

Village of Mukwonago
Notice of Meeting and Agenda

PLAN COMMISSION MEETING
Tuesday, February 13, 2024

Time: **6:30 pm**

Place: **Mukwonago Municipal Building, Board Room, 440 River Crest Ct**

1. Call to Order

2. Roll Call

3. Comments from the Public

Please be advised, per Wisconsin Statute Sec. 19.84(2), information and comment will be received from the public by the Plan Commission. The Public Comment Session is granted to the public at the start of each Plan Commission meeting. The Public Comment Session shall last no longer than fifteen (15) minutes and individual presentations are limited to three (3) minutes per speaker. However, these time limits may be extended at the discretion of the Chief Presiding Officer. The Plan Commission may not respond to or have any discussion on information received during the public comment session unless it is placed upon the Agenda for a subsequent meeting. Public comments should be addressed to the Plan Commission as a body. Presentations shall not deal in personalities personal attacks on members of the Plan Commission, the applicant for any project or Village Employees. Comments shall not be used to engage others in a debate in this forum. All comments, questions and concerns should be presented in a respectful professional manner. Any questions to an individual member of the Plan Commission or Staff will be deemed out of order by the Presiding Officer.

4. Approval of Minutes

- 4.1 Approval of minutes from December 12, 2023 meeting.
[20231212 PlanCommissionMinutesDraft.pdf](#)

5. Public Hearings

All persons interested in making comments about any of the public hearing items will be heard. Formal petitions and written comments regarding any of the public hearing items may be submitted tonight. During the public hearing(s), if you wish to be heard, the Plan Commission asks that you begin by stating your name and address, speak for no more than three minutes and attempt to avoid duplication. Each person speaking at the public hearing must sign the Public Hearing Appearance sign-in sheet before speaking. The sign-in sheet is available on the table located at the back of the room.

- 5.1 Public Hearing for Comprehensive Plan 2035 Amendment for the future land use of the Hein Property, from Low Density Multi-Family Residential to Small Lot Single Family, located at S92W27720 Edgewood Dr; Parcel MUKV 2091-995; Neumann Development, applicant.
[Comp Plan Amend - Hein PH Notice.pdf](#)
- 5.2 Public Hearing for Rezoning of the Hein Development located on Edgewood Ave; Parcel MUKV 2091-995; from A-1 Agricultural District to R-3 Single-Family Lot Residential District by Neumann Development, applicant.
[PH Notice - Hein Rezoning.pdf](#)

- 5.3 Public Hearing for Conditional Use for a structure located at 360 McKenzie Rd; Parcel MUKV 1972-999; Village of Mukwonago-Miniwaukan Park; Ron Bittner, Public Works Director, applicant.
[PH Notice - Miniwaukan Park Bldg.pdf](#)

6. New Business

Discussion and Possible Action on the Following Items

- 6.1 Discussion and possible recommendation to the Village Board for **ORDINANCE 1026** for a Comprehensive Plan Amendment for Neumann Companies; Edgewood Ave; Parcel MUKV 2091-995.
[Staff Report - Hein Comp Plan Amend.pdf](#)
[Combined Documents.pdf](#)
[ORDINANCE 1026_-_Hein_Comp_Plan_Amend.pdf](#)
- 6.2 Discussion and possible recommendation to the Village Board for **ORDINANCE 1027** for a Rezoning from A-1 Agricultural District to R-3 Single-Family Lot Residential District for Neumann Companies; Edgewood Ave; Parcel MUK V2091-995.
[Staff Report - Hein Rezone.pdf](#)
[Combined Documents.pdf](#)
[ORDINANCE 1027_-_Hein_Rezoning.pdf](#)
- 6.3 Discussion and possible recommendation to the Village Board for **RESOLUTION 2024-04** for a Conditional Use Permit for a structure by Village of Mukwonago-Miniwaukan; 360 McKenzie Rd; Parcel MUKV 1972-999.
[Staff_-_Miniwaukan_-_CU_-SPAR_Park_Garage \(2\).pdf](#)
[RESOLUTION 2024-04_-_CU_-_Miniwaukan_Park_Garage.pdf](#)
- 6.4 Discussion and possible approval for **PC-RESOLUTION 2024-01** for a Site Plan and Architectural Review for a structure within a park (garage) by Village of Mukwonago; 360 McKenzie Rd; Parcel MUKV 1972-999.
[Combined Exhibits.pdf](#)
[Siding_Color.png](#)
[PC-RESOLUTION 2024-01_-_SPAR-_Miniwaukan_Park_Garage.pdf](#)
- 6.5 Discussion and possible recommendation of **RESOLUTION 2024-05** for an Extraterritorial Review for a three-lot Certified Survey Map located at N8952 E Mirimar Dr in the Town of East Troy, by Mike Greeson-V2G Surveying, applicant.
[Staff_-_Gonzalez_ETZ.pdf](#)
[Gonzalez_ETZ.pdf](#)
[Town_of_East_Troy_Resolution.pdf](#)
[RESOLUTION 2024-05 ETZ Gonzalez.pdf](#)
- 6.6 *Information Only*
The application for the Planned Unit Development at 1271 Honeywell Road; Parcels MUKV 2011-990 and MUKV 2011-992-013; Warren Hansen, applicant, has been withdrawn.

6.7 Zoning Code Update Review
[Appendix B - Land Use Summary 01-02-2024.pdf](#)
[Non-residential 12-22-23.pdf](#)

6.8 Discussion on changing the date of August 13, 2024 Plan Commission meeting.
Meeting will conflict with August Primary Election.

7. Adjournment

Membership:

Eric Brill, John Meiners, Karl Kettner, Mark Penzkover, Tim Rutenbeck, Jason Wamser, Fred Winchowky, and Village Planner Erin Scharf (Advisory)

It is possible that a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Municipal Clerk's Office, (262) 363-6420.

MINUTES OF THE PLAN COMMISSION MEETING

Tuesday, December 12, 2023

Call to Order

President Winchowky called the meeting to order at 6:30 p.m. located in the Board Room of the Mukwonago Municipal Building, 440 River Crest Ct.

Roll Call

Commissioners present: Fred Winchowky, Chairman
Jason Wamser
Eric Brill
Tim Rutenbeck
Karl Kettner
John Meiners

Excused: Mark Penzkover

Also present: Erin Scharf, Community Planner/Zoning Administrator
Tim Schwecke, CiviTech Consulting
Linda Gourdoux, Deputy Clerk/Treasurer

Comments from the Public

Open at 6:30 pm
Cindy Eggleston; 200 Fox St; approves of Rozga Funeral Home
Jean Zuehlke; 312 Lake St; approves of Rozga Funeral Home
John Rozga; W256S10395 Sandhill Ridge; Thanks commission for opportunity
Chris Slauson; 302 Lake St; approves of Rozga Funeral Home
Mike Slauson; 302 Lake St; has concerns about parking for Rozga Funeral Home
Claude Krawczyk; attorney for Rozga; Thanks commission for opportunity
Closed at 6:43 pm

Approval of Minutes

Motion by Meiners/Brill to approve minutes from November 14, 2023 regular meeting, carried.

Public Hearings

Public Hearing on the request for Rezoning of Kiwanis Park Parcels from P-1 - Public and Semi Public to B-2 – General Business, located at the Northwest Corner of N Rochester St (Hwy 83) and W Veterans Way (Hwy NN) (MUKV1963996005 and MUKV1963996006), by applicant (Mikko Erkamaa).

Open at 6:44 pm
Roger Walsh; email; against rezone for Kiwanis Park
Mike Slauson; 302 Lake St; Has concerns about Maxwell Street Days parking
Carol Streastra; W240S6930 Maple Hold Dr; approves rezone of Kiwanis Park
Closed 6:47 pm

Public Hearing for the Conditional Use Request for a Funeral Home with a Human and Pet Crematory located at 225 Eagle Lake Ave (MUKV1974009), applicant John Rozga (future owner/operator).

No Comments

Closed at 6:48 pm

New Business

Discussion and possible recommendation to approve ORDINANCE 1017 for the Rezoning of Kiwanis Park Parcels from P-1 - Public and Semi Public to B-2 – General Business, located at the Northwest Corner of N Rochester St (Hwy 83) and W Veterans Way (Hwy NN) (MUKV 1963-996-005 and MUKV 1963-996-006), by applicant (Mikko Erkamaa).

Scharf gave overview of project.

Motion Meiners/Brill to recommend to Village Board to approve ORDINANCE 1017 for the Rezoning of Kiwanis Park Parcels from P-1 - Public and Semi Public to B-2 – General Business, located at the Northwest Corner of N Rochester St (Hwy 83) and W Veterans Way (Hwy NN) (MUKV 1963-996-005 and MUKV 1963-996-006), by applicant (Mikko Erkamaa), unanimously carried.

Discussion and possible recommendation to approve the Conditional Use RESOLUTION 2023-73 for the application to operate a Funeral Home and Cremation Services (Human and Pet), located at 225 Eagle Lake Ave (MUKV 1974-009), by applicant/future owner (John Rozga).

Scharf gave overview of project.

Motion by Meiners/Brill to recommend to the Village Board to approve the Conditional Use RESOLUTION 2023-73 for the application to operate a Funeral Home and Cremation Services (Human and Pet), located at 225 Eagle Lake Ave (MUKV 1974-009), by applicant/future owner (John Rozga), unanimously carried.

Discussion and possible approval with conditions of the Site Plan and Architectural Review, PC-RESOLUTION 2023-12 for a Funeral Home and Cremation Services (Human and Pet), located at 225 Eagle Lake Ave (MUKV 1974009), by applicant/future owner (John Rozga).

Scharf gave overview of project.

Motion Meiners/Brill to approve PC-RESOLUTION 2023-12 for a Site Plan and Architectural Review for a Funeral Home and Cremation Services (Human and Pet), located at 225 Eagle Lake Ave (MUKV 1974009), by applicant/future owner (John Rozga), unanimously carried.

Sign and Zoning Code Overview

Schwecke gave overview of project to date.

Adjournment

Meeting adjourned at 7:23 p.m.

Respectfully Submitted,
Linda Gourdoux, WCMC, CMC
Deputy Clerk/Treasurer

NOTICE OF PUBLIC HEARINGS
VILLAGE OF MUKWONAGO PLAN COMMISSION

The Village of Mukwonago Plan Commission will conduct a public hearing on Tuesday, February 13, 2024, for the following:

Comprehensive Plan 2035 Amendment for the future land use of the Hein Property, from Low Density Multi-Family Residential to Small Lot Single Family, located at S92W27720 Edgewood Dr (MUKV2091995), submitted by Neumann Development (potential developer).

The meeting will be held in the Board Room of the Village Hall located at 440 River Crest Court, Mukwonago, Waukesha and Walworth counties. The meeting starts at 6:30 pm and the public hearings will be conducted in the order listed on the meeting agenda.

For information regarding these public hearings, contact the Village Planner/Zoning Administrator, at planner@villageofmukwonago.gov or 262-363-6420 *2111 during regular office hours. All interested parties will be heard.

Notice was sent to property owners within 250 feet of the property and surrounding municipality Clerk's within 1000 feet of the Village of Mukwonago boundary.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, please contact, Diana Dykstra, at 262-363-6420.

VILLAGE OF MUKWONAGO
Diana Dykstra, Clerk-Treasurer

Legal notice to be published in the *Waukesha Freeman* on January 12, 2024

NOTICE OF PUBLIC HEARINGS
VILLAGE OF MUKWONAGO PLAN COMMISSION

The Village of Mukwonago Plan Commission will conduct a public hearing on Tuesday, February 13, 2024, for the following:

Rezoning for the Hein Development located on Edgewood Ave (MUKV2091995), from A-1 Agricultural District to R-3 Single-Family Small Lot Residential District by applicant (Neumann Development, Developer).

The meeting will be held in the Board Room of the Village Hall located at 440 River Crest Court, Mukwonago, Waukesha and Walworth counties. The meeting starts at 6:30 pm and the public hearings will be conducted in the order listed on the meeting agenda.

For information regarding these public hearings, contact the Village Planner/Zoning Administrator, at planner@villageofmukwonago.gov or 262-363-6420 *2111 during regular office hours. All interested parties will be heard.

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VILLAGE OF MUKWONAGO
Diana Dykstra, Clerk-Treasurer

Legal notice to be published in the *Waukesha Freeman* on January 23 and 30, 2024.

NOTICE OF PUBLIC HEARINGS
VILLAGE OF MUKWONAGO PLAN COMMISSION

The Village of Mukwonago Plan Commission will conduct a public hearing on February 13, 2024, for the following:

Conditional Use for a structure located at 360 McKenzie Rd (MUKV1972999), Village of Mukwonago – Miniwaukan Park, applicant (Ron Bittner, Village Public Works Director).

The meeting will be held in the Board Room of the Village Hall located at 440 River Crest Court, Mukwonago, Waukesha and Walworth counties. The meeting starts at 6:30 pm and the public hearings will be conducted in the order listed on the meeting agenda.

For information regarding these public hearings, contact the Village Planner/Zoning Administrator, at planner@villageofmukwonago.gov or 262-363-6420 *2111 during regular office hours. All interested parties will be heard.

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VILLAGE OF MUKWONAGO
Diana Dykstra, Clerk-Treasurer

Legal notice to be published in the *Waukesha Freeman* on January 23 and 30, 2024.



PLANNING COMMISSION

February 13, 2024, at 6:30 pm
Mukwonago, WI

COMPHENSIVE PLAN AMENDMENTS MUKV2091995

Project Summary

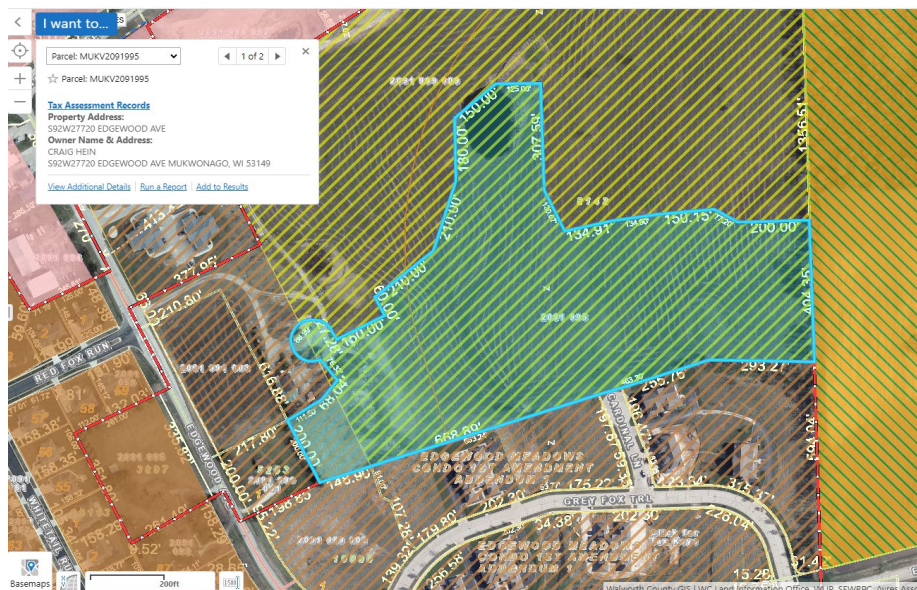
Request: Comprehensive Plan Map Amendment
Applicant: Neumann Development
Location: S92W27720 Edgewood Ave
Acreage: 17.7 acres
Current Use: Agricultural
Future Use: Low Density Multi-Family Residential
Zoning Classification: A-1 Agricultural District

Planning Staff Review

The applicant is petitioning to amend the 2035 Land Use for the parcel MUKV2091995 from the proposed future land use of Low Density Multi-Family to Small Lot Single Family. The future land use change is part of a larger development with the Village of Vernon neighboring lands. This is one of the steps to move the Hein/Neumann Development forward.

Recommendation:

Recommend approval to the Village Board for the proposed comprehensive plan amendment of the parcel MUKV2091995 from Low Density Multi-Family to Small Lot Single Family as set forth in Ordinance 2024-26 (as drafted OR as amended).



Attachments

1. Draft Ordinance 2024-26



November 10, 2023

Village of Mukwonago
440 River Crest Court
Mukwonago, WI 53149

Dear Plan Commission,

We are excited to be submitting for consideration our request to re-zone the following property located in the Village of Mukwonago:

- Subject property:
 - Address: S92W27720 Edgewood Ave (vacant land north of Cardinal Lane)
 - Tax Key: MUKV2091995
 - Size: approximately 16.5001 acres
 - Current Owner: Craig Hein
 - Current Zoning: A-1
 - Proposed Zoning: R-3 PUD
 - Current Land Use: Transitional Residential and Medium Lot Single Family
 - Proposed Land Use: Small Lot Single Family

About Neumann Developments Inc.

Neumann Developments Inc. has been creating single-family residential subdivisions in South-Eastern and South-Central Wisconsin since the year 2000 and has had the proud distinction to have their communities selected for the Metropolitan Builders Association Parade of Homes in twelve neighborhoods in the past twelve years. Since the year 2000, Neumann Developments has developed over 5000 home sites, built over 55 miles of roads, and preserved over 2700 acres of land.

Through strategic partnerships with some of the area's largest builders we are able to create high quality residential developments that bring lasting value to communities. We look forward to the opportunity to bring a great neighborhood to the Village of Mukwonago.

Market Demand

The market statistics for new residential homes has been and remains incredibly strong. In Mukwonago, inventory of homes available for sale in January was a mere 1.9 months, prices were up 7.23% year over year, with 75% of homes selling in under 30 days. We take a long-range vision in land development planning and the great location, schools, businesses, and community that attract people to Mukwonago will continue to keep demand for new homes in the community strong. By the time this proposed development is ready to bring homes to market in late 2024 and 2025 we are confident that the demand will be there as well.



Comprehensive Master Plan

The property has been identified to include residential uses with up to 4.6 dwelling units per acre on the Future Land Use Map 2035.

We believe that given the site and community characteristics as well as the demand for residential homes that the highest and best use for the property is to keep amend the use to Small Lot Single Family allowing up to 2.3 dwelling units per acre. The use of single family residential on this property also serves as a transition from the higher density multifamily use to the south and the existing agricultural use in the adjacent Vernon lands.

Development Overview

- Proposed Development
 - Total Units = 36 Lots
 - Proposed Gross Density = 2.18 units/acre
 - Current Property Assessed Value = \$5,100
 - Estimated Tax Base upon completion = \$17,000,000
 - Proposed Zoning = R-3 PUD
 - Min. Lot Size = 9,000 SF (Avg. 12,770 SF)
 - Min. Lot Width at building setback = 70' interior/ 80' corner lot
 - Min. Lot Width at R.O.W. = 60' wide and 45' in cul-de-sac's
 - Min. Front = 25'
 - Min Side = 7.5', 15' at side street corner
 - Min. Rear = 20'
 - Max Building Coverage = 40%
 - Min. Greenspace = 5000 SF

The proposed development will be able to offer new and current residents housing options in various sizes and price points that are hard to find in Mukwonago. We anticipate the single-family homes to vary in size and design and start in the mid-\$400's. The entire development will be controlled by a master HOA and architectural controls will be in place to create an aesthetically pleasing neighborhood as well as to manage common amenities and green spaces.

The proposed zoning district is consistent with the surrounding areas identified on the Comprehensive Master Plan and furthers the desire by the developer and the Village to create housing options that will be an asset to the community for many years to come. The use of a Planned Unit Development Overlay District on this property provides for uses compatible with planning and surrounding areas that results in the provision of a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities; and ensures adequate standards of construction and planning. We believe this neighborhood



would be a great addition to Mukwonago and the new residents will love the proximity to easy commuter routes, blend of urban and rural environment, ample green space, and quick access to downtown areas.

If approved, we would seek to start development work in the Spring of 2024. The estimated project cost would be around \$2,800,000. This project would be owned and developed by a Neumann Developments Inc. related entity. Villas lots would be sold as home and lot packages through affiliated builder Harbor Homes and Estates lots would be available through affiliated builder Tim O'Brien Homes as well as made available directly to individuals and other builders.

This petition is being made after careful consideration regarding the market supply and demand of different residential product types in the Mukwonago area and we feel it provides housing options that will benefit the Village for many years to come.

Thank you for your consideration of this proposed project.

Sincerely,

Bryan Lindgren

Bryan Lindgren
Neumann Developments Inc

ATTACHMENT/DETACHMENT EXHIBIT "A"

ALL THAT PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8142 AND UNPLATTED LANDS. BEING LOCATED IN A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWN 5 NORTH, RANGE 19 EAST, IN THE VILLAGES OF MUKWONAGO AND VERNON, WAUKESHA COUNTY, WISCONSIN.

E. 1/4 COR,
SEC. 19-5-19

S87°32'52"W
1902.96

CENTER,
SEC. 19-5-19

LOT 2
C.S.M. #3452

UNPLATTED LANDS

N. LINE, S.E. 1/4,
SEC. 19-5-19
(N87°32'52"E 2634.96)

LOT 1
C.S.M. #11850

O.L.
C.S.M.
#11850

LOT 2
C.S.M. #11850

VILLAGE OF MUKWONAGO
VILLAGE OF VERNON

LANDS TO BE
TRANSFERRED
TO VERNON
125,967 S.F.
2.89 AC.

I.N.R.A.

UNPLATTED LANDS

LOT 1
C.S.M. #8142

WETLANDS

VILLAGE OF VERNON
VILLAGE OF MUKWONAGO

LANDS TO BE
TRANSFERRED
TO MUKWONAGO
72,840 S.F.
1.67 AC.

E. LINE, S.W. 1/4, SEC. 19-5-19
W. LINE, S.E. 1/4, SEC. 19-5-19
(N01°30'48"W 2660.77)

EDGEWOOD MEADOWS
CONDOMINIUMS
1ST AMENDMENT

CARDINAL LANE

PARCEL 1
C.S.M. #5253

LOT 1
C.S.M. #10090

EDGEWOOD MEADOWS
CONDOMINIUMS
1ST AMENDMENT

GREY FOX TRAIL

NORTH

SCALE: 1"=300'

0 150 300 600



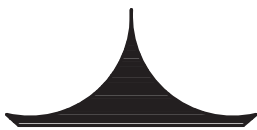
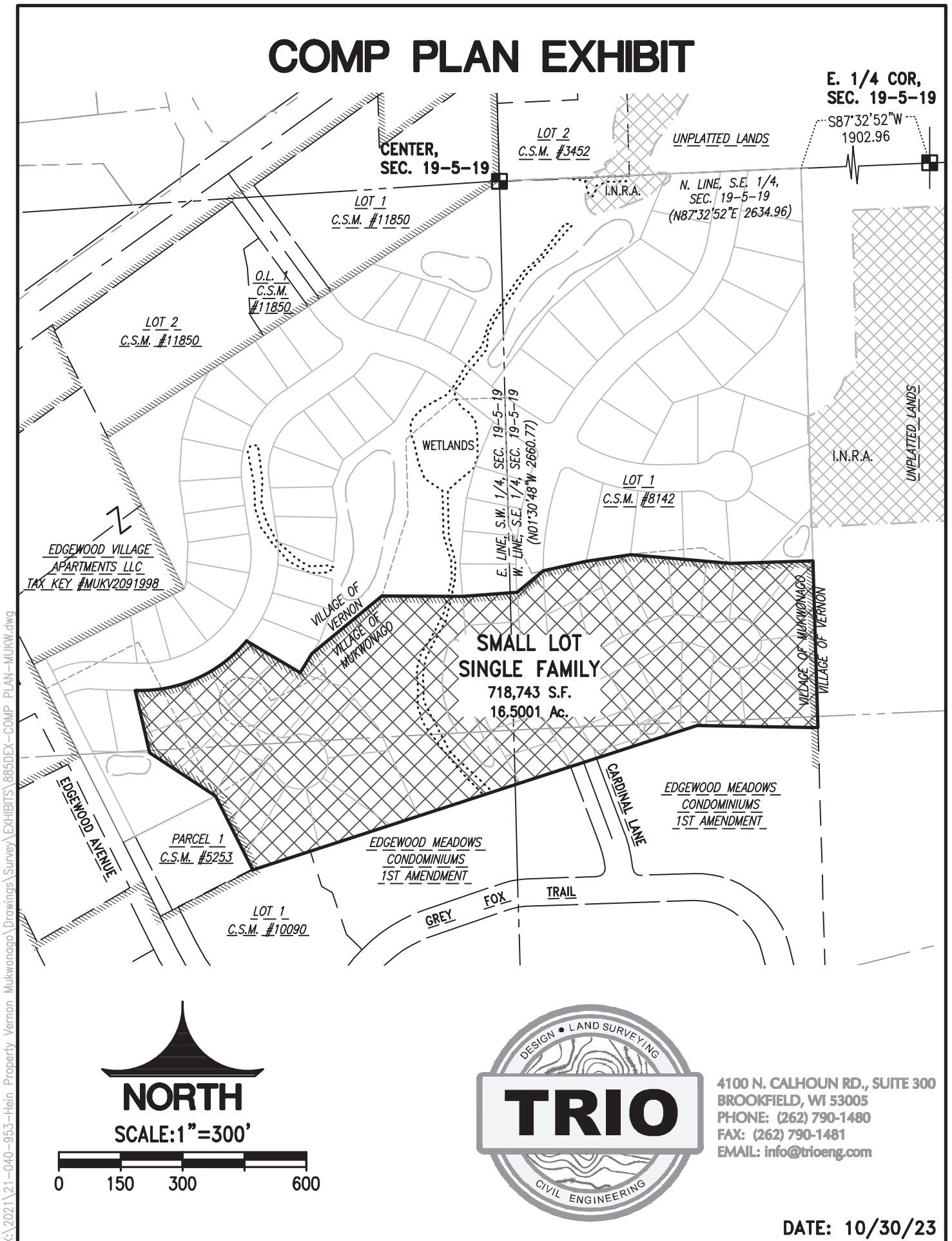
4100 N. CALHOUN RD.
SUITE 300
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: Info@trioeng.com



THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

DATE: 10/30/23

COMP PLAN EXHIBIT



NORTH

SCALE: 1" = 300'



4100 N. CALHOUN RD., SUITE 300
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: info@trioeng.com

DATE: 10/30/23

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. 1026

**ORDINANCE AMENDING THE “COMPREHENSIVE PLAN 2035” FOR THE
VILLAGE OF MUKWONAGO**

WHEREAS, the Village Board is authorized by state law to adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2), Wis. Stats.; and

WHEREAS, the Village Board, upon recommendation of the Village Plan Commission, adopted a comprehensive plan on October 6, 2009 and amended/adopted on November 29, 2016; and

WHEREAS, the Village Board is authorized to amend the adopted comprehensive plan from time to time, upon recommendation of the Village Plan Commission; and

WHEREAS, the Village Board adopted a public participation plan that describes the way in which Village residents and other interested parties can participate in the revision of the adopted comprehensive plan; and

WHEREAS, the developer (Neumann Companies) with consent of the owner (Craig Hein) submitted a petition to the Village to amend the future land use map (Map 9) of the adopted comprehensive plan by changing the classification of the property at Edgewood Ave (MUKV 2091995) from Low Density Multi-Family Residential to Small Lot Single Family; and

WHEREAS, the petitioner’s request constitutes a minor amendment as set forth in the adopted public participation plan; and

WHEREAS, the Village Plan Commission at their meeting on February 13, 2024 determined that additional opportunities for public participation (aside from the public hearing to be conducted by the Village Board) are not needed for this minor amendment owing to the limited nature of the request; and

WHEREAS, the Village Plan Commission reviewed the petitioner’s request at their meeting on January 9, 2024, and found it to be a desirable change, recommending approval of the same; and

WHEREAS, the Village Plan Commission determined that the adopted comprehensive plan, with the proposed amendment, contains all required elements as required in Section 66.1001 (2) of Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED, the Village of Mukwonago Village Board does ordain as follows:

SECTION 1

The designation of the property located at Edgewood Ave (MUKV 2091995) on the future land use map (Map 9) is changed from Low Density Multi-Family Residential to Small Lot Single Family.

