lakeshore properties, one boathouse in addition to the accessory uses permitted, and subject to the approval of the Public Works and Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to the following:
- [1] Location: minimum 20 feet from the ordinary high-water mark and subject to the side yard offset provisions of the underlying district effective with new construction or relocations after November 15, 2001.
- [2] Height: not greater than 15 feet above the lowest grade.
- [3] Area: no greater than 525 square feet.
- (o) Bed-and-breakfast. A bed-and-breakfast is an owner-managed and -occupied residential structure used as a lodging establishment where a room or rooms are rented on a nightly basis and in which only breakfast is included as part of the basic compensation. A bed-and-breakfast facility is allowed in some residential zoning districts provided a conditional use grant is first received from the City's Plan Commission. Bed-and-breakfast operation is subject to the following conditions and submittal requirements being met through the City's Plan Commission:
[Added 8-19-2010 by Ord. No. 1326]
- [1] A building, site and operation plan outlining all pertinent details must be submitted to the Plan Commission (narrative, building elevations, floor plans, site plan, lighting, landscaping, refuse, etc.).
- [2] The facility shall have any applicable state licenses/approvals required for lodging and/or food services and comply with and maintain all health, safety, building, and fire codes as may be required or applicable.
- [3] A maximum of five bed-and-breakfast units may be established within a structure.
- [4] The bed-and-breakfast establishment shall provide a minimum of one parking space per bed-and-breakfast sleeping room and a minimum of two parking spaces for the use of the operator and family of the operator; provided, however, that the City Plan Commission may determine it sufficient for fewer parking spaces in extenuating circumstances so long as it is not detrimental to the neighborhood. The parking must follow other parking requirements per this code and may require additional screening depending on the desired location and surrounding land uses. Parking shall not be detrimental to nearby properties due to excess noise, odor, glare or other factors.
- [5] Signage is limited per the sole direction of the Plan Commission.
- [6] The owner shall reside on site.
- [7] Breakfast shall be served on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.
- [8] All bed-and-breakfast units shall be established within the principal or accessory structures on the property.
- [9] The principal structure shall have a minimum size of 1,500 gross square feet.

[10] No liquor is to be sold or served on the premises unless the operator has first obtained a liquor license from the City.

[11] All bed-and-breakfast facilities must maintain a guest logbook that must include the names and home addresses of guests, guest license plate numbers if traveling by automobile, dates of stay, and the room number of each guest. The log must be available for inspection by City public safety staff upon request.

[12] No guest shall stay in the facility for more than 14 days within any thirty-day period.

(3) Permitted uses by conditional grant.

(a) Public and private commercial and private noncommercial group outdoor recreational facilities.

(b) Public and private schools.

(c) Churches and religious institutions.

(d) Public administrative offices and service buildings.

(e) Private lodges and clubs.

(f) Commercial development of historic restorations.

(g) Nursing and rest homes and homes for the aged, including day care.^[5]

[5] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(h) Summer theaters and outdoor music amphitheaters.

(i) Public utility offices and installations.

(j) Existing duplexes.

(k) Home occupation not meeting the above accessory requirement.

(l) Separate quarters away from the main building for:

[1] Household or farm employees, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families.

[2] Persons related to the residents of the principal structure, provided such structure shall not be rented or leased. Said quarters shall be a minimum of 1,200 square feet.

(m) Guesthouses on lots of at least 120,000 square feet, provided such structure shall not be rented or leased. Such structure shall be a minimum of 1,200 square feet.

(n) Rustic structures.

(o) For lakeshore properties: boating and yacht clubs, marinas and launching sites, lake resorts and boat liveries.^[6]

[6] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(p) Bed-and-breakfasts as regulated by Subsection **C(2)(o)**.

[Added 8-19-2010 by Ord. No. 1326]

(q) Waiver of a dimensional zoning regulation for a reasonable accommodation for a person with disabilities. See § **400-159G** for details.

[Added 3-22-2012 by Ord. No. 1351]

(r) (Reserved)^[7]

[7] *Editor's Note: Former Subsection C(3)(r), listing vacation rentals per § 400-159H, added 6-26-2018 by Ord. No. 1418, was superseded 4-12-2022 by Ord. No. 1470. See now Ch. 297, Short-Term Rentals.*

(s) Adaptive reuse of existing barns for an event/wedding venue as per § **400-159J** of this chapter.

[Added 3-18-2020 by Ord. No. 1442]

(4) Lakeshore property restrictions.

(a) No lot in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or access to or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, or patrons of a permitted commercial use or of a permitted organizational use.^[8]

[8] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(b) No building shall be permitted closer than 50 feet to the shoreline of a lakeshore lot, except that no offset shall be required for piers or similar use areas and a boathouse as permitted above.

Chapter 400. Zoning

Article VIII. Base Districts

§ 400-42. RCE Country Estate District.

- A. Statement of intent. This district is intended to preserve a rural setting of very low density and high quality for "estate" or "gentleman's farm" type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development, in areas both intended and not intended to be served by municipal sewer or water facilities.
- B. Basic regulations. (See Article V for general enabling and qualifying language.)
- (1) Lot size.
 - (a) Minimum area: 120,000 square feet.
 - (b) Minimum average width: 250 feet.
 - (2) Density. Residential lot area per dwelling unit; lot area per dwelling unit: 120,000 square feet.
 - (3) Building location.
 - (a) Minimum setback: 50 feet.
 - (b) Minimum offset:
 - [1] One side: 40 feet.
 - [2] All other sides: 40 feet.
 - (4) Building size.
 - (a) Minimum residential floor area:
 - [1] Single-family:^[1]
 - [a] First floor: 1,100 square feet.
 - [b] Total: 1,100 square feet.
 - [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - [2] Multifamily per dwelling unit: –.
 - (b) Floor area ratio: 15%.
 - (5) Open space. Minimum per residential dwelling unit: 80,000 square feet.
 - (6) Height. Maximum permitted:
 - (a) Principal structure: 35 feet.

(b) Accessory structure: see Article **V**.

C. Permitted uses (see Article **V**).

(1) Permitted uses by right.

(a) Single-family detached dwellings.

(b) Public parks and recreation areas, but not including facilities for organized athletics except as a permitted conditional use.

(c) Crop, dairy, cattle, horse, goat/sheep and tree farming subject to the following:
[Amended 6-26-2018 by Ord. No. 1418; 3-18-2020 by Ord. No. 1442]

[1] The keeping or raising of hogs or fur bearing animals shall not be permitted.

[2] The keeping or raising of poultry and domestic livestock, except for hogs and fur bearing animals, the raising of which is absolutely prohibited in this district, shall be permitted as part of a principal agricultural use of the premises on farms of at least 10 acres in area on the basis of not more than one head of livestock per 40,000 square feet of land, nor more than 50 fowl per 40,000 square feet of land.

(d) Horticulture, but not including commercial greenhouses in excess of 1,000 square feet.

(e) Public utility transmission and distribution lines, poles and other accessories, provided that when a utility proposes a main intercity transmission facility, it shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning construction of a specific route shall file with the Plan Commission mapped description of the route of such transmission line.

(2) Permitted accessory uses.

(a) Private garages subject to the provisions of Article **XV** subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No private garage in a residence district shall be used for operation of any metal working, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home occupation.

(b) One private garden shed subject to the provisions of Article **XV** subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.

(c) Other accessory structures subject to the provisions of Article **XV** and subject to approval of the Plan Commission and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No accessory structure in a residential district shall be used for the carrying on of any metal working, woodworking, masonry, carpentry, contracting or repair business except as a permitted accessory use or home occupation.

(d) The following signs subject to the general regulations governing signs:

[1] A sign identifying the property or the name of the owner or occupant not in excess of six square feet.

[2] A "No Hunting," "No Trespassing" or other similar sign and not in excess of six square feet in area.

[3] Signs pertaining to the lease or sale of the property on which located or any building thereon, not in excess of 20 square feet in area per sign and not more than two signs on any single parcel.

(e) Home occupations and professional offices, when incident to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the

conditions in § 400-164 of this chapter. (Home occupations, when undetermined if they meet the restrictions in § 400-164, may be allowed by Plan Commission determination and approval as necessary. The Plan Commission may allow minor variations to the restrictions in § 400-164 by conditional use grant only. However, the home occupation must demonstrate that it does not negatively affect the residential area.)^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(f) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises subject to the following:

[Amended 10-23-2014 by Ord. No. 1386]

[1] The keeping or raising of hogs or fur bearing animals other than rabbits shall not be permitted.