SECTION 2

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION 3

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the other portions of the Ordinance.

SECTION 4

This Ordinance shall take effect upon passage and publication as approved by law.

PASSED AND ADOPTED by the Village Board this 21st day of February 2024.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer



PLANNING COMMISSION

February 13, 2024, at 6:30 pm
Mukwonago, WI

ZONING MAP AMENDMENT MUKV2091995

Project Summary

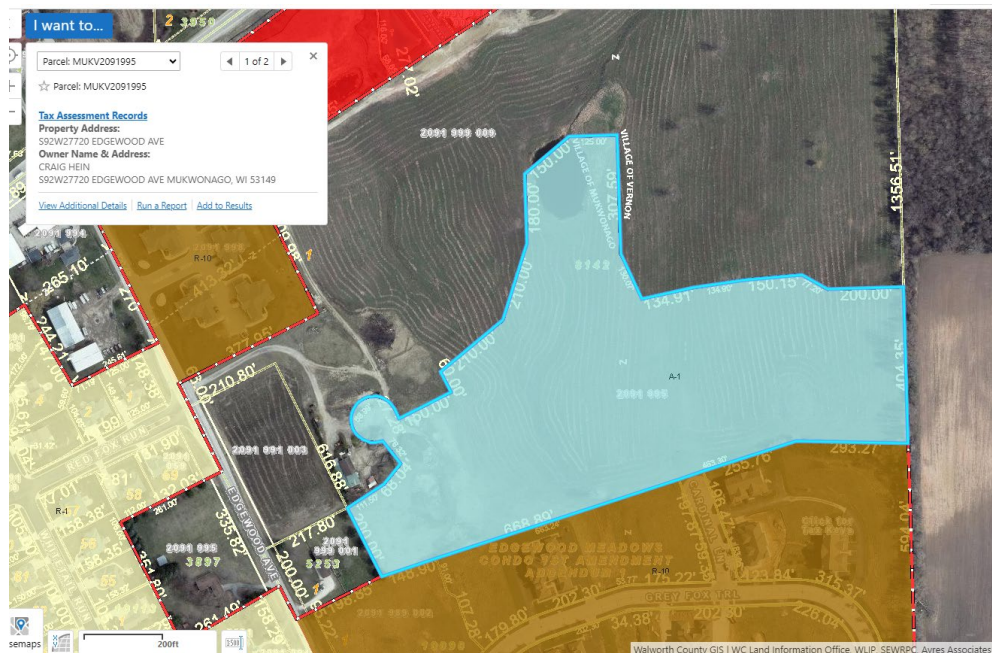
Request:	Rezoning
Applicant:	Neumann Development
Location:	S92W27720 Edgewood Ave
Acreage:	17.7 acres
Current Zoning:	A-1 Agricultural
Future Zoning Request:	R-3 Single-Family Small Lot Residential District

Planning Staff Review

The applicant is petitioning to rezone the parcel MUKV2091995 from A-1 Agricultural to R-2 Single-Family Historical Residential District. The request to amend the zoning is to accommodate smaller lot sizes throughout the development. The future development of these lands is part of a larger development with the Village of Vernon neighboring lands. Therefore, zoning dimensional standards should be consistent throughout the overall development. There may be a Planned Unit Development Overlay submitted in the future.

Recommendation:

Recommend approval to the Village Board for the proposed rezoning of parcel MUKV2091995 from A-1 Agricultural to R-3 Single-Family Small Lot Residential District as set forth in Ordinance 2024-27 (as drafted OR as amended).



Attachments

1. Draft Ordinance 2024-27



November 10, 2023

Village of Mukwonago
440 River Crest Court
Mukwonago, WI 53149

Dear Plan Commission,

We are excited to be submitting for consideration our request to re-zone the following property located in the Village of Mukwonago:

- Subject property:
 - Address: S92W27720 Edgewood Ave (vacant land north of Cardinal Lane)
 - Tax Key: MUKV2091995
 - Size: approximately 16.5001 acres
 - Current Owner: Craig Hein
 - Current Zoning: A-1
 - Proposed Zoning: R-3 PUD
 - Current Land Use: Transitional Residential and Medium Lot Single Family
 - Proposed Land Use: Small Lot Single Family

About Neumann Developments Inc.

Neumann Developments Inc. has been creating single-family residential subdivisions in South-Eastern and South-Central Wisconsin since the year 2000 and has had the proud distinction to have their communities selected for the Metropolitan Builders Association Parade of Homes in twelve neighborhoods in the past twelve years. Since the year 2000, Neumann Developments has developed over 5000 home sites, built over 55 miles of roads, and preserved over 2700 acres of land.

Through strategic partnerships with some of the area's largest builders we are able to create high quality residential developments that bring lasting value to communities. We look forward to the opportunity to bring a great neighborhood to the Village of Mukwonago.

Market Demand

The market statistics for new residential homes has been and remains incredibly strong. In Mukwonago, inventory of homes available for sale in January was a mere 1.9 months, prices were up 7.23% year over year, with 75% of homes selling in under 30 days. We take a long-range vision in land development planning and the great location, schools, businesses, and community that attract people to Mukwonago will continue to keep demand for new homes in the community strong. By the time this proposed development is ready to bring homes to market in late 2024 and 2025 we are confident that the demand will be there as well.



Comprehensive Master Plan

The property has been identified to include residential uses with up to 4.6 dwelling units per acre on the Future Land Use Map 2035.

We believe that given the site and community characteristics as well as the demand for residential homes that the highest and best use for the property is to keep amend the use to Small Lot Single Family allowing up to 2.3 dwelling units per acre. The use of single family residential on this property also serves as a transition from the higher density multifamily use to the south and the existing agricultural use in the adjacent Vernon lands.

Development Overview

- Proposed Development
 - Total Units = 36 Lots
 - Proposed Gross Density = 2.18 units/acre
 - Current Property Assessed Value = \$5,100
 - Estimated Tax Base upon completion = \$17,000,000
 - Proposed Zoning = R-3 PUD
 - Min. Lot Size = 9,000 SF (Avg. 12,770 SF)
 - Min. Lot Width at building setback = 70' interior/ 80' corner lot
 - Min. Lot Width at R.O.W. = 60' wide and 45' in cul-de-sac's
 - Min. Front = 25'
 - Min Side = 7.5', 15' at side street corner
 - Min. Rear = 20'
 - Max Building Coverage = 40%
 - Min. Greenspace = 5000 SF

The proposed development will be able to offer new and current residents housing options in various sizes and price points that are hard to find in Mukwonago. We anticipate the single-family homes to vary in size and design and start in the mid-\$400's. The entire development will be controlled by a master HOA and architectural controls will be in place to create an aesthetically pleasing neighborhood as well as to manage common amenities and green spaces.

The proposed zoning district is consistent with the surrounding areas identified on the Comprehensive Master Plan and furthers the desire by the developer and the Village to create housing options that will be an asset to the community for many years to come. The use of a Planned Unit Development Overlay District on this property provides for uses compatible with planning and surrounding areas that results in the provision of a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities; and ensures adequate standards of construction and planning. We believe this neighborhood



would be a great addition to Mukwonago and the new residents will love the proximity to easy commuter routes, blend of urban and rural environment, ample green space, and quick access to downtown areas.

If approved, we would seek to start development work in the Spring of 2024. The estimated project cost would be around \$2,800,000. This project would be owned and developed by a Neumann Developments Inc. related entity. Villas lots would be sold as home and lot packages through affiliated builder Harbor Homes and Estates lots would be available through affiliated builder Tim O'Brien Homes as well as made available directly to individuals and other builders.

This petition is being made after careful consideration regarding the market supply and demand of different residential product types in the Mukwonago area and we feel it provides housing options that will benefit the Village for many years to come.

Thank you for your consideration of this proposed project.

Sincerely,

Bryan Lindgren

Bryan Lindgren
Neumann Developments Inc

REZONING EXHIBIT “A”

LEGAL DESCRIPTION “A” (Lands to be rezoned to “R-3”):

All that part of Lot 1 of Certified Survey Map No. 8142, recorded in the Office of the Register of Deeds for Waukesha County on October 22, 1996, in Volume 71 of Certified Survey Maps, at Pages 23 through 25 inclusive, as Document No. 2166785, being located in a part of the Northeast 1/4 and the Southeast 1/4 of the Southwest 1/4 and the Northwest 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 19, Town 5 North, Range 19 East, in the Village of Vernon, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the East 1/4 Corner of said Section 19; Thence South 87°32'52" West and along the North line of the said Southeast 1/4 Section, 1902.96 feet to a point on the East line of said Lot 1 of Certified Survey Map No. 8142; Thence South 01°43'08" East and along the East line of said Lot 1 of said Certified Survey Map No. 8142, 952.16 feet to a point to the place of beginning of lands hereinafter described;

Thence continuing South 1°43'08" East and along the East line of said Lot 1 of said Certified Survey Map No. 8142, 404.35 feet to a point; Thence North 88°54'57" West, 292.78 feet to a point; Thence South 72°00'22" West, 1132.21 feet to a point on the Southeasterly line of Certified Survey Map No. 5253; Thence North 26°40'38" West and along the said existing Corporate Limits line, 200.00 feet to a point; Thence North 56°47'31" West and along the said existing Corporate Limits line, 191.03 feet to a point; Thence North 13°05'19" West and along the said existing Corporate Limits Line, 155.18 feet to a point; Thence South 88°14'25" East and along the said existing Corporate Limits Line, 3.07 feet to a point; Thence Northeasterly 302.58 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 333 feet, whose central angle is 52°03'40", and whose chord bears North 65°43'45" East, 292.27 feet to a point; Thence South 59°23'49" East and along the said existing Corporate Limits Line, 151.31 feet to a point; Thence North 31°29'21" East and along the said existing Corporate Limits Line, 54.12 feet to a point; Thence North 50°35'42" East and along the said existing Corporate Limits Line, 220.30 feet to a point; Thence South 89°39'13" East and along the said existing Corporate Limits Line, 195.07 feet to a point; Thence North 85°31'46" East and along the said existing Corporate Limits Line, 132.35 feet to a point; Thence North 50°39'11" East and along the said existing Corporate Limits Line, 82.26 feet to a point; Thence North 77°52'12" East and along the said existing Corporate Limits Line, 105.65 feet to a point; Thence North 81°19'56" East and along the said existing Corporate Limits Line, 110.16 feet to a point; Thence South 84°58'32" East and along the said existing Corporate Limits Line, 242.15 feet to a point; Thence North 88°16'52" East and along the said existing Corporate Limits Line, 200.00 feet to the point of beginning of this description.

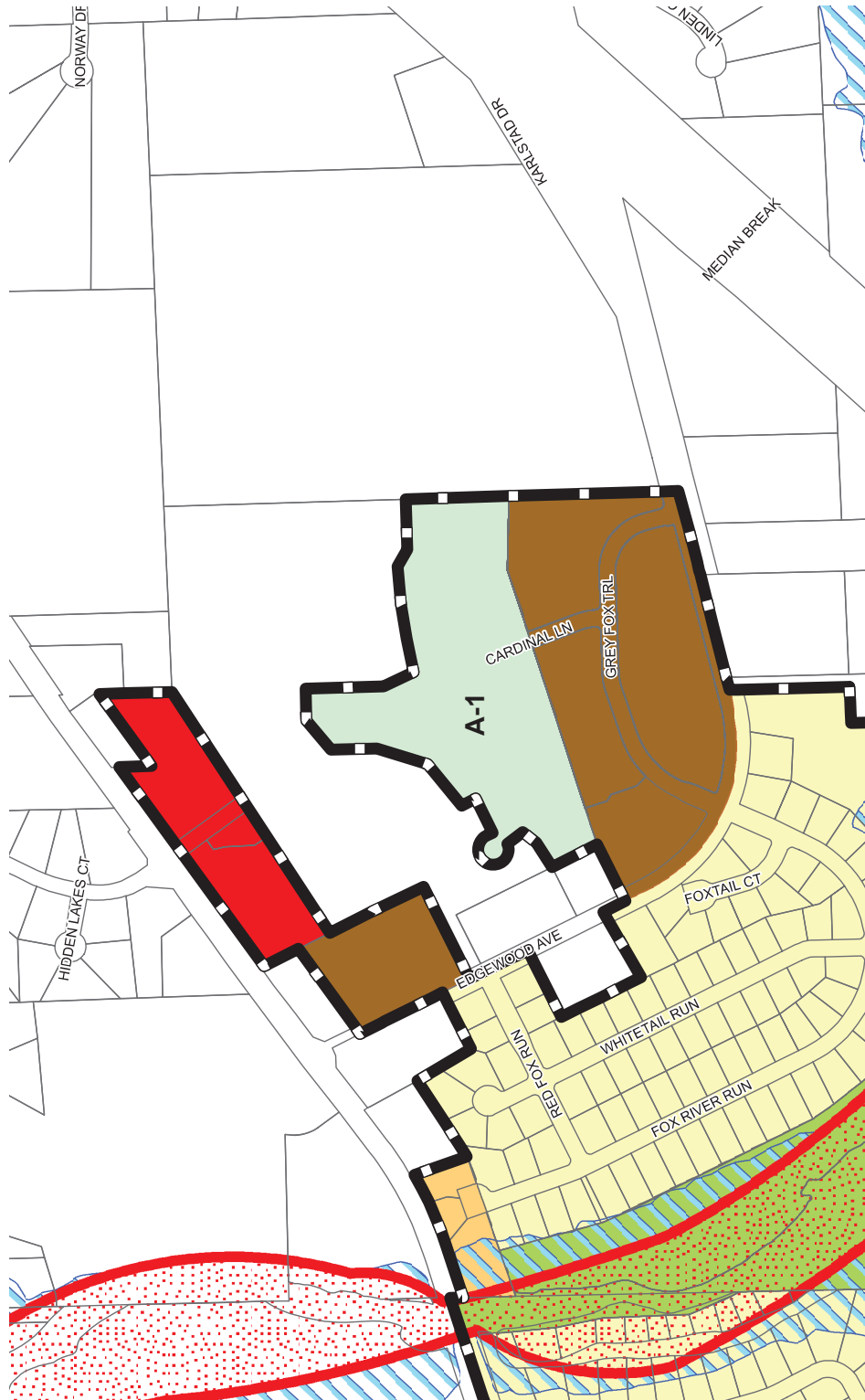
Said Parcel contains 718,743 Square Feet (or 16.5000 Acres) of land, more or less.

Date: 10/30/23



A handwritten signature in black ink that reads "Grady L. Gosser".

Grady L. Gosser, P.L.S.
Professional Land Surveyor S-2972
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53045
Phone: (262)790-1480

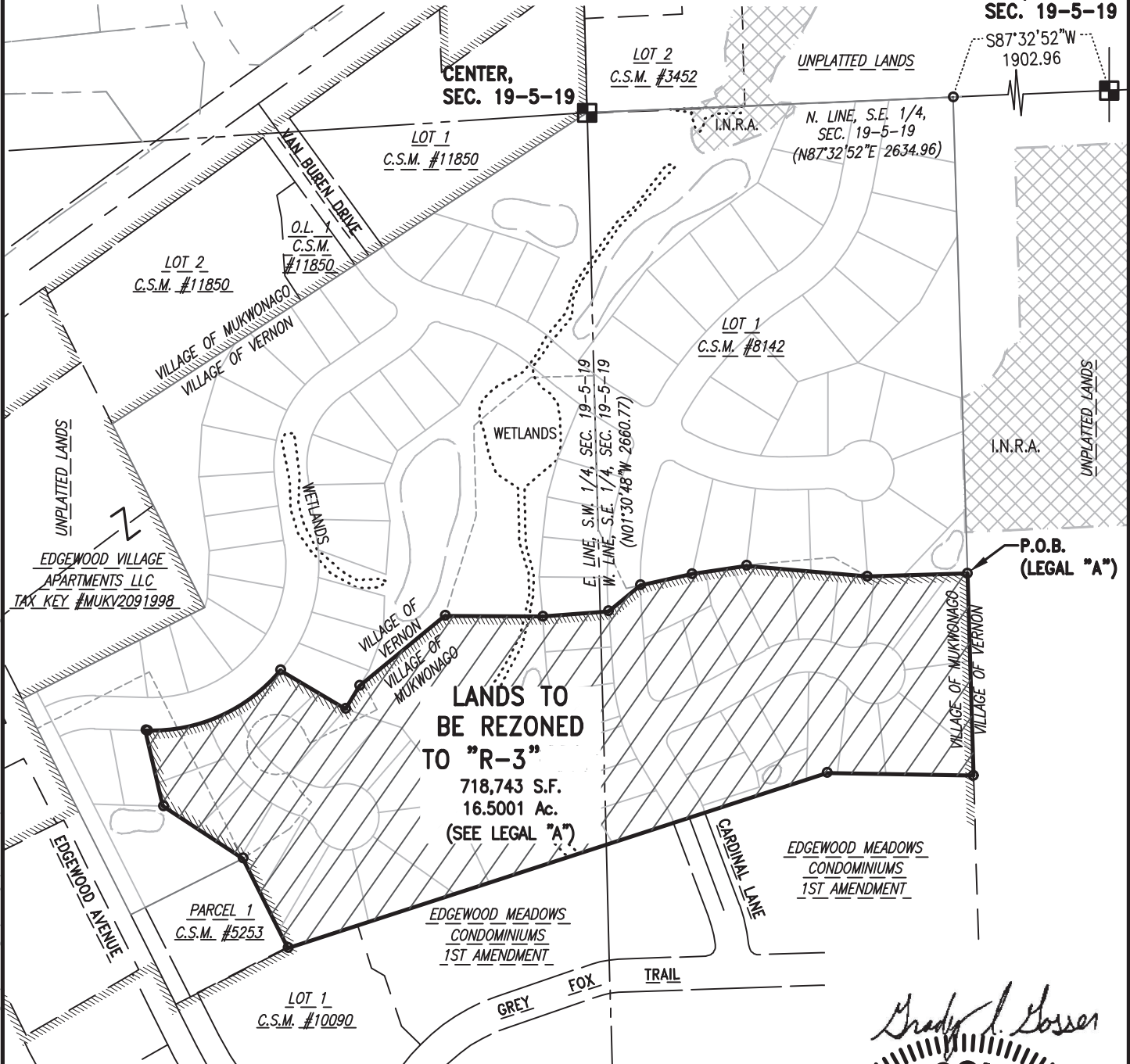


Current Zoning

REZONING EXHIBIT "A"

ALL THAT PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 8142 AND UNPLATTED LANDS. BEING LOCATED IN A PART OF THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWN 5 NORTH, RANGE 19 EAST, IN THE VILLAGES OF MUKWONAGO AND VERNON, WAUKESHA COUNTY, WISCONSIN.

E. 1/4 COR,
SEC. 19-5-19



NORTH

SCALE: 1" = 300'



4100 N. CALHOUN RD.
SUITE 300
BROOKFIELD, WI 53005
PHONE: (262) 790-1480
FAX: (262) 790-1481
EMAIL: Info@trioeng.com



THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

DATE: 10/30/23

REZONING EXHIBIT “A”

LEGAL DESCRIPTION “A” (Lands to be rezoned to “R-3”):

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Commencing at the East 1/4 Corner of said Section 19; Thence South 87°32'52" West and along the North line of the said Southeast 1/4 Section, 1902.96 feet to a point on the East line of said Lot 1 of Certified Survey Map No. 8142; Thence South 01°43'08" East and along the East line of said Lot 1 of said Certified Survey Map No. 8142, 952.16 feet to a point to the place of beginning of lands hereinafter described;

Thence continuing South 1°43'08" East and along the East line of said Lot 1 of said Certified Survey Map No. 8142, 404.35 feet to a point; Thence North 88°54'57" West, 292.78 feet to a point; Thence South 72°00'22" West, 1132.21 feet to a point on the Southeasterly line of Certified Survey Map No. 5253; Thence North 26°40'38" West and along the said existing Corporate Limits line, 200.00 feet to a point; Thence North 56°47'31" West and along the said existing Corporate Limits line, 191.03 feet to a point; Thence North 13°05'19" West and along the said existing Corporate Limits Line, 155.18 feet to a point; Thence South 88°14'25" East and along the said existing Corporate Limits Line, 3.07 feet to a point; Thence Northeasterly 302.58 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 333 feet, whose central angle is 52°03'40", and whose chord bears North 65°43'45" East, 292.27 feet to a point; Thence South 59°23'49" East and along the said existing Corporate Limits Line, 151.31 feet to a point; Thence North 31°29'21" East and along the said existing Corporate Limits Line, 54.12 feet to a point; Thence North 50°35'42" East and along the said existing Corporate Limits Line, 220.30 feet to a point; Thence South 89°39'13" East and along the said existing Corporate Limits Line, 195.07 feet to a point; Thence North 85°31'46" East and along the said existing Corporate Limits Line, 132.35 feet to a point; Thence North 50°39'11" East and along the said existing Corporate Limits Line, 82.26 feet to a point; Thence North 77°52'12" East and along the said existing Corporate Limits Line, 105.65 feet to a point; Thence North 81°19'56" East and along the said existing Corporate Limits Line, 110.16 feet to a point; Thence South 84°58'32" East and along the said existing Corporate Limits Line, 242.15 feet to a point; Thence North 88°16'52" East and along the said existing Corporate Limits Line, 200.00 feet to the point of beginning of this description.

Said Parcel contains 718,743 Square Feet (or 16.5000 Acres) of land, more or less.

Date: 10/30/23



A handwritten signature in black ink that reads "Grady L. Gosser".

Grady L. Gosser, P.L.S.
Professional Land Surveyor S-2972
TRIO ENGINEERING, LLC
4100 N. Calhoun Road, Suite 300
Brookfield, WI 53045
Phone: (262)790-1480

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. 1027

**AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE VILLAGE OF
MUKWONAGO ON BEHALF OF THE VILLAGE OF MUKWONAGO FOR THE PROPERTY
LOCATED AT EDGEWOOD AVE, PARCEL: MUKV 2091995**

THE VILLAGE BOARD of the Village of Mukwonago, Waukesha and Walworth Counties, Wisconsin, do ordain as follows:

SECTION I. Pursuant to the provision of Section 100.856 of the Municipal Code of the Village of Mukwonago, having received the recommendation of the Village Plan Commission, and after a public hearing duly called and held on the 13th day of February, 2024, the following legally described property is amended on the Village of Mukwonago Zoning District Map from A-1 (Agricultural) district to R-3 (Single-Family Small Lot Residential) district.

PT LOT 1 CERT SURV 8142 VOL 71/23 PT SW1/4 & SE1/4 SEC 19 T5N R19E COM S1/4 COR SEC 19 N01°20'W 1198.10 FT THE BGN S72°00'W 668.89 FT N26°40'W 200.00 FT N57°38'E 111.50 FT N39°15'E 68.04 FT NWLY ALG CURVE 76.89 FT NELY ALG CURVE 276.73 FT S26°40'E 27.28 FT N63°19'E 150.00 FT N26°40'W 60.00 FT N50°35'E 210.00 FT N17°24'E 210.00 FT N01°30'W 180.00 FT N50°00'E 150.00 FT N88°29'E 125.00 FT S01°30'E 307.59 FT S25°28'E 130.07 FT N77°52'E 134.91 FT N81°19'E 134.91 FT N84°59'E 150.15 FT S60°27'E 77.20 FT N88°16'E 200.00 FT S01°43'E 404.35 FT N88°54'W 292.78 FT S72°00'W 463.32 FT TO BGN 17.72 AC R1223/153

#MUKV 2091995

SECTION II: The above referenced legal descriptions is graphically provided within attached Exhibit A.

SECTION III. All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION IV. Severability. If any portion of this Ordinance is invalid or unconstitutional, or the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION V. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

The remainder of this page left intentionally blank.

PASSED AND ADOPTED by the Village Board this 21st day of February 2024.

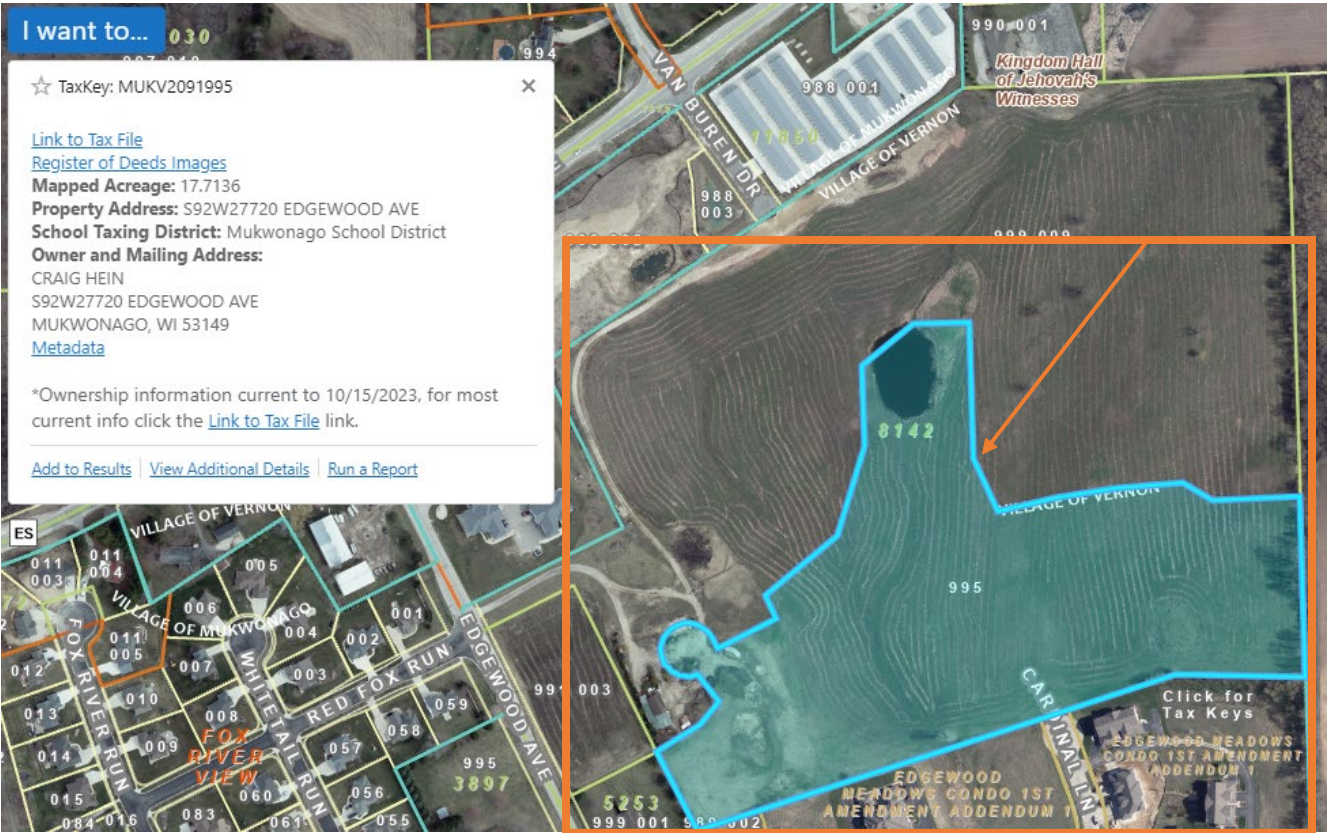
APPROVED:

Fred Winchowky, Village President

Countersigned:

Diana Dykstra, Village Clerk/Treasurer

EXHIBIT A





PLANNING COMMISSION
February 13, 2024 at 6:30pm
Mukwonago, WI

**SITE PLAN AND ARCHITECTURAL REVIEW
CONDITIONAL USE PERMIT**

360 McKenzie Rd, Mukwonago, WI
Parcel Number: MUKV 1972-999

Case Summary

Parcel Data

Proposal:	Structure within a Park
Applicant:	Village of Mukwonago
Request:	Conditional use permit for a structure within a park (Garage)
Staff Recommendation:	Approve with Conditions

Parcel Characteristics / Conditions

Acreage:	162.53
Current Use:	Park / Institutional
Proposed Use:	Park / Institutional
Reason for Request:	New Structure
Land Use Classification:	Open Space Recreational
Zoning Classification:	P-1 Public and Semipublic
Census Tract:	2039.02

Public Notice

A public hearing notice was published two times in the Waukesha Freeman, and letters were mailed to surrounding property owners within 250ft and surrounding municipalities within 1000fr. Public comment as of this date, staff has not received any comments or other communications regarding this proposal.

Site Plan and Architectural Review Request

Architectural/ Site Review

Site Modifications

Removal of current shed. Request to construct a cold storage garage 24 x 24 slab on grade with a service door and a 9 x 7 garage door. The building will have a 4/12 pitch roof with an asphalt shingle roof, aluminum soffit and fascia, LP Smart board corners and door trim, and light blue vinyl siding.

The project will be constructed by the high school students, funded by the Lions Club, occupied by the Mukwonago Area Soccer Club. The

Village will coordinate the efforts and retain ownership after completion.

Utilities	No modifications at this time.
Stormwater Management	No modifications at this time.
Wetlands	None
Signage	Will be processed at staff level.
Parking	No modifications at this time.
Landscaping	No modifications at this time.
Trash Enclosure	No modifications at this time.
Fencing	No modifications at this time.
Outdoor Lighting	Solar Light
Misc. Performance Standards	None

Staff Review

Engineering	No concerns
Public Works	No concerns
Utilities	No concerns
Police	No concerns
Fire	No concerns
Building Inspection	No concerns
Planning	No concerns



Conditional Use Request

Harmony with Village policies, ordinances, and programs
The storage garage will now have a permanent location.

Specific Location within harmony with Village policies, ordinances and programs
The proposed structure meets village policies, ordinances and assist with advancing the Villages Outdoor recreation goals and objectives.

Potential Adverse Impact on surrounding:

The facilities are located at the rear of the park along the trail in between the four ball fields and soccer fields and will not be near other surrounding uses.

Maintaining consistency within the environs of the property:

The structure will compliment the park and update the aesthetics.

Adequate Services

The proposed new structure provides onsite storage for equipment to maintain the park.

Benefits of the use outweigh adverse impacts.

There are not adverse impacts anticipated.

Hours of Operation:

- 1) *The storage garage will be accessible during park hours by authorized personnel only.*

Conditional Use Process / Findings

Review procedures the Plan Commission holds the public hearing and makes a recommendation to the Village Board which makes the final decision.

Following the close of the public hearing, the Plan Commission may recommend (1) approval, (2) approval with conditions, or (3) denial.

If approval is recommended, the Plan Commission can recommend conditions deemed necessary to protect the public health, safety, and welfare. The Plan Commission, in passing on the matter, will need to make the following determinations consistent with Section 100-354 of Mukwonago's zoning regulations:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
2. The uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
5. Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

In addition, the property owner / tenant has shown compliance with the requirements set forth in the Village's zoning regulations for the specified use.

The Village Board will carefully review the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

These findings are incorporated into the draft conditional use order which is attached.

The Plan Commission shall approve a conditional use application if the terms and conditions of the zoning regulations are met. However, in the event the terms and conditions of the ordinance are not consented to and complied with by the applicant, the Commission may deny the application. In addition, the Commission may deny the application or place conditions on it if substantial evidence, as defined in §62.23(7) Wis. Stats. is presented. That evidence must demonstrate the inability of the applicant to comply with or meet the conditions of the zoning regulations or that the conditions to be applied by the Plan Commission are necessary to protect the public health, safety or welfare of the community based upon the presentation of substantial evidence. Potential motion for approval Recommend to the Village Board approval of the project as a conditional use as set forth in the attached conditional use order as drafted, provided the Village Attorney approves the final form of the conditional use order.

Recommendation

Site Plan and Architectural Review

Staff recommends the Planning Commission Approve a resolution for the Site Plan and Architectural Review, as set forth in the attached resolution.

1. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village planner. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. Prior to any land-disturbing activity, the applicant must reimburse the Village for any outstanding charges and establish an escrow account with the Village as may be required.
4. The applicant must obtain all required building permits within nine months of this date and start construction within six months of the date of building permit issuance and continue in good faith to completion.
5. All work related to this project must comply with all project plans approved by the Village.
6. The applicant must comply with all requirements related to impact fees imposed by the Village.
7. The applicant shall comply with all parts of the Municipal Code as it relates to this project.
8. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is substantial, the plans must be submitted to the Plan Commission for review and approval.
9. Any future modification to the site such as modification of building, parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

Conditional Use

Staff Recommends the Planning Commission recommend to the Village Board approval of a conditional use permit as set forth in the attached resolution.

To – Grant a Conditional Use permit for a storage garage with following on going conditions deemed necessary to protect the health, safety, and welfare:

1. Ongoing conditions of approval. The following conditions shall constitute an ongoing obligation:

- a. Hours of operation of park facilities shall not exceed adopted hours of operation.
- b. Any modifications to the site, buildings, site improvements shall require the conditional use application being updated.

and determining that the conditions are consistent with Section 100-354 of Mukwonago's zoning regulations:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
2. The uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
5. Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

Attachments

1. Draft Resolution for SPAR and CU (per each corresponding Agenda Item)
2. Plans/Specs (SPAR Agenda Item)

RESOLUTION 2024-04

Village of Mukwonago Order Granting a Conditional Use and Prescribing Conditions for a new structure within a park (garage), 360 McKenzie Road, Mukwonago, WI

WHEREAS, VILLAGE OF MUKWONAGO (hereinafter "property owner") owns the property identified as 360 McKenzie Street, (hereinafter "subject property") in the Village of Mukwonago, more particularly described as follows:

PT SE1/4 & SW1/4 SEC 25 T5N R18E & NE1/4 SEC 36 T5N R18E & SE1/4 SEC 26 T5N R18E & NW1/4 & SW1/4 SEC 30 T5N R19E; COM COR SECS 25 26 35 & 36 T5N R18E; N 895.34 FT; W 725.83 FT; N4°31'W TO POINT 1126.45 FT SE OF RR R/W & S LI PLANK RD; S89°E 339.24 FT; NELY 3025.00 FT TO POINT ON S1/4 LI SEC 25 LYING S 1293.01 FT FROM CTR SEC 25; SWLY TO POINT ON N LI WEPCO R/W WHICH LIES 170.00 FT S74°59'W FROM S1/4 LI SEC 25; N74°59'E 640.95 FT NELY TO POINT ON E LI OF WLY 620.00 FT OF SE1/4 SEC 25 WHICH LIES S 1115.66 FT FROM N LI SE1/4; N 1115.66 FT TO N LI SE1/4 SEC 25; ELY TO NE COR SE1/4 SEC 25; NLY TO CTRLI RIVER NELY & SELY ALG CTRLI RIVER TO E LI OF W 1146.75 FT OF SW1/4 NW1/4 SEC 30; S 750.00 FT; S50° 16'W 4820.00 FT; N 330.00 FT; W 1817.64 FT; N25°38'W 450.12 FT; S56°30'W 735.24 FT TO BGN :: EX PT SW1/4 SEC 25 T5N R18E; COM 1817.64 FT W OF S1/4 COR SEC 25; E 325.00 FT; N 229.27 FT; W 435.00 FT; S25°38'E 254.30 FT TO BGN :: EX VOL 104/479 DEEDS :: EX VOL 104/481 DEEDS :: EX VOL 104/482 DEEDS :: EX DOC #586966 :: EX DOC #2700683 :: DOC #1815259

Return to:

Diana Dykstra, Clerk-Treasurer
Village of Mukwonago
440 River Crest Court
Mukwonago, WI 53149

Parcel Number: MUKV 1972-999

WHEREAS, the property owner has, consistent with the Village of Mukwonago's zoning regulations, submitted a conditional use application for a new structure within a park (garage) per Section 100-251, and

WHEREAS, upon receipt of the petition submitted by the property owner and future purchaser, the Village Clerk properly referred such petition to the Plan Commission; and

WHEREAS, allowing for required public notice, the Plan Commission conducted a public hearing on February 13, 2024, to consider the petitioner's request; and

WHEREAS, members of the public in attendance were given ample opportunity to provide comment regarding the petitioner's request; and

WHEREAS, the Plan Commission passed a motion recommending to the Village Board that the conditional use be approved subject to certain conditions; and

WHEREAS, the Plan Commission, in passing on the matter, has made the following determinations consistent with Section 100-354 of Mukwonago's zoning regulations:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
2. The uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. The establishment of the conditional use will not impede the normal and ordinary development and

improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
5. Adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.

In addition, the property owner has shown compliance with the requirements set forth in the Village's zoning regulations for the specified use.

WHEREAS, the Village Board has carefully reviewed the recommendation of the Plan Commission and concurs with the Plan Commission's findings set forth above, provided the conditional use is operated pursuant to the conditions of approval set forth in this order.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. **Authorized uses.** Subject to the terms and conditions of this approval and the sections of the zoning code that apply, the property owner is authorized to add a new structure within a park (garage).
2. **Issuance of permit required.** The zoning administrator is authorized to issue the property owner a conditional use permit when all conditions enumerated in section 3 have been satisfied to his or her satisfaction. Such permit is the last approval before the property owner/tenant can begin to establish the use as authorized herein.
3. **Initial conditions of approval.** The following conditions shall be satisfied prior to the issuance of the conditional use permit:
 - a. The property owner must submit site/architectural plans to the Village for review and obtain approval of the same within 9 months of the date of this decision.
 - b. The property owner must accept the terms and conditions of this conditional use order in its entirety in writing within 6 months of the date of this decision. Prior to such expiration, the property owner may request an extension to this time period and the Village Clerk may approve an extension with good cause.
 - c. This order must be recorded against the subject property in the Waukesha County register of deeds office (only if subsections 3(a) through 3(b) have been satisfied).

In the event the requirements enumerated in subsections 3(a) and 3(b) above are not satisfied, this order shall automatically be null and void without any further action by the Village of Mukwonago on the aforementioned date.

4. **Ongoing conditions of approval.** The following conditions shall constitute an ongoing obligation:
 - a. Hours of operation of park facilities shall not exceed adopted hours of operation.
 - b. Any modifications to the site, buildings, site improvements shall require the conditional use application being updated.

5. **Expansion or changes.** The conditional use hereby authorized shall be confined to the subject property without extension or expansion. Any expansion or change in use shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

6. **Modification of property boundary lines.** The property owner shall not change the size and/or shape

of the subject property by any means without the approval of the Village Board. If the Village Board determines that a proposed change is substantial with regard to the overall size of the parcel and/or configuration, such change shall require issuance of a new conditional use approval pursuant to the requirements in effect at the time of application.

7. **Plans and related matters.** Unless otherwise expressly stated herein, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the amendment to be minor and consistent with the conditional use order and permit. Any change in any plan that the Plan Commission feels, in its sole discretion to be substantial, shall require a new conditional use approval and all procedures in place at the time must be followed.

8. **Inspection.** The property owner shall allow Village of Mukwonago staff, officials, and other authorized agents to inspect the subject property, at any reasonable time and for any proper purpose related to compliance with this conditional use order.

9. **Discontinuance.** Should the conditional use be discontinued in use for 365 consecutive days the use shall be terminated as set forth in the Village of Mukwonago's zoning regulations.

10. **Private rights.** This approval is given under the Village of Mukwonago's zoning regulations and is not to be interpreted to abrogate any private rights other property owners may have pursuant to deed restrictions or restrictive covenants.

11. **Interpretation.** If any aspect of this conditional use order is in conflict with any other aspect of the conditional use order, the more restrictive provisions shall be controlling, as determined by the Plan Commission.

12. **Other permits.** This order shall not be deemed to constitute a building permit, or constitute any other license or permit required by Village ordinance, or other local, state, or federal law.

13. **Severability.** In the event a court of competent jurisdiction determines that a paragraph or phrase of this conditional use order is unlawful, illegal, or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use order and the remainder shall continue in full force and effect.

14. **Heirs, successors, and assigns.** This conditional use order shall be binding upon the property owner and their heirs, successors, and assigns. Upon a change in ownership, the property owner shall notify the Village Clerk.

15. **Ongoing review.** This conditional use may be reviewed by the Plan Commission with notice to the property owner at any time upon complaint or upon Plan Commission initiative. If it is determined that the authorized use is no longer compatible, or that the provisions of this approval have not been complied with, the Village Board may revoke or amend this order after recommendation by the Plan Commission and holding of a public hearing.

16. **Amendment.** The property owner may propose an amendment to this conditional use order at anytime by submitting a written petition to the Village Clerk, which shall be reviewed pursuant to the requirements in effect at the time of application.

17. **Violation.** Any violation of this order may be treated as a violation of Mukwonago's zoning regulations and each day of each violation of each condition herein shall be treated as a separate violation.

18. **Acceptance.** GRANTEES hereby accept the said Conditional Use Grant and covenant strictly to comply with all the terms and conditions thereof. GRANTEES acknowledge that, in accordance with the provisions of the Zoning Code, failure to comply with any conditions of the Conditional Use Grant is cause for the termination of said Grant by the Village. GRANTEES also acknowledge that approval of the Conditional Use Grant allows the appropriate Village officials to conduct reasonable and routine inspections of the property. This Covenant shall run with the land and shall be binding on the GRANTEES and all persons claiming any estate or interest in

the Premises by, through or under the GRANTEES, as long as the said Premises are used as described in the Conditional Use Grant

Approved this 21th day of February, 2024.

BY THE VILLAGE BOARD OF THE VILLAGE OF MUKWONAGO

Fred Winchowky, Village President

Attest:

Diana Dykstra, Village Clerk-Treasurer

STATE OF WISCONSIN, WAUKESHA/WALWORTH COUNTY

Personally came before me this ____ day of _____ 2024, the persons described above, Fred Winchowky, Village President, and Diana Dykstra, Village Clerk, to me known to be the persons who executed the foregoing instrument and to me known to be such Village President and Village Clerk of the Village of Mukwonago and acknowledged that they executed the foregoing instrument as such officers of said municipal corporation by its authority and pursuant to the authorization by the Village Board from their meeting on the ____ day of _____, 2024.

NOTARY PUBLIC

My Commission Expires:

The remainder of this page left intentionally blank.

Acceptance by Property Owner

I, _____ verify that I am an authorized agent for VILLAGE OF MUKWONAGO accepts the terms stated herein.

Dated this _____ day of _____, 2024

_____, agent

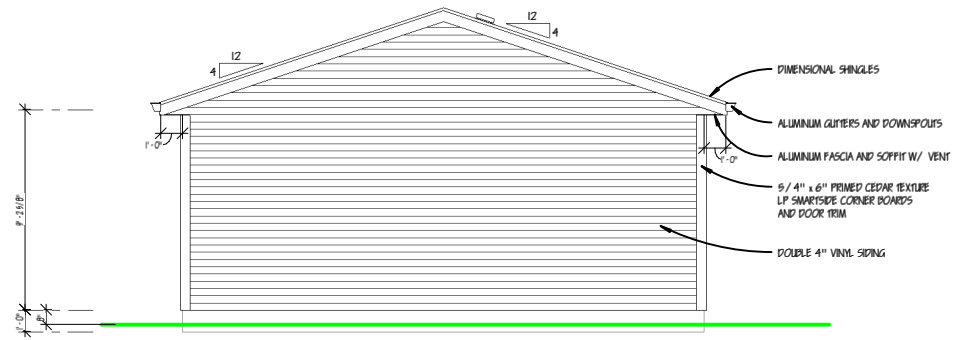
STATE OF WISCONSIN, WAUKESHA

Personally, came before me this _____ day of _____, 2024, the above-named person, _____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC

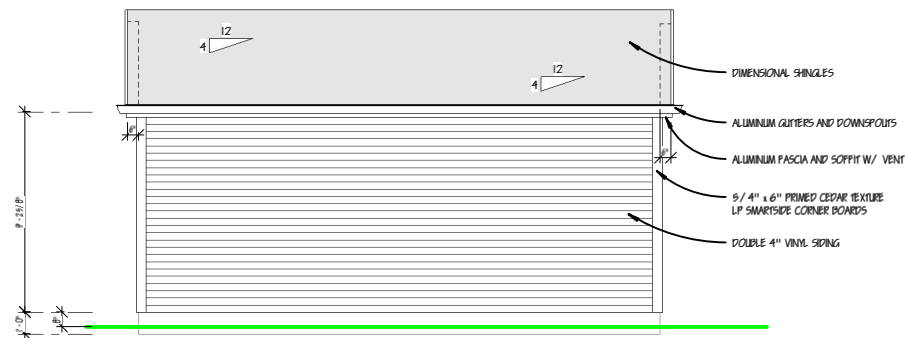
My Commission Expires:

Drafted by Erin Scharf, Planner/Zoning Administrator at the direction of the Mukwonago Village Board.