[2] The raising of chickens for personal use, on lots less than 120,000 square feet, shall be considered an accessory use in all single-family residential zoning districts and shall meet the following requirements below:

[a] Up to a total of four chickens allowed per single-family property. No chickens are allowed on commercial, industrial, or multifamily properties.

[b] No roosters.

[c] No slaughtering on site.

[d] Chickens shall be kept within a secure outdoor enclosure of no more than 50 square feet and said enclosure must be maintained in a clean and sanitary condition. Said enclosure must be cleaned on a regular basis to prevent offensive odors.

[e] Enclosures shall be located no closer than 25 feet to neighboring dwellings and a minimum of 10 feet from the property line.

[f] Chickens may not be kept in the front yard of a property. For the purpose of this subsection, "front yard" is defined as between a home and a roadway. Homes that are located on multiple roadways are considered to have multiple front yards.

[g] Chickens may not be kept within 50 feet of the ordinary high-water mark (OHWM) of any navigable waterway.

[h] The chickens cannot cause a nuisance or unhealthy condition or interfere with the normal use of property or enjoyment of life by humans or animals.

[i] A zoning permit is required from the Public Works and Development Department before the allowance of chickens per this Subsection **C(2)(f)**.

[j] In the event a property owner/tenant does not first get a permit or if the property owner/tenant who has a valid permit does not follow the above requirements of this Subsection **C(2)(f)**, permanent revocation of the allowance of chickens on the property under this subsection may take place.

[k] By receiving an approved permit, an applicant agrees to allow the City on-site inspections, upon agreed-upon times, to review any complaints.

[l] Failure to follow the requirements of this Subsection **C(2)(f)** is subject to citation.

[3] Not more than one head of livestock or 20 fowl shall be permitted per 40,000 square feet of lot area, nor shall any such livestock or fowl be permitted on a lot less than 120,000 square feet in area unless the requirements are met for chickens per Subsection **C(2)(f)[2]** above. See Subsection **C(2)(f)[4]** for further details on how to calculate the number of livestock and fowl allowed.

[Amended 3-18-2020 by Ord. No. 1442]

[a] Storage requirements.

[i] All bedding materials must be stored indoors.

[ii] Any outdoor piles of feed and bedding shall be located at least 100 feet from any public right-of-way or adjacent residential lot line.

[iii] Manure shall be stored no less than 100 feet from any public right-of-way or adjacent residential lot line.

[4] Determining the maximum number of livestock and fowl. The calculation of the maximum number of livestock and fowl allowed applies to all subsections in § **400-42C(2)(f)**. Different animal types may be combined, but the total calculated number of animals may not exceed the maximum per-acre density identified in § **400-42C(2)(f) [3]**. For example, a three-acre lot will allow for three head of livestock or 60 fowl; or a three-acre lot can have one horse, one sheep and 20 head of fowl, or equivalent numbers not to exceed the maximum allowed.

[Added 3-18-2020 by Ord. No. 1442]

[a] Contiguous land under the same ownership. The total acreage of parcels of land that are contiguous to each other, under that same ownership and have the appropriate zoning category may be used when calculating the maximum number of animals allowed. The minimum lot size for the keeping and raising of animals shall be met prior to additional animals being allowed for additional contiguous lands.

[b] Contiguous land that is leased. If contiguous land is being leased for agricultural purposes, the leased land area can be used when calculating the maximum number of animals allowed. Once the land is no longer being leased, the maximum number of animals allowed shall be adjusted. A written lease agreement, signed by all property owners, shall be required. The minimum lot size for the keeping and raising of animals shall be met prior to additional animals being allowed for additional contiguous lands. The leased land shall be used exclusively by the lessee.

[c] When determining the maximum number of animals allowed on contiguous lands, the land area can only be used once or by one property owner. Double counting is not allowed.

(g) Private residential outdoor recreation facilities.

(h) Service buildings and facilities normally incident to the use of a public park or recreation area.

(i) Any other structure or use normally accessory to the principal uses permitted.

(j) All those uses as listed in § **267-3** of Chapter **267**, Peddlers, Solicitors and Transient Merchants, of the City Code shall be permitted without Plan Commission approval unless traffic congestion is a concern or the residential integrity of the subject and adjacent properties is compromised. Agricultural produce sales shall be of a seasonal nature, grown by the seller, on agricultural zoned property or agriculturally used property including the principal residence.