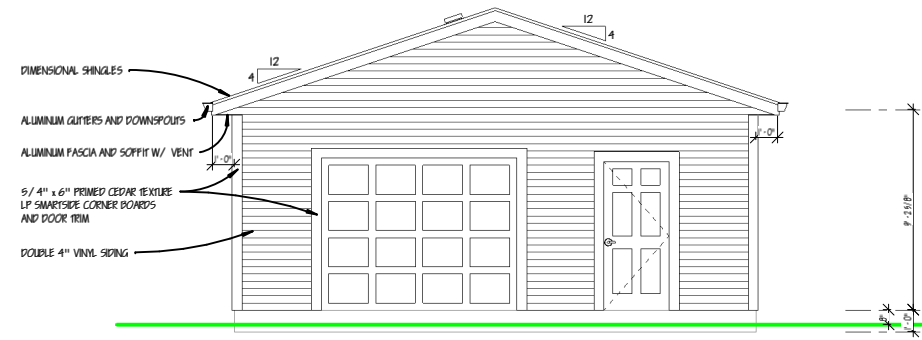
REAR ELEVATION

SCALE: 1/4" = 1'-0"



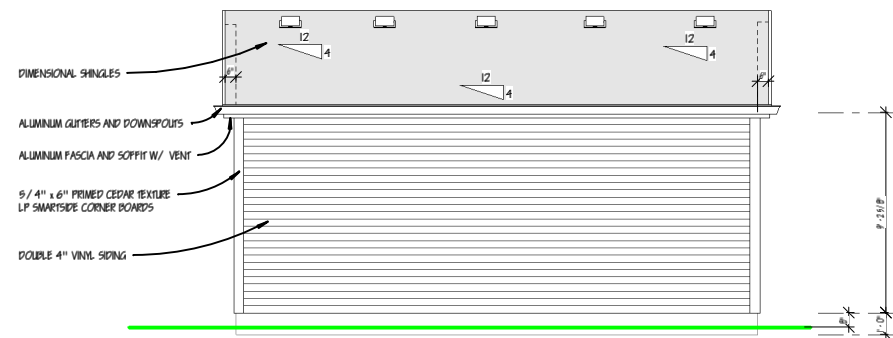
RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



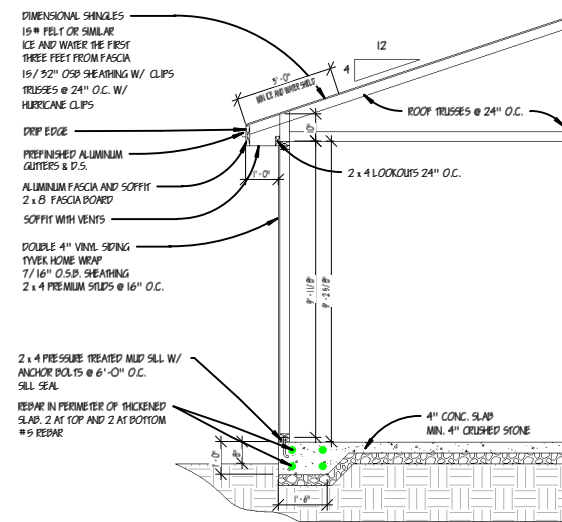
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



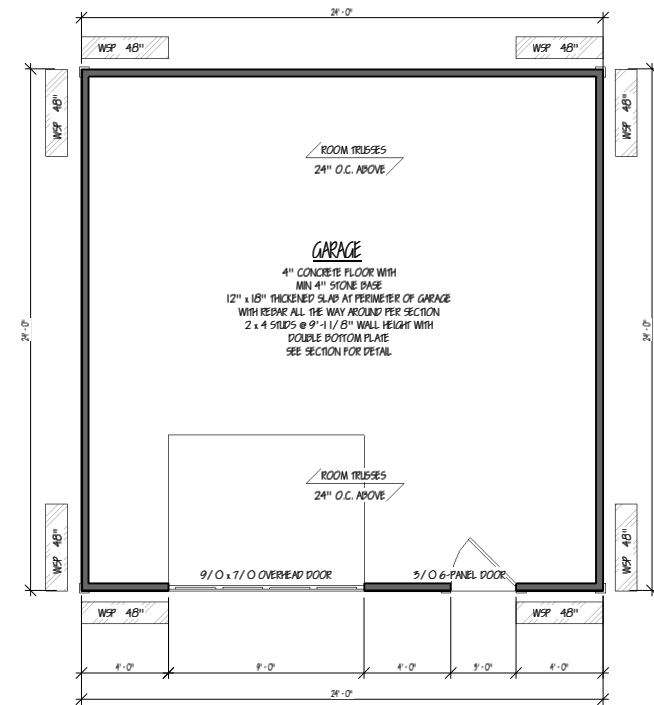
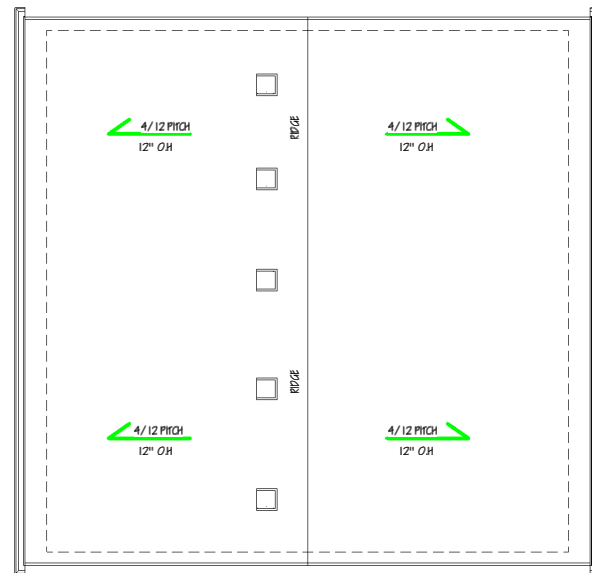
LEFT ELEVATION

SCALE: 1/4" = 1'-0"



GARAGE SECTION

SCALE: 3/8" = 1'-0"



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OF RICH RESIDENTIAL DESIGN L.L.C. IT MAY NOT
BE USED, REPRODUCED OR REPRODUCED IN ANY FORM
WITHOUT THEIR WRITTEN PERMISSION.
INITIAL DRAWING 06-25-25

EVERY EFFORT HAS BEEN MADE IN THE DESIGN, DRAFTING, AND PREPARING
THE PLANS AND CHECKING THE DRAWING FOR ACCURACY. THE
INSTALLER/OWNER AND/OR CONTRACTOR IS RESPONSIBLE FOR EVALUATING ALL
DETAILS AND DIMENSIONS AND BE RESPONSIBLE FOR ANY CHANGES OR ADJUSTMENTS REQUIRED DURING
CONSTRUCTION.

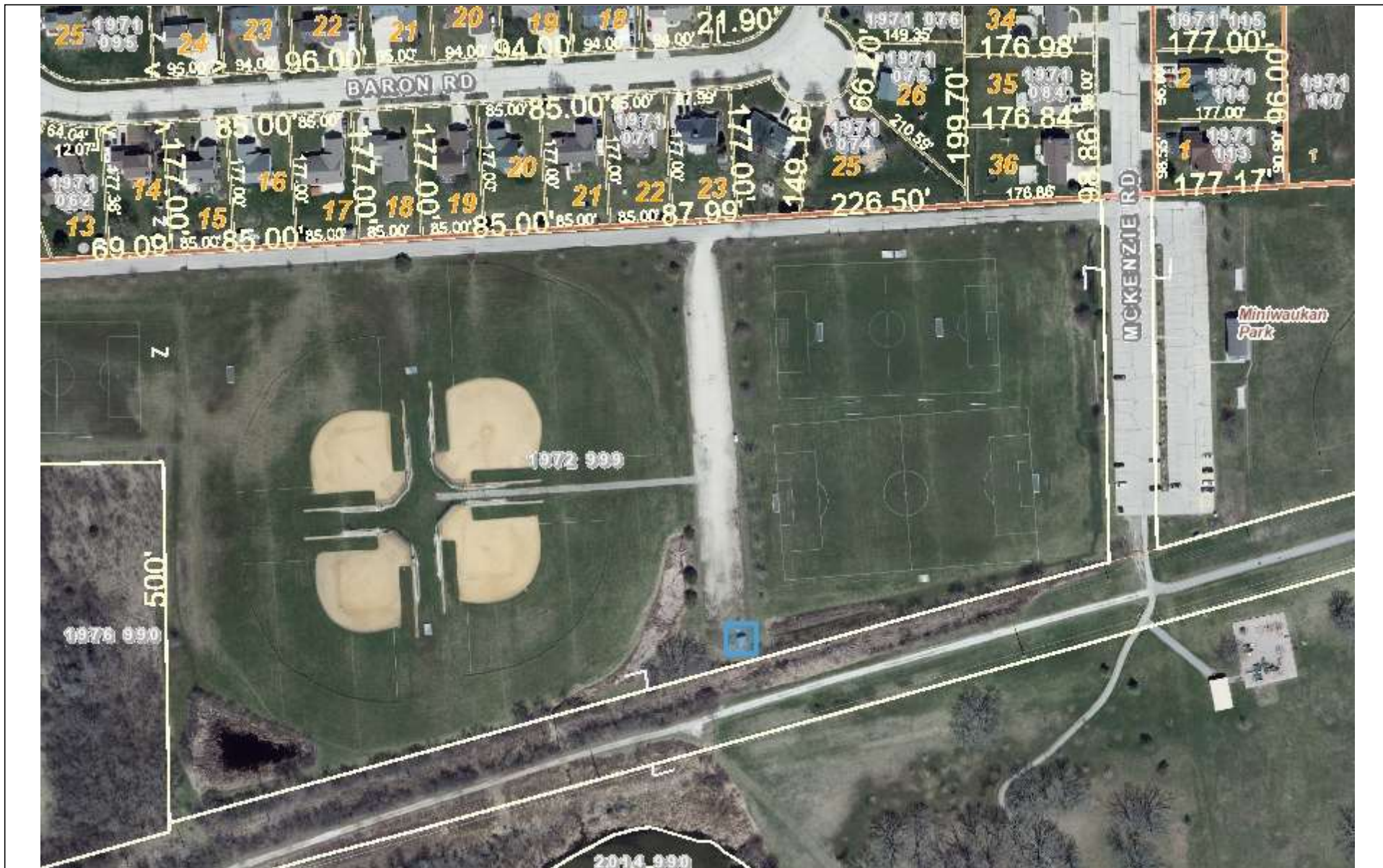


REMODEL FOR:
MUKWONAGO SOCCER CLUB

REMODEL:
GARAGE

EXISTING AND
REMODELD
PLANS AND
DETAILS

SHEET
1 OF 1



Village of Mukwonago GIS

DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1" = 188'

VILLAGE OF MUKWONAGO

440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 12/19/2023



Village of Mukwonago GIS

DISCLAIMER: The Village of Mukwonago does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.

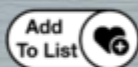


SCALE: 1" = 42'

VILLAGE OF MUKWONAGO

440 River Crest Court
PO Box 206
Mukwonago, WI 53149
262-363-6420

Print Date: 12/19/2023



Bring Your Project to Life with Menards® Design

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

PC RESOLUTION NO. 2024-01

**A RESOLUTION FOR SITE PLAN AND ARCHTIEICTURAL REVIEW FOR A NEW
STRUCTURE WITHIN THE PARK (GARAGE), AT 360 MCKENZIE RD,
PARCEL NUMBER MUKV 1972-999**

WHEREAS, pursuant to Section 100-601, and 100-153 of the Zoning Code, an application for a site plan and architectural review has been filed for the approval for an additional and building and site modifications, which application was filed in the office of the Village Clerk, Village of Mukwonago, Wisconsin, and

WHEREAS, the application has been submitted by Village of Mukwonago (Owner),

WHEREAS, the use is a conditional use within the P-1 Public and Semi-Public District – in which the subject property is located, and

WHEREAS, the plan of operation and plans have been reviewed and recommended by the Village Plan Commission.

NOW, THEREFORE, BE IT RESOLVED by the Plan Commission of the Village of Mukwonago, Wisconsin hereby approves the site plan and architectural review for the new structure within a park (garage) at 360 McKenzie Rd, based upon the plans submitted to the Village.

NOW, THEREFORE, BE IT FURTHER RESOLVED this site plan and architectural review approval shall be subject to the following conditions:

Staff recommends the Planning Commission approve with conditions, for the site modifications as submitted and as set forth in the attached resolution.

1. Prior to any land disturbing activity, the applicant must submit a complete and final set of plans to the Village planner. All Village department heads must verify in writing whether they have approved the final plans within their purview. Any outstanding matters must be resolved to staff's satisfaction.
2. Prior to any land-disturbing activity, a pre-construction meeting must be held with the applicant's representatives and primary contractors, and Village department heads and representatives.
3. The applicant must obtain all required building permits within nine months of this date, and start construction within six months of the date of building permit issuance and continue in good faith to completion.
4. All work related to this project must comply with all project plans approved by the Village.
5. The developer shall comply with all parts of the Municipal Code as it relates to this project.
6. If the approved plans need to be revised to address any of the conditions of approval or to conform to Building and Fire Safety Codes, the Zoning Administrator and the Supervisor of Inspections are authorized to approve minor modifications so long as the overall project elements remain unchanged. If they determine that the revision is

substantial, the plans must be submitted to the Plan Commission for review and approval.

7. No electrical or plumbing shall be added to the structure.
8. Any future modification to the site such as modification of parking, lighting, grading, retaining walls, fences, etc. shall require Site Plan and Architectural Review.

NOW THEREFORE BE IT RESOLVED, that the Village of Mukwonago,

Approved an Adopted this 13th day of February 2024 by the Plan Commission of the Village of Mukwonago, Wisconsin.

ATTESTATION:

APPROVED:

Fred H. Winchowky, Village President

Linda Gourdoux, WCMC
Deputy Clerk-Treasurer

CERTIFIED SURVEY MAP NO.

PART OF GOVERNMENT LOT 2, OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

NOTES:

A complete soil and site evaluation may not have been conducted on each lot or parcel. No structure shall be erected on any lot(s) or parcel(s) unless the requirements of SPS 383, Wisconsin Administrative Code, and the Walworth County Ordinances have been met. Holding tank use is prohibited for new construction on any lot(s) or parcel(s).

Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

OWNER:

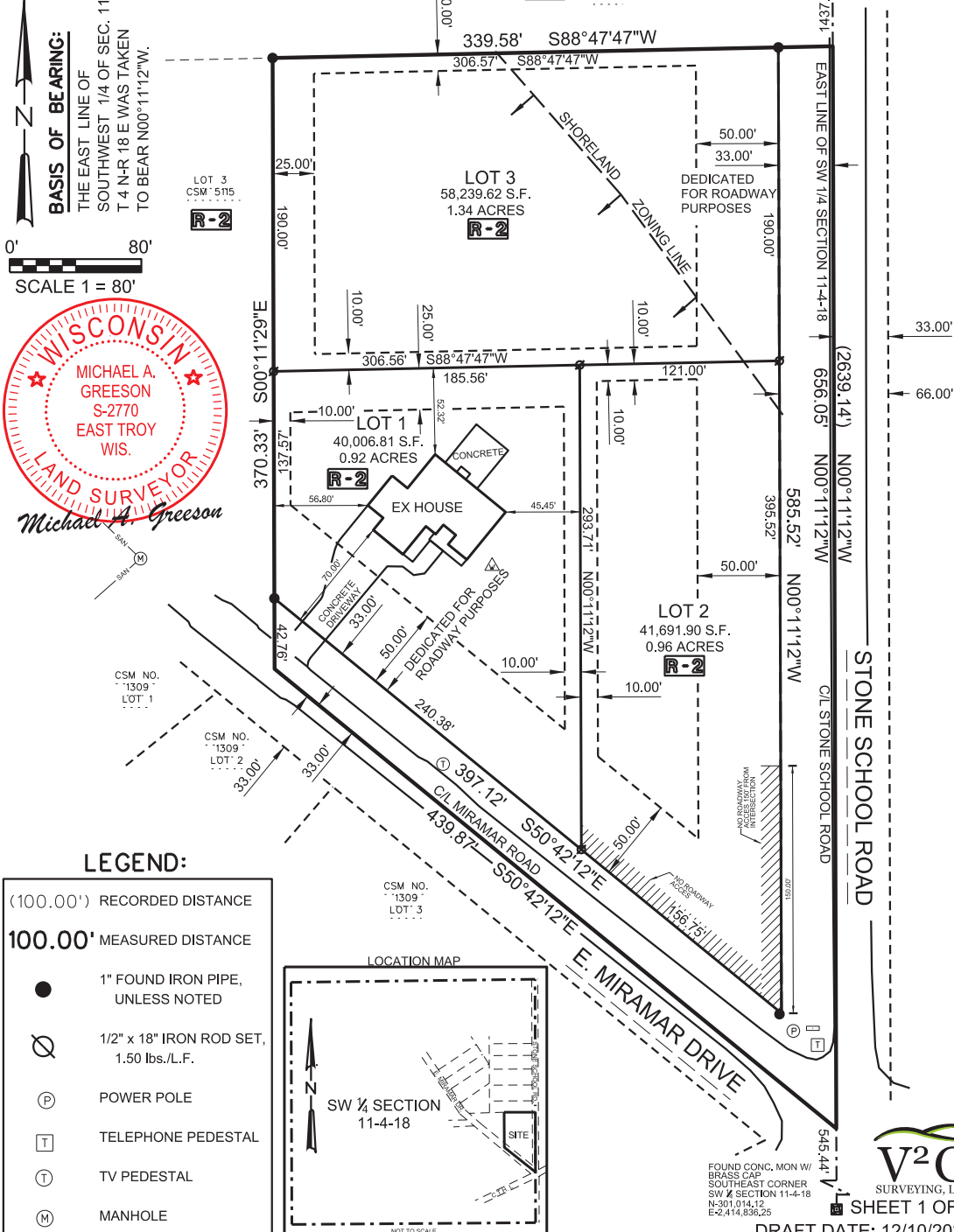
MONTSERRAT GONZALEZ
N8952 E MIRMAR DR
EAST TROY WI 53120

SURVEYOR:

V2G SURVEYING LLC.
123 WOLF RUN - STE 4
MUKWONAGO, WI 53149
262-378-5097

R-2 UNPLATTED LANDS

FOUND CONC. MON W/
BRASS CAP
NORTHEAST CORNER
SW 1/4 SECTION 11-4-18
N=303.653.11
E=2,414,827.65



INSTRUMENT DRAFTED BY MICHAEL A. GREESON P.L.S. 2770

FOUND CONC. MON W/
BRASS CAP
SOUTHEAST CORNER
SW 1/4 SECTION 11-4-18
N=301.914.12
E=2,414,836.25

V2G
SURVEYING, LLC

SHEET 1 OF 4

DRAFT DATE: 12/10/2023

V2G JOB NO.: 2023-057

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 2, OF SECTION 11, TOWNSHIP 4 NORTH,
RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY,
WISCONSIN.

SURVEYORS CERTIFICATE:

I, MICHAEL A. GREESON, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED,
DIVIDED AND MAPPED THE FOLLOWING LAND BOUNDED AND DESCRIBED AS FOLLOWS:

I, MICHAEL A. GREESON, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY: THAT IN FULL COMPLIANCE
WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION
REGULATIONS OF THE TOWN OF EAST TROY AND THE COUNTY OF WALWORTH, AND UNDER THE DIRECTION OF
MONTSEERRAT GONZALEZ, OWNER, I HAVE SURVEYED, DIVIDED, AND MAPPED THIS CERTIFIED SURVEY MAP;
THAT SUCH MAP CORRECTLY REPRESENTS ALL EXTERIOR BOUNDARIES AND THE SUBDIVISION OF THE LAND
SURVEYED; AND THAT THIS LAND IS LOCATED IN PART OF GOVERNMENT LOT 2, OF SECTION 11, TOWNSHIP 4
NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN, BEING MORE PARTICULARLY
DESCRIBED AS:

COMMENCING AT A FOUND CONCRETE MONUMENT WITH BRASS CAP MARKING THE SOUTHEAST CORNER OF THE
SOUTHWEST 1/4, SECTION 11, TOWNSHIP 4 NORTH, RANGE 18 EAST; THENCE N00°11'12"W ALONG THE EAST
LINE OF SAID SOUTHWEST 1/4, 545.44' TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE
EAST LINE OF SAID SOUTHWEST 1/4, 656.05' TO A POINT; THENCE S88°47'47"W, 339.58' TO A FOUND 1"
IRON PIPE; THENCE S00°11'29"E, 370.33' TO A POINT ON THE CENTERLINE OF MIRAMAR ROAD; THENCE
S50°42'12"E ALONG SAID CENTERLINE, 439.87' TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 4.00 ACRES MORE OR LESS.

SAID PARCEL SUBJECT TO ALL RIGHTS, RESERVATIONS, RESTRICTIVE COVENANTS AND EASEMENTS EITHER
RECORDED OR UNRECORDED.

THIS 10 TH DAY OF DECEMBER, 2023.

Michael A. Greeson

MICHAEL A. GREESON, P.L.S. #2770

OWNERS CERTIFICATE:

I MONTSEERRAT GONZALEZ, OWNER, HEREBY CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ABOVE TO BE
SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP IN
ACCORDANCE WITH THE REQUIREMENTS OF SECTION 236.34 OF THE WISCONSIN STATE STATUTES, THE TOWN OF
EAST TROY AND WALWORTH COUNTY. WE ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED TO BE
SUBMITTED TO THE FOLLOWING FOR APPROVAL. (TOWN OF EAST TROY, VILLAGE OF MUKWONAGO EXTRA
TERRITORIAL AND WALWORTH COUNTY ZONING)

WITNESS THE HAND AND SEAL OF SAID OWNERS THIS ____ DAY OF _____, 2023.

MONTSEERRAT GONZALEZ, OWNER

STATE OF WISCONSIN)
) ss.
_____, COUNTY)

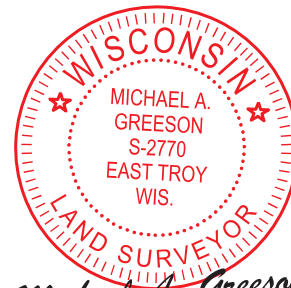
PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 2023, THE ABOVE NAMED
MONTSEERRAT GONZALEZ, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE
FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, _____ COUNTY, WISCONSIN.

MY COMMISSION EXPIRES _____.



INSTRUMENT DRAFTED BY MICHAEL A. GREESON



Michael A. Greeson

SHEET 2 OF 4

DRAFT DATE: 12/10/2023

V2G JOB NO.: 2023-057

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 2, OF SECTION 11, TOWNSHIP 4 NORTH,
RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY,
WISCONSIN.

CONSENT OF PERSONAL MORTGAGEE CERTIFICATE:

I, _____, mortgagee of the above described land, do hereby consent to the
surveying, dividing, mapping and dedication of the land described on this plat, and I do hereby
consent to the above certificate of _____, owner.

WITNESS the hand and seal of _____, mortgagee, this _____ day of
_____, 20____. In the presence of: _____
_____, (Seal) Mortgagee _____

PERSONAL MORTGAGEE NOTARY CERTIFICATE:

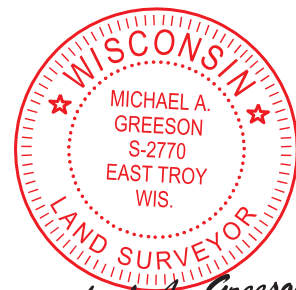
STATE OF WISCONSIN)

_____ COUNTY) SS

Personally came before me this _____ day of _____, 20____, the above named
_____, to me known to be the person who executed the foregoing instrument and
acknowledged the same. (Notary Seal) _____ Notary Public,
_____, Wisconsin My commission expires _____.



INSTRUMENT DRAFTED BY MICHAEL A. GREESON



Michael A. Greeson

SHEET 3 OF 4
DRAFT DATE: 12/10/2023
V2G JOB NO.: 2023-057

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 2, OF SECTION 11, TOWNSHIP 4 NORTH,
RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY,
WISCONSIN.

TOWN OF EAST TROY BOARD APPROVAL CERTIFICATE:

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN BOARD OF THE TOWN OF EAST TROY,

ON THIS _____ DAY OF _____, 2023.

JOSEPH KLARKOWSKI, CHAIRMAN

KIM BUCHANAN, CLERK

WALWORTH COUNTY ZONING AGENCY APPROVAL CERTIFICATE:

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE WALWORTH COUNTY ZONING
AGENCY, ON

THIS _____ DAY OF _____, 2023.

RYAN SIMONS, CHAIRMAN

VILLAGE BOARD OF MUKWONAGO APPROVAL (EXTRA-TERRITORIAL)

THIS CERTIFIED SURVEY MAP LOCATED WITHIN THE EXTRA- TERRITORIAL JURISDICTION OF THE VILLAGE OF
MUKWONAGO IS HEREBY APPROVED BY THE VILLAGE OF MUKWONAGO BOARD

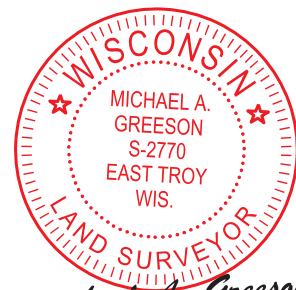
THIS _____ DAY OF _____, 2023.

FRED WINCHOWKY, PRESIDENT

DIANA DYKSTRA, CLERK-TREASURER



INSTRUMENT DRAFTED BY MICHAEL A. GREESON



Michael A. Greeson

SHEET 4 OF 4
DRAFT DATE: 12/10/2023
V2G JOB NO.: 2023-057

TOWN OF EAST TROY

N9330 Stewart School Road • P.O. Box 872
East Troy, Wisconsin 53120
Telephone (262) 642-5386
Fax (262) 642-9701

RESOLUTION APPROVAL PETITION LAND SEPARATION / CSM

Whereas, the Planning Commission for the Town of East Troy convened on December 6, 2023; and

Whereas, the applicant, Michael Greeson, V2G Surveying are proposing a division of the current parcel. The applicant feels that this separation would fit with the surrounding area for single family homes. The lot is zoned R2 with the minimum lot size of 15,000S.F. if sewerer or 40, 000 S.F. unsewered and a required 100 feet of roadway frontage. This proposal does meet those requirements. Each lot will be required to have a soil test done for a suitable septic system; and

Whereas, the owner has the intention to sell the existing sewerer home and build a smaller home on lot 3. The applicant did note that there would need to be 500 feet approximately of new sewer lines to service the new lots, so he feels that a perk test would have to be done and then possibly use a mound system for lots 2 and 3 to be more economical; and

Whereas, there was discussion among Commissioners, regarding the two new homes having access off of Stone School Road. There was a safety concern related to the vision corner there and the amount of traffic. A conditional approval was discussed creating a no access strip and requiring lot 2 to keep 150 feet from Stone School Road and no access on Miramar Drive. The vision triangle was also discussed and it was noted that it is already an ordinance/building code. Robert W. Sucik, neighbor, spoke to ask more questions about the plan for the property. He was concerned about there being a possible flood plain or any water running onto his property. The applicant was able to state that this was not an issue for his property. He did state that he does not want to stop anyone from doing what they want to do with their property; and

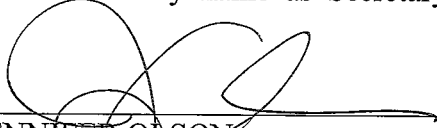
Whereas, the Planning Commission voted 6 aye (Smith, DeGrave, Cook, Gordon, Denhart, Celley) 1 nay (Wucherer) to APPROVE the applicants' LAND SEPARATION / CSM with the following conditions: 1) no road access on E. Miramar Dr 2) 150 feet from the southernmost point on stone school road for lot 2;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission requests a motion by the Town of East Troy, Town Board to APPROVE the LAND SEPARATION / CSM at N9020 & N8952 E Miramar Drive East Troy, WI Parcel No. P ET 1100031.

STATE OF WISCONSIN
SS
COUNTY OF WALWORTH

I, JENNIFER OLSON do hereby certify that I am the duly elected, qualified and acting Secretary of the Town of East Troy, Planning Commission and that the foregoing is a true and correct copy of a resolution duly adopted at a meeting of the Planning Commission, of the Town of East Troy held in said Town on the 6th day of December, 2023, at which meeting a quorum was present and that said resolution is duly recorded in the minutes of said meeting.

IN WITNESS WHEREOF, I have affixed my name as Secretary on this 7th day of December, 2023.



JENNIFER OLSON,
PLANNING COMMISSION SECRETARY
Town of East Troy

VILLAGE OF MUKWONAGO RESOLUTION 2024-05

**RESOLUTION APPROVING A CERTIFIED SURVEY FOR A PROPERTY LOCATED AT
N8952 E MIRIMAR DR IN THE TOWN OF EAST TROY, WALWORTH COUNTY**

WHEREAS, Mike Greenson (surveyor/applicant) on behalf of Montserrat Gonzalez (owner), this property located in the Town of East Troy and has submitted a three-lot certified survey map to the Village for review; and

WHEREAS, the property is located in the Village's extraterritorial review area and is therefore subject to the review by the Village; and

WHEREAS, the Village Plan Commission reviewed the petitioner's request at their meeting on February 13, 2024, and recommended approval of the same as set forth in this resolution; and

NOW, THEREFORE, BE IT RESOLVED, the Village Board of the Village of Mukwonago approves the proposed certified survey map subject to the following conditions:

1. The surveyor's seal, signature, and date must appear on all sheets of the final CSM. The same revision date must also be noted on each sheet.
2. The certified survey map must comply with the Town of East Troy's approval which was granted on December 7, 2023.
3. The property owner must pay all fees and charges that are owed to the Village.

The Village President is authorized to sign the original certified survey map when the above conditions have been satisfied as determined by the Village Planner.

Passed and dated this 21st day of February 2024.

VILLAGE OF MUKWONAGO

By: _____
Fred Winchowky, Village President

Attest: _____
Diana Dykstra, Village Clerk

Appendix B Land Use Summary

Draft 01-02-2024

Series Land Use

1 Residential

1.01 Manufactured home park

Description: A place with 2 or more designated pads (i.e., lots) for lease or rent to the general public for the placement of a mobile home or a manufactured home.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Mobile home space. A manufactured home space must be at least 40 feet wide and at least 3,000 square feet in area.

(C) Location of mobile homes. A manufactured home or mobile home may not be closer than 20 feet to another unit or 10 feet to an internal service road.

(D) Water and sanitation. Each manufactured home space must be connected to a public water supply system and a public sewage disposal system.

(E) Surfacing. All internal service roads, parking areas, and walkways must be hard surfaced.

(F) Ancillary uses. A manufactured home park may not include a mobile home sales office or other business or commercial use. However, laundries, washrooms, recreational rooms, maintenance equipment storage, and one management office are permitted.

(G) Screening. A manufactured home park must be completely enclosed, except for permitted entrances and exits by temporary planting of fast-growing material, capable of reaching a height of 15 feet or more, and a permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting must be grown or maintained to a height of not less than 15 feet.

Temporary note: The above is from consultant



© Civic Webware

Templorary note: See Chapter 50 <https://www.ecode360.com/36709753> for regulations on Mobile Home parks, that may need to be amended as part of this code project

1.02 Mixed-use housing (new)

Description: One or more dwelling units situated within a commercial building.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Location. Dwelling units may be located on the ground floor, provided the first 16 feet of the building is designed for commercial uses. Dwelling units may also be located on upper floors.

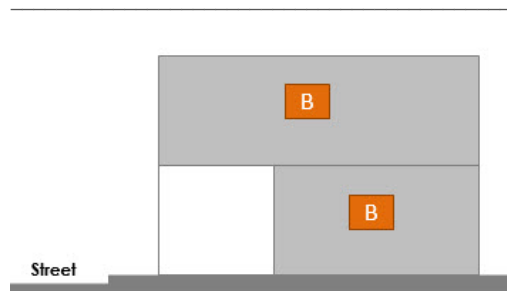
(C) Stairs. A dwelling unit on the second floor must be served by stairs inside of the building (i.e., exterior stairs are not permitted). The exterior access door may be located along the front, side, or rear of the building and may serve one or more dwelling units.

(D) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements as may be established by the Village.



© Civic Webware

Figure: Mixed-Use Housing



Temporary note: From consultant

1.03 Multi-family, 2 units

Description: A building containing 2 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium. The term includes various construction types including modular, panelized, pre-cut, and site-built.

Note: Also known as duplex or two-family.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Number of principal buildings per parcel. No more than one 2-unit multi-family building may occupy any single parcel of land.

(C) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(D) Garage required. A two-car garage containing at least 430 square feet must be built for each dwelling unit at the same time the principal building is being constructed. The garage may be attached or detached.

(E) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements as may be established by the Village.

Temporary note: From consultant



© Civic Webware

1.04 Multi-family, 3 to 8 units

Description: A building containing 3 to 8 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Vehicle Parking: 1 garage space for each dwelling unit; plus 1.2 spaces for each dwelling unit that may be garaged or outdoor spaces, although at least 0.2 spaces shall be outdoors to provide for guest parking. The Plan Commission may require additional parking pursuant to the design and type of multifamily dwellings.

Bicycle Parking: Recommended - 4 spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Number of principal buildings per parcel. More than one multi-family building may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district.

(C) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(D) Garage required. A one-car garage containing at least 250 square feet must be built for each dwelling unit at the same time the principal building is being constructed. The garage may be attached or detached.

(E) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements as may be established by the Village.

1.05 Multi-family, 9 to 15 units

Description: A building containing 9 to 15 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Vehicle Parking: 1 garage space for each dwelling unit; plus 1.2 spaces for each dwelling unit that may be garaged or outdoor spaces, although at least 0.2 spaces shall be outdoors to provide for guest parking. The Plan Commission may require additional parking pursuant to the design and type of multifamily dwellings.

Bicycle Parking: Recommended - 6 spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Number of principal buildings per parcel. More than one multi-family building may be located on a parcel of land, provided the overall density complies with the maximum density established for the zoning district.

(C) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(D) Garage required. A one-car garage containing at least 250 square feet must be built for each dwelling unit at the same time the principal building is being constructed. The garage may be attached or detached.

(E) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements as may be established by the Village.



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1.06 Multi-family, more than 15 units

Description: A building containing more than 15 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.

Vehicle Parking: 1 garage space for each dwelling unit; plus 1.2 spaces for each dwelling unit that may be garaged or outdoor spaces, although at least 0.2 spaces shall be outdoors to provide for guest parking. The Plan Commission may require additional parking pursuant to the design and type of multifamily dwellings.

Bicycle Parking: Recommended - 8 to 12 spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) Number of principal buildings per parcel. More than one multi-family building may be located on a parcel of land, provided the overall

density complies with the maximum density established for the zoning district.

(C) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(D) Garage required. A one-car garage containing at least 250 square feet must be built for each dwelling unit at the same time the principal building is being constructed. The garage may be attached or detached.

(E) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements as may be established by the Village.

1.07 Single-family dwelling

Description: A building containing one dwelling unit that is situated on one lot and is not attached to any other dwelling unit by any means. The term includes manufactured homes and other construction types including modular, panelized, pre-cut, and site-built. The term does not include mobile homes.



Vehicle Parking: 2 garaged spaces and two additional spaces

Supplemental Standards:

(A) Occupancy. Occupancy of a single-family dwelling unit is limited to one household unit.

(B) Number of principal dwellings per parcel. No more than one principal residential building shall occupy any single parcel of land.

(C) Garage requirements. An attached garage must be built concurrently with construction of the dwelling and must be at least 480 square feet, but not more than 48 percent of the floor area of the dwelling unit, or 960 square feet, whichever is less.

(D) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(E) Overhead garage doors. An attached garage may not have more than 3 overhead doors. Overhead garage doors may not exceed a total of 32 feet in length and 10 feet in height. An existing attached garage may not be converted to another use and must be maintained as an attached garage at all times, unless a new attached garage is constructed to comply with the standards in this part. Nothing in this part prevents an enlargement of an existing attached garage consistent with these standards.

(F) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with any licensing requirements established by the Village.

Temporary note: Modified by consultant -(to be verified)

1.08 Townhouse, 2 units

Description: A building containing 2 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance. The term includes various construction types including modular homes, panelized homes, pre-cut homes, and site-built homes.

Note: Also known as single-family attached, zero-lot-line duplex, or twin-home.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

(B) General layout. The common wall between the dwelling units must be approximately perpendicular to the front lot line.

(C) Building coverage. No more than 70 percent of the lot area may be occupied by a building.

(D) Garage required. A two-car garage containing at least 400 square feet must be built for each dwelling unit at the same time the townhouse is being constructed. The garage may be attached or detached.

(E) Accessory buildings. The floor area of accessory buildings, excluding garages and carports, may not exceed 120 cumulative square feet.

(F) Utility service. Dwelling units in a townhouse must have a separate connections for sanitary sewer, municipal water, and other available utilities. Both of the dwelling units may be served by a single sanitary service line if addressed in the written agreement required in this part.

(G) Foundation. The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.

(H) Written agreement required. Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement as approved by the zoning administrator. Such agreement must be recorded with each lot in the Walworth County or Waukesha County register of deeds office.

(I) Short-term rental. If a dwelling unit is used as a short-term rental, the property owner must comply with the licensing requirements as may be established by the Village.

Temporary note: From consultant

1.09 Townhouse, 3 to 8 units

Description: A building containing 3 to 8 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance.

Note: Also known as single-family attached or rowhouse.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

(A) Occupancy. Occupancy of a dwelling unit is limited to one household unit.

- (B) General layout.** The common wall between the dwelling units must be approximately perpendicular to the front lot line.
- (C) Building coverage.** No more than 70 percent of the lot area may be occupied by a building.
- (D) Garage required.** A one-car garage containing at least 200 square feet must be built for each dwelling unit at the same time the townhouse is being constructed. The garage may be attached or detached.
- (E) Accessory buildings.** The floor area of accessory buildings, excluding garages and carports, may not exceed 120 cumulative square feet.
- (F) Utility service.** Dwelling units in a townhouse must have separate connection for sanitary sewer, municipal water, and other available utilities. Two or more of the dwelling units may be served by a single sanitary service line if addressed in the written agreement required in this part.
- (G) Driveways.** When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible.
- (H) Foundation.** The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
- (I) Written agreement required.** Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement. Such agreement must be recorded with each lot in the Walworth County or Waukesha County register of deeds office.
- (J) Short-term rental.** If a dwelling unit is used as a short-term rental, the property owner must comply with any licensing requirements established by the Village.

Temporary note: From consultant

1.10 Townhouse, 9 to 15 units

Description: A building containing 9 to 15 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance.

Note: Also known as single-family attached or rowhouse.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

- (A) Occupancy.** Occupancy of a dwelling unit is limited to one household unit.
- (B) General layout.** The common wall between the dwelling units must be approximately perpendicular to the front lot line.
- (C) Building coverage.** No more than 70 percent of the lot area may be occupied by a building.
- (D) Garage required.** A one-car garage containing at least 200 square feet must be built for each dwelling unit at the same time the townhouse is being constructed. The garage may be attached or detached.
- (E) Accessory buildings.** The floor area of accessory buildings, excluding garages and carports, may not exceed 120 cumulative square feet.
- (F) Utility service.** Dwelling units in a townhouse must have separate connection for sanitary sewer, municipal water, and other available utilities. Two or more of the dwelling units may be served by a single sanitary service line if addressed in the written agreement required in this part.
- (G) Driveways.** When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible.
- (H) Foundation.** The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
- (I) Written agreement required.** Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement. Such agreement must be recorded with each lot in the Walworth County or Waukesha County register of deeds office.
- (J) Short-term rental.** If a dwelling unit is used as a short-term rental, the property owner must comply with any licensing requirements established by the Village.

Temporary note: From consultant

Temporary note: From consultant



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1.11 Townhouse, more than 15 units

Description: A building containing more than 15 dwelling units that are separated by a party wall that extends from the ground to the roof and each of the units are located on a separate lot and have a separate entrance.

Note: Also known as single-family attached or rowhouse.

Vehicle Parking: 2 spaces for each dwelling unit

Supplemental Standards:

- (A) Occupancy.** Occupancy of a dwelling unit is limited to one household unit.
- (B) General layout.** The common wall between the dwelling units must be approximately perpendicular to the front lot line.
- (C) Building coverage.** No more than 70 percent of the lot area may be occupied by a building.
- (D) Garage required.** A one-car garage containing at least 200 square feet must be built for each dwelling unit at the same time the townhouse is being constructed. The garage may be attached or detached.
- (E) Accessory buildings.** The floor area of accessory buildings, excluding garages and carports, may not exceed 120 cumulative square feet.
- (F) Utility service.** Dwelling units in a townhouse must have separate connection for sanitary sewer, municipal water, and other available utilities. Two or more of the dwelling units may be served by a single sanitary service line if addressed in the written agreement required in this part.
- (G) Driveways.** When more than one garage is located in the front of a townhouse, a common driveway must be used whenever possible.

- (H) **Foundation.** The building must be set on and anchored to a continuous permanent foundation that extends around its perimeter.
- (I) **Written agreement required.** Dwelling units in a townhouse must be subject to a joint cross-access and maintenance agreement. Such agreement must be recorded with each lot in the Walworth County or Waukesha County register of deeds office.
- (J) **Short-term rental.** If a dwelling unit is used as a short-term rental, the property owner must comply with any licensing requirements established by the Village.

Temporary note: From consultant

2 Special Care Facilities

2.01 Adult care facility, assisted living

Description: A place where individuals, generally 62 years of age or older, may occupy independent dwelling units. The units may be rented or owned as in a condominium. This use may include common areas for dining and entertainment and limited on-site commercial and medical facilities for the exclusive use of residents.

Vehicle Parking: 0.5 space for each dwelling unit; plus 1 space for each employee on the largest work shift

Supplemental Standards:

- (A) **Street access.** The primary access for this use must be off of a major street as depicted on the Village's zoning map.
- (B) **Required green space.** If this use is not located in a commercial zoning district, at least 30 percent of the parcel must be landscaped (e.g., lawn, plantings, etc.).
- (C) **Setbacks.** Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

Temporary note: From consultant

2.02 Adult care facility, continuum of care

Description: A facility consisting of both nursing home care and assisted living as described in this part.

Vehicle Parking: For the nursing home component, 1 space for each 3 beds, plus 1 space for each employee on the largest work shift; for the assisted living component, 0.5 space for each dwelling unit, plus 1 space for each employee on the largest work shift

Supplemental Standards:

- (A) **State license.** Prior to the establishment of this use, the operator must obtain a nursing home license from the state as provided for in § 50.02, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.
- (B) **Required green space.** If this use is not located in a commercial zoning district, at least 30 percent of the parcel must remain undeveloped (i.e., landscaped).
- (C) **Setbacks.** Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

Temporary note: From consultant

2.03 Adult care facility, nursing home

Description: A place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require 24-hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services. The term does not include (1) a convent or facility owned or operated exclusively by and for members of a religious order that provides reception and care or treatment of an individual, (2) a hospice as defined in state law, or (3) a residential care apartment complex as defined in state law.

Note: See § 50.01 (3), Wis. Stats.

Vehicle Parking: 1 space for each 4 beds; plus 1 space for each employee on the largest work shift

Supplemental Standards:

- (A) **State license.** Prior to the establishment of this use, the operator must obtain a license from the state as provided for in § 50.02, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.
- (B) **Required green space.** If this use is not located in a commercial zoning district, at least 30 percent of the parcel must remain undeveloped (i.e., landscaped).
- (C) **Setbacks.** Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

Temporary note: From consultant

2.04 Adult family home

Description: A place licensed by the state under § 50.033 (1m), Wis. Stats.

Note: An adult family home can either be a principal use or an accessory use. If the operator does not live in the residence with the adults, it is considered a principal use.

Vehicle Parking: 1 space for each 4 adults the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

2.05 Community living arrangement, 8 or fewer residents

Description: Any one of the following with 8 or fewer residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: 2 spaces

Supplemental Standards:

(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.^[1]

(B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(C) Proximity to same use. A community living arrangement may not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Village Board at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Village Board and if both facilities comprise essential components of a single program.^[2] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., are exempt from this requirement.

(D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood where the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.

[1] See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] See § 59.69 (15)(a), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed by right in all residential zoning districts.

2.06 Community living arrangement, 9 to 15 residents

Description: Any one of the following with more than 8 but fewer than 16 residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: 4 spaces

Supplemental Standards:

(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.^[1]

(B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(C) Proximity to same use. A community living arrangement may not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Village Board at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Village Board and if both facilities comprise essential components of a single program.^[2] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., are exempt from this requirement.

(D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood where the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.

[1] See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] See § 59.69 (15)(a), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed by right in all multi-family residential zoning districts and with conditional use approval in single-family and two-family zoning districts.

2.07 Community living arrangement, more than 15 residents

Description: Any one of the following with 16 or more residents (1) a residential care center for children and youth as defined in § 48.02 (15d), Wis. Stats., operated by a child welfare agency licensed under § 48.60, Wis. Stats.; (2) a group home for children as defined in § 48.02 (7), Wis. Stats.; and (3) a community-based residential facility as defined in § 50.01 (lg), Wis. Stats. The term does not include adult family homes, as defined in § 50.01, Wis. Stats.

Vehicle Parking: 1 space for each 3 residents

Supplemental Standards:

(A) State license. Prior to the establishment of a community living arrangement, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.^[1]

(B) Occupancy. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(C) Proximity to same use. A community living arrangement may not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Village Board at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Village Board and if both facilities comprise essential components of a single program.^[2] A foster home and a foster treatment home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., are exempt from this requirement.

(D) Advisory committee. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant must make a good faith effort to establish an ad hoc advisory committee consisting of representatives from the community living arrangement, the neighborhood where the proposed facility will be located, and a local unit of government, in accordance with § 48.68 (4), Wis. Stats., or § 50.03 (4)(g), Wis. Stats., as applicable.

[1] See subch. VII of chapter 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] See § 59.69 (15)(a), Wis. Stats.

Advisory notes:

1. As set forth in state law, this use is allowed by right in all residential zoning districts with conditional use approval.

2.08 Foster home and treatment foster home

Description: A place licensed by the state for the care of foster children and which is operated by a corporation, child welfare agency, church, or other such entity.

Note: See § 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of a foster home or treatment foster home, the operator must obtain a license from the state as provided for in § 48.75, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.

(B) Proximity to same use. A foster home or treatment foster home that is operated by a corporation, a child welfare agency, a religious association, as defined in § 157.061(15), Wis. Stats., an association, or a public agency, may not be established within 2,500 feet of another such facility. An agent may apply for an exception to this requirement, and the Village Board at its discretion may grant the exception.^[1]

[1] See § 59.69 (15)(bm), Wis. Stats.

2.09 Group day care center

Description: A place licensed as a day care by the state where care is provided for 9 or more children. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in Series 15.

Vehicle Parking: 1 space for each 3 children the facility is licensed by the state to accommodate; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. An outdoor activity area associated with a group day care center may not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

(B) Reserved

Temporary note: from consultant



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2.10 Group day care center, company (new)

Description: A place licensed as a day care by the state where care is provided for 9 or more children and which is intended for families working at the business. This use may include outdoor play areas, playhouses, and related recreational equipment, such as swings, slides, basketball hoops, and jungle gyms.

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in Series 15.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. An outdoor activity area associated with a group day care center (company) may not be located within 20 feet of a parcel in a residential zoning district or a planned development district that allows residential uses.

(B) Reserved

Temporary note: from consultant

2.11 Hospice care center (new)

Description: A place licensed by the state that provides palliative and supportive care and a place of residence to individuals with terminal illness and provides or arranges for short-term inpatient care as needed.

Note: See § 50.90 (1), Wis. Stats.

Vehicle Parking: 1 space for each 2 residents at capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license . Prior to the establishment of a hospice care center, the operator must obtain a license from the state as provided for in § 50.92, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.

(B) Required green space. If a hospice care center is not located in a commercial zoning district, a minimum of 30 percent of the parcel must remain undeveloped (i.e., landscaped).

Temporary note: These are new provisions.

2.12 Temporary residential shelter

Description: A place where individuals and families live on a temporary basis and support services including counseling may be provided. Residents typically receive housing at little or no cost, unrelated residents may share sleeping rooms, meals may or may not be provided, and unrelated residents may or may not share bathroom facilities.

Vehicle Parking: 0.5 space for each adult resident at capacity, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Requirements for operator. A temporary residential shelter must be managed by an organization operating a program approved by the state of Wisconsin pursuant to ch. 51, Wis. Stats., and all relevant administrative rules including chs. DHS 72, DHS 75, and DHS 94, Wis. Admin. Code.

(B) Other approvals. A temporary residential shelter must be approved by all applicable government entities having authority under law to license or authorize the operation.

(C) Number of residents. The maximum number of residents at a temporary residential shelter at any time is 15.

Temporary note: From consultant

3 General Accommodations

3.01 Boarding house

Description: A place where lodging is furnished by pre-arrangement for compensation for 4 or more persons, not members of a family, but not exceeding 12 persons and not open to transient customers.

Vehicle Parking: 1 space for each room that is offered for rent; plus other parking requirements for principal residents

Bicycle Parking: Recommended - 1 space for each 4 rooms

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

3.02 Overnight lodging

Description: A place where individual guest rooms with private bathrooms are offered to transient guests for rent. This use may also include (1) recreational/fitness rooms and a food service area for the exclusive use of guests and (2) banquet facilities for meetings and other gatherings. The term includes hotels and motels, but does not include bed and breakfasts or short-term rentals.

Vehicle Parking: 1 space for each guest room and 1 space for each employee on the largest work shift; plus any required parking for other uses such as restaurants or banquet facilities

Supplemental Standards:

(A) State permit. Prior to the establishment of overnight lodging, the operator must obtain a hotel/motel permit from the Wisconsin

Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.^[1]

(B) Location of customer entrance. A customer entrance to an overnight lodging facility that is located on the side or rear of the building must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

[1] See ch. DHS 195, Wis. Admin. Code

Temporary note: From consultant

4 Food & Beverage Services

4.01 Banquet hall

Description: An establishment that consists of an enclosed building, or portion of an enclosed building, regularly available for the purpose of hosting group gatherings, seminars, business events, weddings, or other similar activity or events. The facility may have a kitchen for food preparation and a bar for serving liquor. By definition this use is generally not open for regular food or beverage service.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 350 square feet of floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Supplemental Standards:

(A) Alcohol license. If alcohol is served, all appropriate licensing requirements must be met.^[1]

(B) Location of entrance. A customer entrance to a banquet hall that is located on the side or rear of the building must not be located within 50 feet of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

[1] The Village can only issue a certain number of alcohol licenses. Please contact the Village Clerk to determine if there are any available.