(k) Hobby kennels, subject to the conditions in § **400-166A** of this chapter.^[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(l) Mother-in-law/family units, subject to the conditions in § **400-165** of this chapter.^[4]

- [4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (m) Vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as not more than 300 square feet, except that a maximum of two rental spaces may be permitted where they are the only spaces provided on said lot.
- (n) For lakeshore properties, one boathouse in addition to the accessory uses permitted, and subject to the approval of the Public Works and Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to the following:
- [1] Location: minimum 20 feet from the ordinary high-water mark and subject to the side yard offset provisions of the underlying district effective with new construction or relocations after November 15, 2001.
- [2] Height: not greater than 15 feet above the lowest grade.
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- (o) Bed-and-breakfast. A bed-and-breakfast is an owner-managed and -occupied residential structure used as a lodging establishment where a room or rooms are rented on a nightly basis and in which only breakfast is included as part of the basic compensation. A bed-and-breakfast facility is allowed in some residential zoning districts provided a conditional use grant is first received from the City's Plan Commission. Bed-and-breakfast operation is subject to the following conditions and submittal requirements being met through the City's Plan Commission:
[Added 8-19-2010 by Ord. No. 1326]
- [1] A building, site and operation plan outlining all pertinent details must be submitted to the Plan Commission (narrative, building elevations, floor plans, site plan, lighting, landscaping, refuse, etc.).
- [2] The facility shall have any applicable state licenses/approvals required for lodging and/or food services and comply with and maintain all health, safety, building, and fire codes as may be required or applicable.
- [3] A maximum of five bed-and-breakfast units may be established within a structure.
- [4] The bed-and-breakfast establishment shall provide a minimum of one parking space per bed-and-breakfast sleeping room and a minimum of two parking spaces for the use of the operator and family of the operator; provided, however, that the City Plan Commission may determine it sufficient for fewer parking spaces in extenuating circumstances so long as it is not detrimental to the neighborhood. The parking must follow other parking requirements per this code and may require additional screening depending on the desired location and surrounding land uses. Parking shall not be detrimental to nearby properties due to excess noise, odor, glare or other factors.
- [5] Signage is limited per the sole direction of the Plan Commission.
- [6] The owner shall reside on site.
- [7] Breakfast shall be served on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.
- [8] All bed-and-breakfast units shall be established within the principal or accessory structures on the property.
- [9] The principal structure shall have a minimum size of 1,500 gross square feet.

[10] No liquor is to be sold or served on the premises unless the operator has first obtained a liquor license from the City.

[11] All bed-and-breakfast facilities must maintain a guest logbook that must include the names and home addresses of guests, guest license plate numbers if traveling by automobile, dates of stay, and the room number of each guest. The log must be available for inspection by City public safety staff upon request.

[12] No guest shall stay in the facility for more than 14 days within any thirty-day period.

(3) Permitted uses by conditional grant.

(a) Public and private commercial and private noncommercial group outdoor recreational facilities.

(b) Public and private schools.

(c) Churches and religious institutions.

(d) Public administrative offices and service buildings.

(e) Private lodges and clubs.

(f) Commercial development of historic restorations.

(g) Nursing and rest homes and homes for the aged, including day care.^[5]

[5] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(h) Summer theaters and outdoor music amphitheaters.

(i) Public utility offices and installations.

(j) Existing duplexes.

(k) Home occupation not meeting the above accessory requirement.

(l) Separate quarters away from the main building for:

[1] Household or farm employees, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families.

[2] Persons related to the residents of the principal structure, provided such structure shall not be rented or leased. Said quarters shall be a minimum of 1,200 square feet.

(m) Guesthouses on lots of at least 120,000 square feet, provided such structure shall not be rented or leased. Such structure shall be a minimum of 1,200 square feet.

(n) Rustic structures.

(o) For lakeshore properties: boating and yacht clubs, marinas and launching sites, lake resorts and boat liveryes.^[6]

[6] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(p) Bed-and-breakfasts as regulated by Subsection **C(2)(o)**.

[Added 8-19-2010 by Ord. No. 1326]

(q) Waiver of a dimensional zoning regulation for a reasonable accommodation for a person with disabilities. See § **400-159G** for details.

[Added 3-22-2012 by Ord. No. 1351]

(r) (Reserved)^[7]

[7] *Editor's Note: Former Subsection C(3)(r), listing vacation rentals per § 400-159H, added 6-26-2018 by Ord. No. 1418, was superseded 4-12-2022 by Ord. No. 1470. See now Ch. 297, Short-Term Rentals.*

(s) Adaptive reuse of existing barns for an event/wedding venue as per § **400-159J** of this chapter.