Advisory notes:

1. The building with this use must have sprinklers if the capacity exceeds 99. (Consultant to verify wording)

2. If this use includes a cooktop, a hood suppression may be required. (Consultant to verify wording)

Temporary note: Provisions from consultant

4.02 Craft brewery, winery, distillery (new)

Description: An establishment where beer, malt beverages, wine, meade, and/or spirits are made in small batches and then sold onsite and distributed off-site. This use may also include a restaurant.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 350 square feet of floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Other licenses/approvals. Prior to establishment of this use, the property owner must obtain all required alcohol licenses/permits from the Village and all necessary permits and approvals from the state of Wisconsin as may be required and maintain the permits for the life of the use or until the issuing entity no longer requires the permit.^[1]

(B) Limitations on production area. When located in a commercial district, the production area, including storage of raw materials and finished products, is limited to 60 percent of the floor area. When located in an industrial district, there is no limitation on the production area.

(C) Location of customer entrance. A customer entrance to a craft brewery, winery, distillery that is located on the side or rear of the building must be located at least 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses as the predominant land use.

[1] The Village can only issue a certain number of alcohol licenses. Please contact the Village Clerk to determine if there are any available.

Temporary note: Provisions from consultant



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4.03 Food pantry (new)

Description: A place where stocks of food, typically basic provisions, are stored and supplied free of charge to people in need, by a nonprofit or charitable organization. A food pantry is not typically open to the public for extended periods like a grocery store, but operates on a limited basis (e.g., days per week and/or hours per day). A food pantry may include ancillary office space related to this use. This use may also be referred to as a food bank.

Vehicle Parking: 1 space per 700 square feet of service area, plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 2 spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

4.04 Restaurant, fast-food

Description: A restaurant where (1) customers order food at a service counter and/or driveup window, (2) payment is made at the time the food and drink is received, and/or (3) food is predominantly served in disposable containers or receptacles. (In contrast see restaurant, standard)

Vehicle Parking: 1 space for every 3 seats (1 seat is equal to 10 square feet of dining floor area); plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) State permit. Prior to the establishment of a restaurant, the operator must obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.^[1]

(B) Alcohol license. If alcohol is served, all appropriate licensing requirements must be met.^[2]

(C) Grease trap. A restaurant must have a grease trap unless exempted by the wastewater treatment manager.

(D) Sampling manhole. A restaurant must have a sampling manhole unless exempted by the wastewater treatment manager.

(E) Exhaust systems. The exhaust system for a restaurant should be vented through the roof. Venting towards a residential building is prohibited unless there is no other feasible option as determined by the reviewing authority.

(F) Location of customer entrance. A customer entrance to a restaurant that is located on the side or rear of the building must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

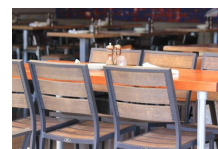
[1] See ch. DHS 196, Wis. Admin. Code

[2] The Village can only issue a certain number of alcohol licenses. Please contact the Village Clerk to determine if there are any available.

Temporary note: From consultant

4.05 Restaurant, standard

Description: A restaurant where (1) an employee of the restaurant takes food orders and/or serves the food while customers are seated at a table, (2) payment is made after the food and drink has been consumed, and/or (3) food is predominantly served on non-disposable containers or receptacles. A standard restaurant may include take out service so long as this use is clearly subordinate to the overall character of the restaurant. (In contrast see restaurant, fast-food)



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Vehicle Parking: 1 space for every 3 seats (1 seat is equal to 10 square feet of dining floor area); plus 1 space for each employee on the largest work shift; plus 2 dedicated spaces for customer pick-up if offered

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) State permit. Prior to the establishment of a restaurant, the operator must obtain a restaurant permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the permit for the life of the use or until the department no longer requires the permit.^[1]

(B) Alcohol license. If alcohol is served, all appropriate licensing requirements must be met.^[2]

(C) Grease trap. A restaurant must have a grease trap unless exempted by the wastewater treatment manager.

(D) Sampling manhole. A restaurant must have a sampling manhole unless exempted by the wastewater treatment manager.

(E) Exhaust systems. The exhaust system for a restaurant should be vented through the roof. Venting towards a residential building is prohibited unless there is no other feasible option as determined by the reviewing authority.

(F) Location of customer entrance. A customer entrance to a restaurant that is located on the side or rear of the building must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

[1] See ch. DHS 196, Wis. Admin. Code

[2] The Village can only issue a certain number of alcohol licenses. Please contact the Village Clerk to determine if there are any available.

Temporary note: From consultant

4.06 Tavern

Description: A place where fermented malt beverages, wine, or liquor are offered for retail sale for on-site consumption and where food consumption, if any, is clearly secondary and subordinate to the sale of alcohol. The term includes bar, drinking establishment, pub, lounge, and sports bar.



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Vehicle Parking: 1 space for every 3 seats (1 seat is equal to 10 square feet of dining/service floor area); plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Alcohol license. If alcohol is served, all appropriate licensing requirements must be met.^[1]

(B) Compliance with state requirements. A tavern must comply with requirements as may be adopted by the state of Wisconsin.

(C) Location of entrance. A customer entrance to a tavern that is located on the side or rear of the building may not be located within 50 feet

of a parcel in a residential zoning district or planned development district that allows residential uses as the predominant land use.

[1] The Village can only issue a certain number of alcohol licences. Please contact the Village Clerk to determine if there are any available.

Advisory notes:

- 1. The building with this use must have sprinklers if the capacity exceeds 99. (Consultant to verify wording)
- 2. If this use includes a cooktop, a hood suppression may be required. (Consultant to verify wording)

Temporary note: These standards are from consultant

5 Vehicle Rental, Sales, & Service

5.01 Heavy vehicle sales and service

Description: A place where new and used large vehicles, such as recreational vehicles and campers, personal watercraft, and heavy trucks, are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use to the extent deemed appropriate by the Plan Commission.



Vehicle Parking: 1 space for each 350 square feet of retail floor area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. Outdoor display areas and other activity areas must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial or mixed-use zoning district.

(B) Reserved

Temporary note: From consultant

5.02 Truck stop (new)

Description: A place where fuels primarily for tractor trucks are offered for retail sale. Ancillary uses are limited to retail sale of motor vehicle fuel for cars, motorcycles, and light trucks; retail sale of food and beverages; a restaurant; sleeping quarters; overnight parking; a truck wash; truck scales; tire repair and sales; light maintenance activities, such as engine tune-ups, lubrication, and minor repairs; and other incidental uses customarily associated with a truck stop. The term does not include transferring or off-loading of goods, or long-term storage or parking of vehicles.

Vehicle Parking: 1 space for each 300 square feet of floor area for retail sales

Supplemental Standards:

(A) Street access. The primary access for this use must be off of a major street as depicted on the Village's zoning map.

(B) Site design. Areas designated for daily parking of tractor trucks must be located at least 500 feet from a residential zoning district and a planned development district for residential uses.

Temporary note: Provisions from consultant

5.03 Truck-trailer rental establishment

Description: A place where trucks, utility trailers, and related items are kept and rented out, generally to those moving their personal and household belongings. Servicing of vehicles and trailers stored on site is allowed provided such use is clearly incidental as may be established by the Plan Commission.



Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each 7 trucks and trailers stored on site.

Supplemental Standards:

(A) Standards for placement in B-6. When located in the General Commercial (B-6) zoning district, trucks and trailers may not be stored within the front yard setback, the side yard setback, or the rear yard setback.

(B) Maximum number of units in B-6. When located in the General Commercial (B-6) zoning district, no more than a total of 15 trucks and trailers may be stored on site.

(C) Size limitations in B-6. When located in the General Commercial (B-6) zoning district, trucks and trailers are limited to those that (1) have no more than two axles per unit, (2) have a maximum box length of 17 feet, (3) have a maximum height of 12 feet in height, and (4) do not require a commercial driver's license to operate.

(D) Site plan. The location on the property where trucks and trailers may be stored must be clearly indicated on an approved site plan.

Temporary note: From consultant

5.04 Vehicle fuel station

Description: A place where fuels for cars, motorcycles, and light trucks are offered for retail sale. Ancillary uses are limited to the retail sale of food and beverages and light maintenance activities, such as engine tune-ups, lubrication, and minor repairs. The term does not include truck stops or similar uses.

Vehicle Parking: 1 space for each 250 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Street access. A vehicle fuel station must front on and take access off of a major street as depicted on the Village's zoning map.

(B) Restroom facilities. If a vehicle fuel station provides restroom facilities, the door to each restroom must be accessed from within the interior of the building in which they are located.

(C) Fuel pump setbacks. A fuel pump must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

(D) Pump island canopy height. The maximum height of a pump island canopy is 18 feet from the surrounding grade.

(E) Fuel canopy setbacks. A pump island canopy must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and at least 30 feet from a property in a nonresidential zoning district, but not less than 20 feet to the front lot line, 20 feet to a side lot line, and 20 feet to a rear lot line.

(F) Vehicle stacking. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 102- . The stacking area must accommodate at least 2 vehicles in front of each pump island.

(G) Lighting. Under canopy lighting is strictly limited to recessed fixtures.

(H) Surface. All vehicle use areas must be concrete or a bituminous material capable of supporting a 4-ton axle load.

Temporary note: Provisions are from consultant



5.05 Vehicle repair shop

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks, are typically left overnight for maintenance, service, or repair. Typical services include transmission repair, body work and painting, vehicle upholstery, engine repair and overhauls, and similar activities.

Vehicle Parking: 0.5 space for each service bay; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Work area. Motor vehicles may not be serviced or repaired outside of the principal building intended for such use, except when this use is located in an industrial zoning district, if otherwise allowed.

(B) Vehicle storage. When a vehicle repair shop is located in a commercial zoning district, no more than 15 motor vehicles may be stored out-of-doors overnight. When located in an industrial zoning district, if otherwise allowed, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.

Temporary note: From consultant



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5.06 Vehicle sales and service

Description: A place where new and used cars, light trucks, motorcycles, mopeds, snowmobiles, and all-terrain vehicles (ATVs) are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use to the extent deemed appropriate by the Plan Commission.

Vehicle Parking: 1 space for each 400 square feet of showroom floor area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of this use, the operator must obtain a motor vehicle dealer license from the Wisconsin Department of Transportation and maintain the license for the life of the use or until the state no longer requires the license.^[1]

(B) Show room. An indoor vehicle display area must be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area must be large enough to display at least 3 motorcycles.^[2]

(C) Setback for display area. Display areas and other activity areas must be located at least 30 feet from a property in a residential zoning district or a planned development district that allows residential uses and 10 feet from a property in a commercial zoning district.

(D) Junk vehicles. Junk vehicles and inoperable vehicles must be kept inside of an enclosed building.

[1] See ch. 218, Wis. Stats.

[2] See § TRANS 138.03 (a), Wis. Admin. Code

Temporary note: From consultant



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5.07 Vehicle service shop

Description: A place where motor vehicles, such as cars, motorcycles, and light trucks, are serviced while the owner waits and typically are not left overnight. Examples include quick lube/oil change facilities, tire stores, car washes, and vehicle detailing.

Vehicle Parking: 1 space for each employee on the largest work shift



Supplemental Standards:

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(A) Work area limited. Motor vehicles may not be serviced or repaired outside of the principal building intended for such use, except when this use is located in an industrial zoning district, if otherwise allowed.

(B) Vehicle stacking. The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 102-[REDACTED]. The stacking area must accommodate at least 2 vehicles for each bay, although more may be required as part of the site plan review based on the nature of the service being provided.

(C) special standards for vehicle washing. A vehicle washing facility must provide at least 100 feet of driving surface after the vehicle exits the washing area, unless all vehicles will be machine or employee dried prior to exiting the facility. (current requirement)

Temporary note: A and B from consultant; C is in current code.

6 General Sales & Services

6.01 Administrative services

Description: A place where employees primarily perform administrative functions and where customers are infrequent. The term includes data processing centers, customer service centers via telecommunications, architectural firms, and engineering firms.



Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6.02 Adult-oriented establishment

Description: A place where no more than one of the following are located: adult arcade, adult bath house, adult body painting studio, adult book/video store, adult cabaret, adult massage parlor, adult modeling studio, or adult theater.

Vehicle Parking: 1 space for each 300 square feet of floor area

Supplemental Standards:

(A) Legislative findings. The Village Board makes the following legislative findings regarding adult-oriented establishments:

(1) Negative secondary effects associated with adult, sexually-oriented establishments have been confirmed by the United States Supreme Court in its decisions in, for example, *City of Renton v. Playtime Theatres, Inc.* (475 U.S. 41 (1986)) and by the United States Court of Appeals in its decisions in, for example, *Hang On, Inc. v. City of Arlington* (65 F.3d 1248 (5th Cir., 1995)), *Fantasy Ranch v. City of Arlington Texas* (459 F.3d 546 (5th Circuit, 2006)), and *Andy's Restaurant & Lounge, Inc. v. City of Gary* (466 F.3d 550 (7th Cir., 2006)) and such negative secondary effects include, for example, personal and property crimes, prostitution, lewd behavior, assault, public indecency, obscenity, illicit drug use and drug trafficking, potential spread of disease, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation.

(2) The decisions issued by the appellate courts constitute reliable sources of information that may be reasonably relied upon by the Village Board.

(3) Each of the foregoing negative secondary effects constitutes a harm that the Village has a substantial governmental interest in preventing and/or abating.

(4) Continued regulation of adult-oriented establishments is necessary to limit the aforementioned negative secondary effects associated with adult-oriented establishments and thereby promote the health, safety, and welfare of the Village of Mukwonago.

(5) The Village Board intends to establish reasonable regulations on adult-oriented establishments, while preserving free speech pursuant to the First Amendment to the United States Constitution and Article I, Section 3 of the Wisconsin Constitution.

(B) Purpose. This part is intended to regulate adult-oriented establishments in order to promote the health, safety, and general welfare of citizens of the Village, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult-oriented establishments within the Village. The provisions of this part have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this part to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this part to condone or legitimize the distribution of obscene material.

(C) Applicability. Upon any of the following events, an adult-oriented establishment must comply with the provisions of this part:

- (1) the opening or commencement of an adult-oriented establishment;
- (2) the conversion of an existing business, whether or not a adult-oriented establishment, to an adult-oriented establishment;
- (3) the addition of a new adult-oriented establishment to an existing adult-oriented establishment;
- (4) the relocation of an adult-oriented establishment;
- (5) the sale, lease, or sublease of an adult-oriented establishment;
- (6) the transfer of securities which constitute a controlling interest in an adult-oriented establishment, whether by sale, exchange, or similar means; or
- (7) the establishment of a trust, gift, or other similar legal device that transfers the ownership or control of an adult-oriented establishment, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(D) Exclusions. The provisions of this part do not apply to the following:

(1) Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber provided such licensed individual is only engaged in performing the normal and customary functions authorized under the license held;

(2) Any business operated by, or employing a licensed physician or licensed chiropractor while engaged in practicing the healing arts;

(3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live model(s); or

(4) An activity sponsored by a school licensed by the State of Wisconsin or a college, junior college or university supported entirely or partly by taxation; or a private college or university that maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Any activity conducted or sponsored by an entity identified in subsection (4) above must meet all of the following requirements:

(1) The activity must be situated in a structure that has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing; and

(2) All students participating in the class must be enrolled at least 3 days in advance of the class; and

(3) Not more than one (1) nude model is on the premises at any one time.

(E) Proximity to same use. An adult-oriented establishment may not be located within 500 feet of another adult-oriented establishment.

(F) Proximity to other specified land uses. An adult-oriented establishment may not be located within 500 feet of any of the following:

(1) the boundary of a residential district;

(2) public library;

(3) public playground or park, including nature trails, pedestrian/bicycle paths, or other public lands open for recreational activities;

(4) educational facility, including K-12, but not including facilities used primarily for another purpose and used only incidentally at a school;

(5) state licensed family day care home, group day care home, or day care center;

(6) worship facility;

(7) any youth-oriented establishment;

(8) tavern; or

(9) any commercial business, other than a tavern, holding a valid alcohol license.

If one of these specified uses locates within this area of separation after the adult-oriented establishment has been granted a building permit or occupancy permit, the adult-oriented establishment shall not be required to relocate. This provision only applies to a renewal of a valid permit or other license. It does not apply when a license or permit expires or when the Village terminates this use due to a violation of this chapter.

(G) Measurement of distances. For the purpose of this part, specified distances are measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure containing the adult-oriented establishment, to the nearest lot line of the parcel with the specified use or to the specified zoning district. If an adult-oriented establishment is located on the first floor of a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). If an adult-oriented establishment is located above the first floor of a multi-tenant building (e.g., shopping center), the measurement is taken from the exterior door on the first floor that is nearest to the adult-oriented establishment, excluding emergency exists. The presence of a city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

(H) Licensing. Adult-oriented establishments must comply with any licensing requirements established by the Village of Mukwonago.

6.03 Body-piercing establishment (new)

Description: A place where a body piercer performs body piercing.

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 2

Supplemental Standards:

(A) State license. Prior to the establishment of a body-piercing establishment, the operator must obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the license for the life of the use or until the department no longer requires the license.^[1] In addition, each practitioner must obtain a license from the department as required by state law and maintain the license while at the establishment or until the state no longer requires the license.^[2]

(B) Proximity to same use or other specified uses. A body-piercing establishment may not be located within 600 feet of another body-piercing establishment or a tattoo establishment. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the body-piercing establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the exterior wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

(C) Building standards. A patron who is being pierced may not be visible from the exterior of the building through a window or entrance to the building.

(D) Alcohol prohibited. A body-piercing establishment may not also sell, distribute, or allow consumption of alcohol on the premises.

[1] See § 252.24, Wis. Stats.

[2] See § 252.24, Wis. Stats.

Temporary note: Provisions from consultant

6.04 Business incubator (new)

Description: A place where multiple start-up companies can operate within a single building for a defined period of time not exceeding two years. While each of the participating companies may have their own defined space, a business incubator will often have office space for the operator and common areas for the start-up companies including conference rooms, co-work areas, an employee lounge, copying and computer services, 3D printers, light machinery, and the like. In addition to a physical space, a business incubator provides access to business resources such as mentors, networking opportunities, training and educational programs, and other forms of material support. A business incubator can be operated by a university or other secondary school, governmental agency, non-profit organization, or private company.

Supplemental Standards:

(A) Legislative findings. The regulations in this part are intended to promote opportunities for start-up companies and grow the local and regional economy while protecting the public health and safety.

(B) General standards. All uses must be conducted entirely within an enclosed building unless otherwise approved by the Plan Commission.

(C) Industrial uses. Light industrial uses are allowed but may not occupy more than 10 percent of the floor area.

Temporary note: Provisions from consultant

6.05 Commercial kennel

Description: A place not qualifying as a private kennel or a hobby kennel where dogs, cats, or other domesticated animals over 6 months of age are housed for the purpose of boarding, breeding, training, or sale. The term includes animal day care, boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.



Vehicle Parking: 1 space for each 350 square feet of floor area

Supplemental Standards:

(A) Building. A building used to house animals must be designed, constructed, and operated so that noise from the animals inside the building is not audible beyond the lot lines of the parcel of land on which it is located.

(B) Location. A building used to house animals must be at least 100 feet from a residential zoning district or a planned development district that allows residential uses. If allowed in an industrial zoning district, a commercial kennel may have a fenced exercise area/dog runs provided such areas are more than 350 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(C) Hours. If outdoor areas are allowed, animals must be kept indoors from sunset to 8:00 am.

(D) Noise control. If outdoor areas are allowed, noise levels must comply with any regulations adopted by the Village.

(E) Licensing requirements. All dogs kept on the premises must be licensed as set forth in ch. 174, Wis. Stats.

(F) Special events. Special events related to a commercial kennel, such as dog shows, exhibitions, field trials, and contests, may be permitted as a temporary use as set forth in [REDACTED].

Temporary note: From consultant

6.06 Equipment rental, large

Description: A place where large equipment that is normally stored out of doors is offered for rent or lease. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, excavators, and other types of heavy equipment.

Vehicle Parking: 1 space for each 8,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. Outdoor display and storage areas and other activity areas must comply with the building setback standards for the zoning district where the use is located.

(B) Reserved

6.07 Equipment rental, small

Description: A place where equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are predominantly stored indoors and may include hand tools, party equipment, and lawn and yard equipment.

Vehicle Parking: 1 space for each 450 square feet of floor area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6.08 Financial services

Description: A place where financial and banking services are offered. The term includes banks, savings and loan institutions, other lending institutions, auto title loan businesses, and payday loan businesses.

Vehicle Parking: 1 space for each 250 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Proximity to same use or other specified uses. A payday loan business or auto title loan business may not be located within 5,000 feet of another payday loan business or auto title loan business or within 150 feet of a residential zoning district or a planned development district that allows residential uses. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the payday loan business or auto title loan business to the outer wall of the building containing the other specified land use or, as appropriate, to the nearest lot line of a parcel in the specified zoning district. The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part. If a payday loan business or auto title loan business was operating on January 1, 2011 and does not comply with the locational standards in this part, such business may continue to operate at that location.^[1]

(B) Reserved

[1] See § 59.69 (4h), Wis. Stats.

6.09 Funeral establishment

Description: A place where the deceased may be prepared for burial or cremation and people may gather for visitation or funeral ceremonies. The indoor display of funeral equipment may also occur. The term includes mortuaries.

Vehicle Parking: 1 space for each 3 patron seats at the maximum capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of this use, the operator must obtain a funeral home license from the Wisconsin Department of Safety & Professional Services (DSPS) and maintain the license for the life of the use or until the state no longer requires the license.

(B) Reserved

6.10 Garden or landscaping center

Description: An establishment where landscape and garden plants, sod, and related supplies are sold at retail. The term includes loading and unloading of bulk rock, mulch, soil, or similar materials utilizing heavy equipment. The term does not include the sale or rental of any large machinery a landscape contractor may use.

Vehicle Parking: 1 space for each 500 square feet of indoor floor area for retail sales; plus 1 space for each 3,000 square feet of outdoor display area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Setbacks. Outdoor display areas and storage of equipment and materials must comply with the building setback standards for the zoning district where the lot is located.

(B) Reserved

6.11 General office

Description: A place where employees primarily perform administrative functions and where customers are infrequent. Examples include real estate, insurance, accounting, architecture, engineering, and similar.

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



6.12 General repair

Description: A place where consumer goods such as shoes, bicycles, furniture, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.

Vehicle Parking: 1 space for each 450 square feet of floor area

Supplemental Standards:

(A) Work area limited. All activities related to this use must occur within an enclosed building, except when the parcel of land is located in an industrial zoning district (if otherwise allowed there).

(B) Reserved



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6.13 General retail, 15,000 square feet or less (new)

Description: One or more establishments providing retail services in a single building with a floor area of 15,000 square feet or less. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, photo and film pickup stores, shoe stores, soda and ice cream stores, sporting goods stores, tobacco stores, and variety stores. The term does not include adult-oriented establishments or any other retail use defined in Appendix B.

Vehicle Parking: 1 space for each 350 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Negative use agreements. All retail operations must comply with the prohibition of negative use agreements as set forth in § 102-■.

(B) Special licensing. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must obtain a license from the Village if so required by the municipal code.

6.14 General retail, more than 15,000 square feet

Description: One or more establishments providing retail services in a single building with a floor area of more than 15,000 square feet. The goods offered for sale are primarily stored inside of an enclosed building. Examples include baked goods stores, candy/confectionary stores, clothing stores, pharmacies, florists, fruit and/or vegetable stores, bookstores, gift stores, grocery stores, hardware stores, hobby shops, meat, fish or poultry markets, optical stores, art studios, photo and film pickup stores, shoe stores, soda and ice cream stores, sporting goods stores, tobacco stores, and variety stores. The term does not include adult-oriented establishments or any other retail use defined in Appendix B.

Vehicle Parking: 1 space for each 350 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Negative use agreements. All retail operations must comply with the prohibition of negative use agreements as set forth in § 102-■.

(B) Special licensing. Pawnbrokers, secondhand article dealers, and secondhand jewelry dealers must obtain a license from the Village if so required by the municipal code.

6.15 General services

Description: A place where services not otherwise included in any other service type category are offered. The term includes photography studios, weight loss centers, commercial postal services, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 2

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6.16 Instructional studio

Description: A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.

Vehicle Parking: 1 space for each student during the largest period of attendance; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 6

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6.17 Landscape business

Description: A place where a landscape contractor may establish a base of operation, which may include one or more of the following: retail sale of plant and landscape materials; office space; indoor and outdoor storage of materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator. On site retail sales are specifically prohibited.

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(A) Setbacks. Outdoor work areas, parking areas, and storage of equipment and materials related to a landscape business must comply with the building setback standards for the zoning district where the lot is located.

(B) Reserved

6.18 Personal service

Description: A place where services not otherwise included in any other service type category are offered directly to an individual by appointment or as a walk-in. The term includes beauty shops, barber shops, nail salons, massage establishments, and escort services. The term does not include adult entertainment which is a separate and different use.

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 2

Supplemental Standards:

(A) Special requirements for a massage establishment. A massage establishment must comply with the requirements in Article III, Chapter 10 of the municipal code.