[Added 3-18-2020 by Ord. No. 1442]

(4) Lakeshore property restrictions.

(a) No lot in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or access to or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, or patrons of a permitted commercial use or of a permitted organizational use.^[8]

[8] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(b) No building shall be permitted closer than 50 feet to the shoreline of a lakeshore lot, except that no offset shall be required for piers or similar use areas and a boathouse as permitted above.

Chapter 420. Zoning Ordinance

Article XVI. District Regulations

§ 420-103. A-3 Limited Agricultural District.

[Amended 7-20-2009 by Ord. No. 09-44; 3-15-2010 by Ord. No. 10-08]

- A. Primary purpose and characteristics. The A-3 Limited Agricultural District is intended to provide an area for the development of hobby farms and limited farming and related agricultural uses at densities not to exceed one dwelling unit per five acres. No such A-3 District shall be established unless it is in compliance with adopted or amended comprehensive, neighborhood and conceptual plans.
- B. Permitted uses. The following listed principal uses and certain unspecified principal uses approved pursuant to Subsection **C** below are allowed as permitted uses in the A-3 District, subject to the requirements of this chapter and of other Village ordinances and codes:
- (1) Community living arrangements having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.
 - (2) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.
 - (3) Single-family dwelling, which may include a private garage or carport attached to the dwelling.
 - (4) Grazing or pasturing of livestock (per § **420-39**).
 - (5) Greenhouses, not including retail sales of plants and flowers on site (per § **420-86**).
 - (6) Crop raising and orchards, not including retail sales of fruits or vegetables on site, except for a roadside stand (per § **420-88.1**).
 - (7) Commercial communication structures (as a principal or accessory use per § **420-89**).
[Added 4-7-2014 by Ord. No. 14-08]
- C. Unspecified permitted uses. The Zoning Administrator shall have authority to approve as a permitted use in the A-3 District a proposed principal use not listed in Subsection **B** above if the proposed use is similar in character to one or more of the listed permitted uses in the A-3 District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use so approved shall be subject to all requirements of Subsection **B** above. Notwithstanding the foregoing authorization, the following uses shall not be construed to be permitted uses in the A-3 District:
- (1) Any listed permitted use or conditional use specifically listed in any other Zoning District that is not specifically listed in Subsection **B** above.
 - (2) Any adult-oriented uses, including, without limitation, an adult bookstore, adult cabaret, adult club, adult dry cabaret, adult movie theater, adult video rental store, adult video store or adult viewing facility.

- (3) Any listed unspecified permitted use in any zoning district that is not specifically listed in Subsection **B** above.
- (4) Any use involving the serving or selling of alcoholic beverages.
- (5) Anhydrous ammonia (bulk storage facility or retail sale).
- (6) Composting (commercial).
- (7) Egg production (commercial).
- (8) Farm implement business.
- (9) Feed lot (commercial).
- (10) Fertilizer (production, sales, storage, mixing or blending).
- (11) Fireworks (manufacturing, storage or sale).
- (12) Flea markets.
- (13) Fur-bearing animals (keeping or raising).
- (14) Livestock sale facilities.
- (15) Propane (bulk storage facility or retail sale).
- (16) Refuse incineration.
- (17) Slaughterhouse.
- (18) Truck stop and/or truck service facility.
- (19) Wrecking, junk, demolition and scrap yards.^[1]

[1] *Editor's Note: Former Subsection C(20), which immediately followed and listed livestock sale facilities as a prohibited use, was repealed 7-20-2020 by Ord. No. 20-26 as it was duplicative. See Subsection C(14), above.*

- D. Conditional uses. The following uses may be permitted as conditional uses in the A-3 District (as principal uses or accessory uses, as appropriate) pursuant to and in accordance with Article **XVIII** of this chapter, subject to the requirements of Article **IX**, if applicable, and all other applicable provisions of this chapter and of other Village ordinances and codes:
- (1) Community living arrangements having nine but not more than 15 persons and in conformance with all state statutory requirements.
 - (2) Transmission lines (electric power or natural gas).
- E. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.
- F. Combination of uses. Except as otherwise specifically provided for in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the A-3 District, subject to Article **IX** and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with each of the following restrictions to the extent such restrictions are applicable:
- (1) Permitted uses allowed in the A-3 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such permitted uses and their related accessory uses in the same principal building in the A-3 District.