(B) Special requirements for an escort service. An escort service must comply with the requirements in Article IV, Chapter 10 of the municipal code.

6.19 Shared-use kitchen

Description: A commercial-grade kitchen that is open to community groups and local food entrepreneurs who produce food products for sale to restaurants, food stores, and other outlets that will sell the product to the ultimate consumer. A shared-use can be operated by a university or other secondary school, governmental agency, non-profit organization, or private company.

Vehicle Parking: 1 space for each 400 square feet

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

6.20 Tattoo establishment

Description: A place where a tattooist applies a tattoo to another individual.

Vehicle Parking: 1 space for each 350 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 2

Supplemental Standards:

(A) State license. Prior to the establishment of a tattoo establishment, the operator must obtain a license from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the license for the life of the use or until the department no longer requires the license.^[1] In addition, each practitioner must obtain a license from the department as required by state law and maintain the license while at the establishment or until the department no longer requires the license.^[2]

(B) Proximity to same use or other specified uses. A tattoo establishment may not be located within 600 feet of another tattoo establishment or a body-piercing establishment. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the tattoo establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

(C) Building standards. A patron who is being tattooed may not be visible from the exterior of the building through any window or entrance to the building.

(D) Alcohol prohibited. A tattoo establishment may not also sell, distribute, or allow consumption of alcohol on the premises.



[1] See § 252.23, Wis. Stats.

[2] See § 252.23, Wis. Stats.

Temporary note: From consultant

6.21 Tobacco/vape/smoke store

Description: A commercial establishment specializing in the retail sale of tobacco, cigarettes, cigars, vapes, paraphernalia and associated items, including the small-scale blending of tobaccos. The term does not include a retail store where the sale of tobacco, cigarettes, cigars, vapes, paraphernalia and associated items is not the primary retail offering (e.g., grocery store, gas station).

Vehicle Parking: 1 space for each 350 square feet of floor area for retail sales; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Village license. Prior to the establishment of this use, the operator must obtain a cigarette and tobacco products retailers license from the Village of Mukwonago, if so required, and maintain the license for the life of the use or until the village no longer requires the license.

(B) Proximity to same use. A tobacco/vape/smoke store may not be located within 1,000 feet of another such use. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior

wall of the building containing the tattoo establishment to the outer wall of the building containing the other specified land use. If one or both of the specified land uses are located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

(C) Proximity to other specified uses. A tobacco/vape/smoke store may not be located within 300 feet of an elementary or secondary school or a municipal park. For the purpose of this part, the distance is measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the exterior wall of the building containing the tobacco/vape/smoke store to the lot line of the parcel containing the other specified land use. If the tobacco/vape/smoke store is located in a multi-tenant building (e.g., shopping center), the measurement is taken from the outer boundary of such space (i.e. from the outer edge of the party wall or the outer wall). The presence of a village, city, county, or other political subdivision boundary is irrelevant for purposes of applying the separation requirements of this part.

Temporary note: From consultant

6.22 Veterinary clinic

Description: A place where medical services for small household animals are offered. This use may include office space, medical labs, appurtenant facilities, and indoor enclosures for animals under the immediate medical care of a veterinarian. The term includes pet clinics, dog and cat hospitals, and animal hospitals.



Vehicle Parking: 1 space for each 400 square feet of floor area

Supplemental Standards:

(A) The keeping of animals overnight is only allowed as a commercial kennel as described in Appendix B.

(B) Reserved

Temporary note: From consultant

7 Recreation & Entertainment

7.01 Golf course

Description: A place where individuals, for a fee or other consideration, play golf outdoors. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, game room with snack bar, and buildings for housing maintenance equipment, supplies, and related materials.



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Vehicle Parking: 36 spaces for each 9 holes of golf, or fraction thereof; plus 1 space for each employee on the largest work shift. If a tavern or restaurant is also part of the golf course facility, the parking requirements of such use is 50 percent of the requirement.

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a golf course is 100 acres.

(B) Locational standards. Club houses and maintenance buildings with a floor area exceeding 1,200 square feet must be located at least 300 feet from a property in a residential zoning district or a planned development district that allows residential uses.

7.02 Indoor entertainment

Description: A place where entertainment is offered within an enclosed building. The term includes theaters, movie theaters, dance halls, and theaters for performing arts. The term does not include adult-oriented establishments.

Vehicle Parking: 1 space for each 3 patron seats; plus 1 for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.03 Indoor recreation

Description: A place where recreational activities are offered within an enclosed building. The term includes bowling alleys, skating rinks, billiard and pool halls, and arcades.

Vehicle Parking: 1 space for each 300 square feet of area devoted to patron services

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.04 Indoor shooting range (new)

Description: An indoor area where patrons shoot guns and bow and arrows for target practice.

Vehicle Parking: 1 space for each shooting station; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) The building and method of operation must conform to all applicable state and federal standards for environmental protection and occupational health and safety. The applicant must identify all such standards and demonstrate how the building and operation will comply, including identification of any related state or federal reporting, inspection and permitting requirements.

(B) The design and construction of the shooting range must completely confine all ammunition rounds within the building in a safe, controlled manner.

(1) Compliance must be demonstrated by plans, certified by an architect or engineer licensed or certified by the State of Wisconsin with demonstrated experience in indoor shooting range design.

(2) Compliance with the standards and recommendations of the most current versions of the Range Design Criteria of the U.S. Department of Energy, Office of Health, Safety and Security or the National Rifle Association Range Source Book is prima facie evidence of satisfaction of this condition. Under no circumstance shall the applicant be relieved of his obligation to comply with any requirement otherwise imposed by state, federal or local law.

(3) The plans must specify the type and caliber of ammunition the shooting range is designed to confine.

(C) The applicant must demonstrate that the operation will not be a nuisance to neighboring property or other likely neighboring property uses, including nuisances related to air quality and noise.

(D) A security plan must be established for the building securing the building from unauthorized entrants as well as security for any firearms stored on the premises. No firearms may be stored on the premises unless they are stored in a gun safe or other secure storage facility or container approved by the police department.

(E) The shooting range must establish clear rules and procedures for the health, safety and order of the operation, its employees and patrons consistent with accepted industry practices which must be conspicuously posted at the shooting range.

(F) On-site supervision of the range must be provided at all times by an adult who is an experienced shooting range operator. The shooting range operator is responsible for taking all reasonable actions to assure the conduct of employees and patrons and the conditions of health, safety and order of the shooting range comply with all related rules and procedures.

(G) No person under the age of 18 is permitted within the shooting range unless accompanied by an adult at all times. This provision does not prohibit minors from participating in firearms safety classes supervised by a qualified adult instructor.

(H) Unless preempted by state or federal law, the Plan Commission may establish additional conditions or requirements, including reporting or inspection requirements, it determines such conditions or requirements are reasonably necessary to protect the public health safety and welfare of the residents. Consideration will be given to the cost and burden of such additional requirements upon the operation and upon Village resources compared to the additional public benefit to be achieved, industry practices and evidence of experiences with similar operations in other communities.



7.05 Park, community

Description: A place set aside for active and passive recreation and leisure facilities and activities. Examples of features in a park include playgrounds, pavilions, community recreation centers, picnic areas with open-sided shelters, multi-purpose trails, ball and racquet fields and courts, indoor and outdoor swimming pools, beaches, boat launches, sledding hills, and ice-skating. A community park is operated by a public entity for the benefit of the general public.



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Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

7.06 Park, neighborhood

Description: A place set aside for passive recreation and other low-impact leisure activities. Examples of features include playgrounds, open play fields, picnic areas with open-sided shelters, multi-purpose trails, sledding hills, and ice-skating. A neighborhood park may be operated by a public entity for the benefit of the general public or by a homeowners association for the benefit of its members.



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Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

8 Government & Community Services

8.01 Animal shelter

Description: A place where stray or unwanted cats and dogs are temporarily housed.

Vehicle Parking: 1 space for each 800 square feet of floor area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) **Building.** A building used to house animals must be designed, constructed, and operated so that noise from the animals inside the

building is not audible beyond the lot lines of the parcel of land on which it is located.

(B) Location. A building used to house animals must be at least 100 feet from a residential zoning district or a planned development district that allows residential uses. If allowed in an industrial zoning district, an animal shelter may have a fenced exercise area/dog runs provided such areas are more than 350 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(C) Hours. If outdoor areas are allowed, animals must be kept indoors from sunset to 8:00 am.

(D) Noise control. If outdoor areas are allowed, noise levels must comply any regulations adopted by the Village.

8.02 Administrative government center

Description: A place where government employees perform administrative functions on behalf of the public. The term includes administrative offices, post offices, and courthouses.

Vehicle Parking: 1 space for each 300 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

8.03 Cemetery

Description: A place where human remains may be buried or interned. Accessory uses may include columbariums, mausoleums, crematories, and mortuaries when operated in conjunction with and within the boundaries of such area. The sale of cemetery merchandise, including monuments, markers, nameplates, vases and urns, and any services that are associated with supplying or delivering those goods or with the burial of human remains is allowed when accessory to the principal use.



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Vehicle Parking: 1 space for each 3 patron seats at the maximum capacity for a funeral home; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a cemetery is 10 acres without a public mausoleum or 20 acres with a public mausoleum.^[1]

(B) Location of burial plots. Burial plots may not be located within 20 feet of a property boundary line or a proposed right-of-way, in a designated floodplain, or in a wetland area; nor shall interment occur below the groundwater table.

(C) Location of mausoleums. Private mausoleums must be located at least 20 feet from a property boundary line. Public mausoleums must comply with the building setback standards for principal buildings for the zoning district where this use is located.

(D) Marker required. A permanent marker stating the name of the deceased and the birth and death dates, if known, must identify the location of each occupied burial plot unless the zoning administrator allows an unmarked grave due to exceptional circumstances.

(E) Name required. The cemetery must have a formal name, which must be placed on a permanent sign located by the main entrance to the cemetery.

(F) Financial guarantee. Prior to the establishment a cemetery, the property owner must submit a financial guarantee to the Village pursuant to the requirements in Article 4 consistent with any requirement the Village Board may establish. This financial guarantee relates to the long-term upkeep of the cemetery.

(G) Compliance with state law. A cemetery must comply with all requirements set forth in subch. II of ch. 157, Wis. Stats.

[1] See § 157.129, Wis. Stats.

Temporary note: From consultant

8.04 Community center

Description: A place where short-term and intermittent meetings or gatherings of individuals are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls.

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each 3 patrons at design capacity, whichever is greater; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 6

Supplemental Standards:

(A) Street access. The primary access for a community center with 600 seats or more must be off of a major street as depicted on the Village's zoning map.

(B) Reserved

8.05 Community cultural facility

Description: A place where people may gather for studying, reading, personal education, or viewing the visual arts. The term includes libraries, museums, art galleries, and observatories. The term does not include performing arts.

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each 3 patrons at design capacity, whichever is greater; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Street access. The primary access for a community cultural facility with 600 seats or more must be off of a major street as depicted on the Village's zoning map.

(B) Reserved

8.06 Community garden (new)

Description: A place where a group of unrelated individuals grow vegetables, fruits, and flowers for their personal use. A community garden can be divided into individual plots of land for the exclusive use of the person assigned each plot, or the entire garden may be a cooperative effort of any number of people, or a combination thereof.



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Vehicle Parking: 1 space for each 10,000 square feet of land available for production, if on-street parking is not readily available as determined by the zoning administrator

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Accessory structures. The following structures/uses are generally permitted in community gardens subject to the review and approval of the Plan Commission through the site review process: tool sheds, shade pavilions, rest-room facilities with composting toilets, indoor work areas, benches, bicycle racks, raised/accessible planting beds, compost bins, picnic tables, and children's play areas. All such structures/uses must comply with the building setback standards for principal buildings for the zoning district where the lot is located.

(B) Reserved

Advisory notes:

1. As part of the due diligence process, soil tests should be done to identify any potential soil contaminants, including heavy metals and petroleum.

8.07 Conference - exposition center (new)

Description: A place specially designed for trade shows, conferences, and expositions, but does not include any rooms to house attendees.

Vehicle Parking: 1 space for each 3 patron seats or 1 space for each 350 square feet of floor area devoted to patron service, whichever is greater; plus 1 for each employee on the largest work shift

Bicycle Parking: Recommended - 9 percent of required vehicle parking spaces, but not less than 8

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

8.08 Delivery/pickup hub (new)

Description: A facility where deliveries can be dropped off in a secure lockbox and recipients can pick up their deliveries. Delivery/pickup depots are located in or near high-density residential developments and commercial centers or collocated with a park and ride lot or another commercial business.

Vehicle Parking: Determined on a case-by-case basis

Bicycle Parking: Recommended - 5 percent of the required number of vehicle parking spaces

8.09 Health care center

Description: A place where medical treatment, or nursing, rehabilitative, or preventative care is offered. The term includes ambulatory surgical facilities, hospitals, kidney treatment centers, long-term care facilities, medical assistance facilities, mental health centers, outpatient facilities, public health centers, and rehabilitation facilities.



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Vehicle Parking: 1 space for each 3 patient beds; plus 1 space for each staff member on the largest work shift

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 8

Supplemental Standards:

(A) Street access. The primary access for a health care center must be off of a major street as depicted on the Village's zoning map.

(B) Reserved

8.10 Health care clinic

Description: A place where medical services are offered and patients do not stay overnight. The term includes dental clinics, medical offices, chiropractic offices, acupuncture centers, and sports medicine facilities. The term does not include those uses as classified as a health care center.

Vehicle Parking: 1 space for each 250 square feet of floor area

Bicycle Parking: Recommended - 7 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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8.11 Municipal garage

Description: A place where a municipal government maintains administrative offices, equipment, and supplies necessary for maintaining public roadways, parks, and other types of public facilities.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

- (A) **Location.** Outdoor storage areas and other activity areas must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 25 feet from a property in a commercial zoning district.
- (B) Reserved

8.12 Public safety facility

Description: A place where public safety services are offered. The term includes ambulance services, fire stations, police stations, and jails. The term does not include correctional facilities.

Vehicle Parking: 1 space for each 500 square feet of office area; plus 1 space for each employee on the largest work shift; plus 1 space for each vehicle normally parked on the premises

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 6

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

8.13 Recreation trail (new)

Description: A linear path, not otherwise part of a public park, that is dedicated to a single recreational use or multiple uses. Examples include hiking trails, bike trails, cross-country ski trails, and horse trails.

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.



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8.14 School, K-12

Description: A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, and high schools.

Vehicle Parking: 0.5 space for each (K-8) classroom; 1 space for each 8 students (grades 9-12) at design capacity; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 11 percent of required vehicle parking spaces, but not less than 20

Supplemental Standards:

- (A) **Temporary buildings.** A temporary building may be used as a classroom when an existing facility is being renovated or when school enrollment exceeds the capacity of the existing facility, provided the building complies with all building code requirements.
- (B) Reserved



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8.15 School, post-secondary

Description: A place where post-secondary educational opportunities are offered. The term includes colleges, universities, community colleges, and vocational schools.

Vehicle Parking: 0.5 spaces for each student during the largest class attendance period; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 11 percent of required vehicle parking spaces, but not less than 12

Supplemental Standards:

(A) Street access. The primary access to a post-secondary educational facility must be off of a major street as depicted on the Village's zoning map.

(B) Reserved

8.16 Worship facility

Description: A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as a fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, any living arrangement (e.g., convents, rectories, dormitories, parsonages), private educational facilities, emergency shelters, and health care facilities.



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Vehicle Parking: 1 space for each 4 patrons at design capacity; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Street access. The primary access for a worship facility with 600 seats or more must be off of a major street as depicted on the Village's zoning map.

(B) Reserved

9 Telecommunications & Utilities

9.01 Public utility office and yard

Description: A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Outdoor storage. Outdoor storage areas and other activity areas must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(B) Control of fugitive dust. If gravel or similar material is used in an outdoor storage area or other activity area, the control of fugitive dust must be addressed as part of the site plan review process.

9.02 Solar power plant

Description: A utility-scale commercial facility that converts sunlight into electricity with the primary purpose of wholesale or retail sales of generated electricity.



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Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a solar power plant is 3 acres.

(B) Setbacks. Solar panels and other related structures may not be located within the building setback area. Additional setbacks may be required to mitigate noise and glare impacts, as identified through the site plan review process.

(C) Security fencing. With approval of the Plan Commission, a security fence (height and material to be established through the site plan review process) may be placed around the perimeter of the solar power plant. If a security fence is installed, Knox boxes and keys must be provided at locked entrances for emergency personnel access.

(D) Identification sign. An identification sign no larger than 18 inches by 24 inches must be placed in a visible location near the primary entrance of the site that lists (1) the name of the facility owner/operator, (2) a telephone number to contact in case of an emergency, and (3) information relating to potential voltage hazards.

(E) Warning signs. Appropriate warning signage may be placed at the entrance and around the perimeter of the solar power plant project as approved through the site plan review process.

(F) Electric power lines. Power lines within a solar power plant must be placed underground, except that power lines that leave the project site may be overhead.

(G) Approval by electric utility company. The owner/operator must submit documentation acceptable to the zoning administrator indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(H) Landscaping. As part of the site plan review process the Plan Commission may require appropriate landscaping and/or other screening

materials to help screen the solar power plant from public right-of-ways and neighboring residences. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Plan Commission may waive or defer this landscape requirement to a later date.

(I) Outdoor lighting. Lighting of the solar power plant and accessory structures is limited to the minimum necessary for site security.

(J) Lease agreement. If the operator of the solar power plant does not own the land where the facility is to be located, the property owner and the operator must execute a lease agreement prior to any land-disturbing activity to address the rights and responsibilities of each party with respect to subs. (L) and (M) of this part.

(K) Ongoing maintenance. The solar power plant must be properly maintained and kept in a good condition, so as not to become a nuisance. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, and other improvements. Additionally, the site must be kept clear of junk and debris.

(L) Termination of approval. If the zoning administrator determines that the solar power plant is unsafe or otherwise defective or that the site has not produced any electricity for a continuous period of 12 months, the administrator must follow the procedure outlined in Article 5 relating to termination of the approval. Within 90 days after termination, the property owner must remove the solar power plant and all related equipment and improvements and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the 90-day period, the Village has the right to use the financial guarantee as required by this part to pay for such work.

(M) Financial guarantee. Prior to issuance of a building permit authorizing construction of a solar power plant, the applicant must submit a financial guarantee to the Village pursuant to the requirements in Article 4. The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the Village to remove all of the equipment and related site improvements and restore the site to the satisfaction of the zoning administrator. The financial guarantee will be held until the solar power plant and related improvements are removed and the site restored to the satisfaction of the zoning administrator.

(N) Solar access. The property owner may submit a solar access permit to the Village pursuant to the provisions set forth in § 66.0403, Wis. Stats.

Temporary note: From consultant

9.03 Stormwater management facility

Description: A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.

Supplemental Standards:

(A) Design requirements. A stormwater facility must be designed to meet any requirements in the Village's municipal code.

(B) Maintenance. A stormwater facility located on private property must be maintained consistent with the adopted maintenance agreement.

Temporary note: From consultant



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9.04 Telecommunication tower and Class 1 collocation

Description: A free-standing tower with or without an equipment compound that is intended for the placement of one or more mobile service facilities or the placement of a new mobile service facility on an existing support structure which constitutes a substantial modification.

Note: This definition is based on the corresponding definitions in § 66.0404, Wis. Stats.

Vehicle Parking: 1 space

Supplemental Standards:

(A) Legislative findings. The Village Board makes the following legislative findings with regard to telecommunication towers providing mobile telecommunication services:

(1) The state legislature passed 2013 Wisconsin Act 20 (Section 1269 (I)) that imposed limits on local municipalities with respect to regulating telecommunication facilities within their jurisdictions.

(2) The federal government adopted the Telecommunications Act of 1996 which established various requirements relating to telecommunication facilities.^[1]

(3) The regulations in this part are intended to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities.

(4) The regulations in this part are intended to accomplish the following purposes, to the fullest extent permitted by law: (i) protect the visual character of the Village from the potential adverse effects of telecommunication facilities; (ii) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided; (iii) create and preserve telecommunication facilities that will serve as an important and effective part of the Village's emergency response network; (iv) minimize the number of towers by requiring collocation; and (v) avoid damage to adjoining properties by establishing setback standards.

(B) Federal requirements. A telecommunication tower must comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and any other federal agency with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this part, federal law shall prevail.

(C) Single parcel. The fall zone and all structures related to the telecommunication facility must be located on a single parcel, including the tower, equipment compound, and anchor points for a guyed tower.

(D) Setbacks. The center of the tower must not be located closer to a property boundary line than the height of the tower. If the lot hosting the proposed tower is not located adjacent to a parcel where a single-family residence may be located and the applicant submits an engineering certification with the application that show the fall zone is smaller than this distance, the fall zone will be the smaller calculated area, unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.^[2] The fence around anchor points for a guyed tower must be located at least 25 feet from a property boundary line.

(E) Security fencing. A tower and related equipment compound consisting of equipment buildings, shelters, and cabinets, must be enclosed by a security fence (height and material to be established through the site plan review process). If the tower is a guyed tower, each of the anchor points must be enclosed by a security fence.

(F) Lighting. A tower or any attachment may not be artificially lighted, except when specifically required by a state agency, the Federal Aviation Administration, or another federal authority. Such required lighting must be the least obtrusive to the surrounding views.

(G) Aesthetic requirements. All users of the Village right-of-way must comply with the following aesthetic standards:

(1) In areas where facilities are currently nonexistent or underground, undergrounding is required.

(2) No new above ground structures, including co-locations on existing structures, may be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.

(3) Attachments to existing structures must be designed to be flush with the existing structure as much as can reasonably be done, must be a color that matches the existing structure and must be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment must be modified to match the new color.

(4) Any party objecting to the requirements of this subsection shall have an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law as set forth in § 102. .

(H) Equipment buildings. The exterior of equipment buildings, shelters, and cabinets exceeding 1,500 cubic feet must be covered with building materials typically used on buildings found in the area.

(I) Emergency power system. A backup generator may be placed within the equipment compound.^[3]

(J) Identification sign. An identification sign no larger than 18 inches by 24 inches must be placed in a visible location near the base of the tower that lists (1) the name of the tower owner, (2) the Federal Communications Commission identification number, and (3) a telephone number to contact in case of an emergency.

(K) Accommodation of other users on new towers (co-location). A tower over 150 feet in height, along with the tower site and all support facilities and appurtenances, must accommodate at least two additional users, unless the zoning administrator determines that evidence presented by the tower operator demonstrates it is not technically feasible to do so. Further, the tower operator and their successors in interest must allow other users to use the tower, the tower site, support facilities, and appurtenances at fair market rates as negotiated by those parties. If the Plan Commission determines the tower operator has made access to the tower and tower site unfeasible, the zoning administrator must notify the tower operator via registered mail of such determination. If the tower operator does not take corrective action within 45 days of such determination, the permit for that tower becomes null and void and the tower must be removed and the site restored within 90 days of such determination.

(L) Requirement for collocation. A new tower must only be permitted if the applicant demonstrates with a sworn statement that collocation on an existing or planned tower within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.^[4] If the applicant does not provide such analysis and sworn statement, the application for a new tower must be denied.^[5]

(M) Collocation review. The collocation of an antenna or antenna array on an existing tower is permitted subject to site plan, building plan, and plan of operation review.

(N) Landscaping. Landscaping must be placed around the equipment enclosure and anchor points for guyed towers consistent with a landscaping plan as approved by the Plan Commission. After reviewing the location of the facility and the visibility of the facility from public right-of-ways and adjoining properties, the Plan Commission may waive this landscape requirement or defer the requirement to a later date.

(O) Lease agreement. If the operator of the telecommunication tower does not own the land where the facility is to be located, the property owner and the operator must execute a lease agreement prior to any land-disturbing activity. Such agreement must be binding on future property owners and future operators and must address the rights and responsibilities of each party with respect to paragraphs (P) and (Q) of this part.

(P) Ongoing maintenance. The subject property must be maintained and kept in a good condition, so as not to become a nuisance as determined by the Plan Commission. Proper maintenance includes regular lawn and landscaping care, and painting and regular care of building(s), fences, towers, and other improvements. Additionally, the site must be kept clear of junk and debris.

(Q) Termination of approval. If the zoning administrator determines that the tower is unsafe or otherwise defective or that the tower has not hosted an operational antenna for a continuous period of 12 months, the administrator must follow the procedure outlined in Article 5 relating to termination of the approval. Within 90 days after the date of termination, the property owner must remove the tower, equipment cabinets, and all related equipment and improvements that are part of its communication facilities and restore the site to the satisfaction of the zoning administrator. In the event such work is not done within the specified period, the Village has the right to use the financial guarantee as required by this part to pay for such work.