- (2) Conditional uses allowed in the A-3 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the A-3 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article **XVIII** of this chapter.
- (3) Permitted uses allowed in the A-3 District and their related accessory uses and conditional uses allowed in the A-3 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in the same principal building in the A-3 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article **XVIII** of this chapter.
- (4) Nonconforming uses existing in the A-3 District as of the effective date of Ordinance No. 10-08 (March 15, 2010) and any related accessory uses existing as of such date may be continued in the same principal building with other uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.

G. Accessory uses.

- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the A-3 District are allowed, subject to all other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the A-3 District are allowed.
 - (b) Accessory uses to principal conditional uses allowed in the A-3 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article **XVIII** of this chapter.
 - (c) In the event of any issue about whether a particular use is properly an accessory use, the Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.
- (2) Specific permitted accessory uses that are allowed in the A-3 District include:
 - (a) General farm buildings, including agricultural windmills, barns, and sheds incidental to the agricultural use (per § **420-86**).
 - (b) Silos and grain/storage bins, provided that the height does not exceed 100 feet.
 - (c) Feedlots (not commercial and only for permitted farm uses).
 - (d) Storage, curing, drying, churning and packaging of products and crops produced on the land; provided, however, that such products are not processed on the land; and provided, further, that such products are not commercially sold as part of a retail business conducted on the land.

- (e) Roadside stands (per § **420-88.1**).
 - (f) Home occupations (per Article **VII**).
 - (g) Driveways (per § **420-46**).
 - (h) Swimming pools/hot tubs (per Article **XII**).
 - (i) Fences (per Article **XI**).
 - (j) Decks (per § **420-87**).
 - (k) Sport courts (per § **420-88**).
 - (l) Residential communication structures (per § **420-90**).
 - (m) Solar energy system for individual users per § **420-88.2**.
[Added 5-3-2021 by Ord. No. 21-07]
- (3) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.
- H. Temporary uses. Temporary uses may be allowed in the A-3 District pursuant to § **420-140.1** of this chapter.
- I. Prohibited uses. Uses that are not specifically allowed in the A-3 District by this chapter as specified in the foregoing sections are prohibited in the A-3 District.
- J. Dimensional standards. Except as specifically provided in this chapter, and without limitations, all uses, sites, buildings and structures in the A-3 District shall comply with the following dimensional standards to the extent applicable.
- (1) Lot size: five acres minimum; however, there is no minimum lot size for transmission lines.
 - (2) Lot frontage. Lot frontage on a public street: 300 feet minimum; however, no minimum lot frontage on a public street shall be applicable to transmission lines.
 - (3) Single-family dwellings shall comply with the standards set forth in § **420-108F** of this chapter.
 - (4) Setbacks:
 - (a) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - (b) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
[Amended 7-17-2017 by Ord. No. 17-32]
 - (c) Side setback: 25 feet minimum.
 - (d) Rear setback: 50 feet minimum.
 - (e) Wetland setback: 25 feet minimum.
- K. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the A-3 District shall comply with the following design standards to the extent applicable:
- (1) Number of principal single-family dwellings per lot: one maximum.
 - (2) Number of agricultural structures and detached accessory buildings, excluding silo or storage bins, per lot:
 - (a) On lots that are five or more acres: five maximum.

- (b) On lots that are less than five acres: three maximum.
- (3) Number of silo or storage bins per lot:
 - (a) On lots that are five or more acres: five maximum.
 - (b) On lots that are less than five acres: three maximum.
- (4) No structure or improvement may be built unless said structure or improvement is consistent with agricultural uses specified in this section.
- (5) All accessory uses or structures shall be located on the same lot or approved site as the principal use.
- (6) Parking, access and traffic requirements pursuant to Article **VIII** of this chapter.
- (7) Sign requirements pursuant to Article **X** of this chapter.
- (8) Each use, site, building and structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, if applicable, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- L. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the A-3 District shall comply with the following operational standards to the extent applicable:
 - (1) Compliance with Article **IX** of this chapter is required for any activities of the type specified in § **420-52A**.
 - (2) Each use, site, building and structure shall comply with all applicable performance standards set forth in § **420-38** of this chapter.
- M. Authorized sanitary sewer system. See § **420-32** of this chapter.
- N. Authorized water supply system. See § **420-33** of this chapter.