(R) Financial guarantee. Prior to issuance of a building permit authorizing construction of a tower, the applicant must submit a financial guarantee to the Village subject to the requirements in Article 4. The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the Village to remove the tower, equipment

compound, and related site improvements and restore the site to the satisfaction of the zoning administrator.^[6] The financial guarantee must be held until the tower and related improvements are removed and the site restored to the satisfaction of the zoning administrator.

(S) Third-party consultant. The zoning administrator may, at the applicant's expense, hire a third-party consultant to conduct an objective analysis of the submitted materials including the application, calculation of the fall zone, and certification that collocation is not possible. The third-party consultant may not charge the applicant for any travel expenses incurred in such review.^[7]

(T) Duration of approval. The approval authorizing a telecommunication tower runs with the land and is binding on successors in interest.^[8]

[1] See § 704 of the act in particular

[2] See § 66.0404 (2)(g), Wis. Stats.

[3] See § 66.0404 (4)(j), Wis. Stats.

[4] See § 66.0404 (2)(b)6, Wis. Stats.

[5] See § 66.0404 (2)(e), Wis. Stats.

[6] See § 66.0404 (4)(f), Wis. Stats.

[7] See § 66.0404 (4)(f), Wis. Stats.

[8] See § 66.0404 (4)(n), Wis. Stats.

Temporary note: From consultant

9.05 Telecommunication, Class 2 collocation

Description: The placement of a new mobile service facility on an existing support structure which does not constitute a substantial modification.

Note: This definition is based on the corresponding definition in § 66.0404, Wis. Stats.

Vehicle Parking: No additional parking is required if there is 1 space for an existing tower



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9.06 Utility installation, major

Description: A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have a moderate to high impact on neighboring property. The term includes pipeline pumping stations, sewage treatment plants, electric substations, water towers, electric transmission lines with a design capacity of 110kV or more, and underground pipelines.

Vehicle Parking: 1 space for each on-site employee on the largest work shift

Supplemental Standards:

(A) Building materials. If a major utility installation involves a building of any type and is located in a residential zoning district or a planned development district that allows residential uses, the building must be compatible with residential buildings in regard to design and exterior materials.

(B) Reserved

Temporary note: Provisions from consultant



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9.07 Utility installation, minor

Description: A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations. The term does not include utility cabinets, which are classified as an accessory use (Series 15).

Vehicle Parking: 1 space, although the zoning administrator may grant a waiver

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

10 Transportation

10.01 Park-and-ride lot (new)

Description: A designated place where people can park their motor vehicles for a short duration to board public transportation or to carpool or vanpool.

Bicycle Parking: Recommended - 7 percent of vehicle parking spaces, but not less than 6

Supplemental Standards:

(A) Street access. The primary access for a park-and-ride lot must be off of a major street as depicted on the Village's zoning map.

(B) Reserved

Temporary note: Provision from consultant



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10.02 Passenger terminal

Description: A place where passengers can board mass transit. This use may include facilities for ticket sales and accessory food service areas primarily intended for passengers.

Vehicle Parking: 1 space for each 100 square feet of floor area devoted to a passenger waiting area; plus 1 space for each 350 square feet of floor area devoted to offices

Supplemental Standards:

(A) Street access. The primary access for a passenger terminal must be located off of a major street as depicted on the Village's zoning map.

(B) Reserved

Temporary note: From consultant

10.03 Railroad (new)

Description: A linear strip of land with rail tracks and auxiliary facilities for track operation such as signal bungalows that is used to transfer commodities and/or passengers over long distances. The term does not include passenger stations, freight terminals, loading platforms, train sheds, warehouses, car or locomotive maintenance shops, and switchyards.



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Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

11 Storage & Wholesale Trade

11.01 Bus storage facility (new)

Description: A place where buses are parked when not in use and may include administrative offices and a building for the storage, care, and maintenance of buses in the fleet.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Street access. The primary access for this use must be off of a major street as depicted on the Village's zoning map.

(B) Outdoor storage. Outdoor storage areas and other activity areas must be located at least 50 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(C) Control of fugitive dust. If gravel or similar material is used for an outdoor storage area or other activity area, the control of fugitive dust must be addressed as part of the site plan review process.



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11.02 Multipurpose storage

Description: A place primarily oriented to those businesses that require an office/reception/display area and a larger storage area for stock goods, materials, equipment, and supplies. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of potential businesses include plumbing or electrical contractor, product sales representative, and small-scale warehousing.

Vehicle Parking: One parking space per 800 square feet of gross floor area and 2 parking spaces for each fleet vehicle kept on the premises (i.e., one space for the fleet vehicle and one for the employee's vehicle)

Supplemental Standards:

(A) Interior uses. When located in the General Commercial (B-6) zoning district, the front portion of the building is specifically reserved for office, administrative, and/or display purposes and the back portion is used for storage of stock goods, materials, supplies, and equipment specifically related to the business occupying the space. These two areas are to be separated by a wall which may include one or more doorways for access. The overall design is intended to look like a traditional retail business space from the street on which it fronts.

(B) Overhead doors. Overhead doors may be located on the back of the building to provide access to the storage space. When located in the General Commercial (B-6) zoning district, overhead doors must be located so they are not readily visible from a public street. Screening must be provided to obscure the view of any overhead doors visible from an adjoining parcel zoned for a residential use.

(C) Size limitations. This use may be located in a single building or in a multi-tenant building. When this use is located in a single building, the maximum floor area is 2,500 square feet. When this use is located in a multi-tenant building with two or three tenant spaces, the maximum floor area of this use is 2,500 square feet. When this use is located in a multi-tenant building with four or more tenant spaces, the maximum floor area of this use is 5,000 square feet.

(D) Fleet vehicles. When located in the General Commercial (B-6) zoning district, fleet vehicles must be parked behind the rear of the building in a separate parking area. Screening must be provided to obscure the view of the parking area from an adjoining parcel zoned for a residential use. The maximum number of fleet vehicles that may be parked out of doors is dictated by the floor area of the building as set forth in the following table.

Floor Area	Maximum Number Fleet Vehicles
Less than 1,000 square feet	2
1,000 to 1,999 square feet	3
2,000 to 3,999 square feet	5
4,000 to 5,000 square feet	7

11.03 Personal storage facility

Description: A place where individual storage units are offered for rent, lease, sale, or other arrangement.

Vehicle Parking: 1 space for each 30 storage units when an office is provided; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) **Minimum lot area.** The minimum lot area for a personal storage facility is 2 acres.

(B) **Access.** Access to a cubicle may not open directly onto a public road right-of-way.

(C) **Internal access drives.** An internal access drive providing access to a storage unit must be hard surfaced.

(D) **Storage of prohibited substances.** No cubicle may be used to store explosives, toxic substances, hazardous materials, or radioactive materials.

(E) **Uses.** Only uses that are accessory to storage may occur. Human habitation, fabrication, repair, sales of any type including garage sales, and any similar use are prohibited.

(F) **Fencing for outdoor storage area.** An area used for outdoor storage of operational vehicles, watercraft, and the like must be enclosed by a security fence as approved by the Plan Commission through the site review process.

(G) **Screening for outdoor storage area.** In addition to a required buffer in Article 16 (Landscaping and Bufferyards) , the Plan Commission may require additional landscaping up to an additional 50 landscape points per 100 feet.

(H) **Setback of outdoor storage area.** Outdoor storage areas must comply with the building setback standards for the zoning district where the lot is located.

(I) **Gated access.** If the facility has a gated access, the property owner must comply with any regulations adopted by the Village with regard to gated properties.



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11.04 Truck terminal (new)

Description: A facility for truck-based freight service and operations, including local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) **Street access.** The primary access for this use must be off of a major street as depicted on the Village's zoning map.

(B) **Setback of outdoor storage area.** Outdoor storage areas and other activity areas must be located at least 200 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(C) **Control of fugitive dust.** If gravel or similar material is used for an outdoor storage area or other activity area, the control of fugitive dust must be addressed as part of the site plan review process.

Temporary note: Provisions from consultant



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11.05 Vehicle storage yard

Description: A place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before taken to a repair shop or while waiting for an insurance adjustment to occur. The salvaging of motor vehicle parts or the repair of motor vehicles is prohibited.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) **Buffer yard.** The reviewing authority may, as part of the site plan review process, require fencing, landscaping, or both to provide adequate screening between a vehicle storage yard and adjoining properties.

(B) **Setback requirements.** Outdoor storage areas and other activity areas must be located at least 40 feet from a property in a residential zoning district or a planned development district that allows residential uses and 20 feet from a property in a commercial zoning district.

(C) **Fence.** A 6-foot solid fence, subject to approval by the reviewing authority, must be located around the perimeter of the area used to store the motor vehicles.

(D) **Fence plan.** As part of the site plan review application, the applicant must submit a fence plan which specifies construction materials and

specifications.

(E) Gated access. If the facility has a gated access, the property owner must comply with any regulations adopted by the Village with regard to gated properties.

Temporary note: From consultant

11.06 Warehouse

Description: A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each employee on the largest work shift, whichever is greater; plus 1 space for each fleet vehicle parked on site

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Setback of outdoor storage area. Outdoor storage areas and other activity areas must be located at least 75 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(B) Control of fugitive dust. If gravel or similar material is used for an outdoor storage area or other activity area, the control of fugitive dust must be addressed as part of the site plan review process.



12 Industrial & Manufacturing

12.01 Artisan shop

Description: A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small furniture and other similar wooden items, candles, soaps, and lotions.

Vehicle Parking: 1 space for each 350 square feet of display area; plus 1 space for each employee on the largest work shift

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Generally. When an artisan shop is located in a commercial zoning district, all materials and activities, except loading and unloading, must be conducted entirely within an enclosed building.

(B) Demonstrations and workshops. The operator may conduct demonstrations and workshops within the confines of the building provided attendance at the event or function does not create a demand for parking spaces that is greater than the number provided on site, unless parking is allowed on the public street fronting on the site.

Temporary note: Provisions from consultant



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12.02 Construction equipment sales and service (new)

Description: A place where new and used construction equipment, such as dump trucks, excavators, graders, and scrapers, are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such equipment.

Vehicle Parking: 1 space for each 5,000 square feet of display area; plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Location. Outdoor display areas and other activity areas must be located at least 100 feet from a parcel in a residential zoning district or a planned development district that allows residential uses and 25 feet from a parcel in a commercial zoning district.

(B) Reserved

Temporary note: Provision is from consultant



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12.03 Contractor yard

Description: A place where a contractor or builder may establish a base of operation, which may include one or more of the following: office space; indoor and outdoor storage of construction materials, equipment, and machinery, such as trucks and heavy equipment; and shops for the repair of machinery and equipment owned by the operator.

Vehicle Parking: 1 space for each employee working on site; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(A) Type of outdoor storage. Outside storage of construction equipment and fleet vehicles is allowed. Construction materials may be kept out of doors, provided such materials are being staged for a specific work project. The storage of construction debris, tree branches, wood chips, and the like is strictly prohibited.

(B) Equipment repair and maintenance. The repair and maintenance of construction equipment and vehicles must occur within an enclosed building, unless specifically permitted in the conditional use order authorizing the use.

(C) Sales. The on-premise sale, at retail or wholesale, of any material is strictly prohibited.

(D) Incidental uses. Fabrication and assembly of component parts for use in a building project is permitted inside of a building on the subject property, provided such activity is of an incidental nature.

(E) Location of use areas. Outdoor storage areas and other activity areas related to this use may not be located (1) in the front-yard building setback area; (2) within 30 feet of a side or rear lot line when the adjoining property is located in a residential zoning district or a planned development district that allows residential uses; (3) within 20 feet of a side or rear lot line when the adjoining property is located in a commercial zoning district; and (4) 10 feet from a side or rear lot line when the adjoining property is located in any other zoning district. Employee parking areas must be located in those areas otherwise allowed in the zoning code.

(F) Fencing. Depending on the scale and nature of the contractor yard, the Plan Commission may on a case-by-case basis require a solid fence and/or other screening, as approved by the Plan Commission, in those areas where screening is needed in the judgment of the Plan Commission to mitigate potential impacts to adjoining properties.

(G) Gated access. If the facility has a gated access, the property owner must comply with any regulations adopted by the Village with regard to gated properties.

(H) Fugitive dust. If gravel or similar material is used for an outdoor storage area or other activity area, the control of fugitive dust must be addressed as part of the site plan review process.

Temporary note: These provisions are from consultant.

12.04 Makers space

Description: A place where products or goods are produced within an enclosed building and any smoke, dust, noise, or odor related to such activities are confined within the building. This use may include administrative offices and storage of raw materials and finished goods as a subordinate use. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each employee on the largest work shift, whichever is greater; plus 1 space for each fleet vehicle parked on site

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Maximum floor area. The maximum floor area for a makers space is 5,000 square feet.

(B) Restriction on location of manufacturing processes. All manufacturing processes must be conducted entirely within an enclosed building.

(C) Material storage. Limited materials may be stored out of doors, provided such areas are properly screened as determined by the Plan Commission.

12.05 Manufacturing

Description: A place where products or goods are produced within an enclosed building and any smoke, dust, noise, or odor related to such activities are confined within the building. This use may include administrative offices and storage of raw materials and finished goods as a subordinate use. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.

Vehicle Parking: 1 space for each 250 square feet of floor area or 1 space for each employee on the largest work shift, whichever is greater; plus 1 space for each fleet vehicle parked on site

Bicycle Parking: Recommended - 5 percent of required vehicle parking spaces, but not less than 4

Supplemental Standards:

(A) Restriction on location of manufacturing processes. All manufacturing processes must be conducted entirely within an enclosed building.

(B) Location of outdoor activity areas. Outdoor activity areas must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(C) Material storage. Materials may be stored out of doors, provided such areas are screened as determined by the Plan Commission.

Temporary note: From consultant

13 Solid Waste

13.01 Composting facility (new)

Description: A place where vegetation (but not food wastes) may be collected and composted. The term includes the storage and manipulation of materials prior to, during, and following composting.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Legislative intent. A composting facility, if not properly designed and operated, has the potential to cause negative impacts to the natural environment, including water resources, and be harmful to the safety and general welfare of the Village and its citizens. This part is therefore intended to define basic requirements necessary to protect the public while providing waste alternatives and promoting sustainability within the community.

(B) Compliance with other requirements. In addition to meeting the requirements in this part, a composting facility must comply with all county, state, and federal regulations that may apply, including § NR 502.12, Wis. Admin. Code.

(C) Distance to specified features. A composting facility may not be located within 600 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

(D) Setbacks. All buildings, structures, and activity areas must be located at least 100 feet from the perimeter of the site.

(E) Location. No portion of a composting facility used for storing compostable materials or composted materials or processing of compostable materials may be located within an area determined to be within a 100-year floodplain.

(F) Maximum capacity. The reviewing authority may establish the maximum amount of compostable materials that may be stored and processed onsite. There is no limit on the amount of finished compost that may be stored.

(G) Buffer. The reviewing authority may require fencing and/or landscaping along the property boundary line deemed necessary to provide adequate screening between this use and adjoining properties.

Temporary note: From consultant

13.02 Recycling center (new)

Description: A place where recoverable materials, which have been removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, and plastic. The term does not include salvage yard.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Compliance with other requirements. In addition to meeting the requirements in this part, a recycling center must comply with all county, state, and federal regulations that may apply.

(B) Location of materials and activities. All materials and activities, except loading and unloading of materials, must be conducted entirely within the confines of a building.

Temporary note: These are new provisions

13.03 Solid waste transfer station (new)

Description: A place where solid waste may be temporarily stored prior to transport to a processing plant or to final disposal.

Vehicle Parking: 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Compliance with other requirements. In addition to meeting the requirements in this part, a solid waste transfer station must comply with all county, state, and federal regulations that may apply.

(B) Location of materials and activities. All materials and activities, except loading and unloading of materials, must be conducted entirely within the confines of a building.

(C) Distance to specified features. A solid waste transfer station may not be located within 600 feet of a residential zoning district or a planned development district that allows residential uses, an educational facility, a worship facility, or any other place where the public congregates.

Temporary note: These provisions are new

14 Resource-Based Uses

14.01 General cultivation

Description: A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants typically grown by agricultural operations in the region are grown. The term does not include domestic gardens.

Supplemental Standards:

(A) Location. The raising of crops may occur within building setback areas.

(B) Buildings. A building related to the raising of crops is only allowed as an accessory use to a residential dwelling unit.

Temporary note: From consultant



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14.02 Open land (new)

Description: Land generally not in forestry or in agricultural production and may include wetland complexes, and land kept undeveloped for conservation purposes. Land may be enrolled in a federal agricultural commodity payment program or in a state or federal agricultural land

conservation payment program, or a similar program.

Supplemental Standards:

There are no supplemental standards that apply to this specific land use.

15 Accessory Uses for All Principal Uses

15.01 Amateur radio and/or citizens band antenna

Description: An antenna and related support structure used to send and receive telecommunications for noncommercial purposes.

Supplemental Standards:

(A) Legislative findings. The Village Board makes the following legislative findings regarding amateur radio and/or citizens band antennas:

(1) The placement of amateur radio antennas and support structure of unregulated height and type could have a negative impact on surrounding properties and especially on the smallest of lots allowed in the Village.

(2) Pursuant to § 59.69 (4f), Wis. Stats., the regulations in this part constitute the least restrictive measures needed to promote community aesthetics, public health, and safety while allowing amateur radio communications.

(B) Number. Antennas may be placed on no more than 2 support structures, such as a tower or on top of a building.

(C) Type of tower. An antenna may be placed on a monopole or lattice tower.

(D) Anti-climbing measures required. If a tower is used to support the antenna, the tower must have anti-climbing measures to prevent unauthorized climbing.

(E) Placement. An antenna may not be located in a front yard.

(F) Setback requirements. The center of the antenna may be no closer than 110 percent of the total height of the antenna to a lot line and overhead electric lines.

Temporary note: Provisions are from the consultant

15.02 Exterior communication device (new)

Description: An antenna used to capture wireless telecommunication signals.

Supplemental Standards:

(A) Height. A ground-mounted radio/television antenna may not exceed a height of 25 feet as measured from the ground surface. A building-mounted radio/television may not extend more than 10 feet above the roofline.

(B) Reserved

Temporary note: These are new provisions



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15.03 EV charging facility, 1 to 4 stations (new)

Description: Parking spaces, but not more than 4, in a surface parking lot associated with a commercial, institutional, industrial, or multifamily use that are served by a dedicated electric vehicle charger. These charging stations are offered for the convenience of residents, customers, and employees that come to the site. The term does not include charging stations that are used exclusively for fleet vehicles associated with the use, if otherwise allowed.

Supplemental Standards:

(A) Integration into overall parking lot layout. Electric vehicle charging stations must be integrated into and made part of the overall parking lot layout for the site.

(B) Status as a parking space. A parking space with an electric vehicle charging station space is counted toward satisfying any minimum on-site parking requirements only if the space is not advertised to the traveling public or is located on the lot to encourage public use.

(C) Placement near sidewalks. Electric vehicle charging stations near sidewalks or other walkways must be located and designed to not impede pedestrian travel or create tripping hazards.

(D) Collection of fees. The property owner, or the operator of the electric vehicle charging station, may collect a service fee to charge an electric vehicle.

(E) Contact information. Contact information should be posted either on the charging station or in a central location by multiple stations for reporting when the equipment is not functioning or if other problems are encountered.

(F) Outdoor lighting. Electric vehicle charging stations must be adequately lit to ensure safety. A lighting level of 1.5 footcandles over 75 percent of the parking space is sufficient. Regardless of this requirement, outdoor lighting must comply with the general outdoor lighting standards in Article 18.

(G) Signage. Signage on the face of the charging station equipment is exempt from signage standards, if the sign area is less than 2 square feet.

Advisory notes:

1. Because electric vehicles and charging technology are relatively new and evolving, it is anticipated this part and other provisions in the zoning code relating to vehicle charging as a land use will be revised to adapt.

Temporary note: Provisions from consultant

15.04 EV charging facility, 5 or more stations (new)

Description: Five or more parking spaces in a surface parking lot associated with a commercial, institutional, industrial, or multifamily use that are served by a dedicated electric vehicle charger. These charging stations are offered for the convenience of residents, customers, and employees that come to the site but given their location on the site may be used by the traveling public (not otherwise going to the site as a destination). The term does not include charging stations that are used exclusively for fleet vehicles associated with the use, if otherwise allowed.

Supplemental Standards:

- (A) Integration into overall parking lot layout.** Electric vehicle charging stations must be integrated into and made part of the overall parking lot layout for the site.
- (B) Status as a parking space.** A parking space with an electric vehicle charging station space is counted toward satisfying any minimum on-site parking requirements only if the space is not advertised to the traveling public or is located on the lot to encourage public use.
- (C) Placement near sidewalks.** Electric vehicle charging stations near sidewalks or other walkways must be located and designed to not impede pedestrian travel or create tripping hazards.
- (D) Collection of fees.** The property owner, or the operator of the electric vehicle charging station, may collect a service fee to charge an electric vehicle.
- (E) Contact information.** Contact information should be posted either on the charging station or in a central location by multiple stations for reporting when the equipment is not functioning or if other problems are encountered.
- (F) Outdoor lighting.** Electric vehicle charging stations must be adequately lit to ensure safety. A lighting level of 1.5 footcandles over 75 percent of the parking space is sufficient. Regardless of this requirement, outdoor lighting must comply with the general outdoor lighting standards in Article 18.
- (G) Signage.** Signage on the face of the charging station equipment is exempt from signage standards, if the sign area is less than 3 square feet.

Advisory notes:

1. Because electric vehicles and charging technology are relatively new and evolving, it is anticipated this part and other provisions in the zoning code relating to vehicle charging as a land use will be revised to adapt.

Temporary note: Provisions from consultant

15.05 Fence, perimeter

Description: A fence place around the perimeter of a lot.

15.06 Little free library

Description: A small structure used to house reading materials offered to the public without charge.

Supplemental Standards:

- (A) Location.** A little free library may be located in the front yard but not closer than 10 feet to a side lot line.
- (B) Maximum size.** The maximum size of a little free library is 2 cubic feet.



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15.07 Rain garden

Description: An excavated area that is back-filled with a prepared or amended soil mixture, which may or may not be covered with a mulch layer and planted with a variety of woody and/or herbaceous vegetation, to which stormwater is directed to promote infiltration or evapotranspiration.

Supplemental Standards:

- (A) Guidance for residential properties.** A rain garden on a residential lot should follow the guidelines in *Rain Gardens: A Guide for Homeowners and Landscapers* as published by the Wisconsin Standards Oversight Council and the Wisconsin Department of Natural Resources (DNR Publication PUB-WT-776 2018). A copy of this document is available online or from the zoning administrator.
- (B) Guidance for commercial and other non-residential properties.** A rain garden on a commercial and other non-residential lot should follow the technical standards in DNR Conservation Practice Standard 1009.

15.08 Solar energy system, building-mounted

Description: An installation that is mounted on a building and uses sunlight to produce electricity or provide heat or hot water to a building.

Supplemental Standards:

- (A) Maximum surface area.** No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.
- (B) Maximum height.** A building-mounted solar energy system must comply with the maximum height requirements of the zoning district in which the building is located.
- (C) Placement on a roof.** The panels of a solar energy system that are mounted on a roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.



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(D) Placement on a façade. A solar energy system may be mounted on the façade of a commercial building if integrated into the overall design of the building. Such installations may not project more than 4 feet from the face of the wall.

(E) Certification. A solar panel must be certified by (1) Underwriters Laboratories, Inc.; (2) National Renewable Energy Laboratory; (3) Solar Rating and Certification Corporation; or (4) other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(F) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(G) Termination of use. If the zoning administrator determines that more than 50 percent of the panels (measured by total area) have not been operational for a continuous period of 12 months, the administrator must follow the procedure outlined in Article 5 relating to the termination of an approval.

(H) Solar access. The property owner may submit a solar access permit to the Village pursuant to the provisions set forth in § 66.0403, Wis. Stats.

(I) Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401 (1m), Wis. Stats. If a restriction in this part does not comply with the authority of § 66.0401 (1m), Wis. Stats., the Plan Commission may on a case-by-case basis modify or waive such restriction. In addition, the Plan Commission has the authority to add additional restrictions on a case-by-case basis, provided they are within the authority of the Village pursuant to § 66.0401 (1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

Temporary note: From consultant

15.09 Solar energy system, ground-mounted

Description: An installation that is mounted on the ground and uses sunlight to produce electricity or provide heat or hot water to a building.

Supplemental Standards:

(A) Surface area. For residential lots less than 20,000 square feet, the maximum area of a ground-mounted solar energy system is 120 square feet. The surface area of a ground-mounted solar energy system on all other lots may not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.

(B) Maximum height. A ground-mounted solar energy system must not exceed 15 feet in height as measured from the surrounding grade.

(C) Setback. A ground-mounted solar energy system in any position must not extend into the setback of a front yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. Pursuant to the procedures and requirements in Article 5, the Plan Commission may approve a special exception to allow a ground-mounted solar energy system to extend into a setback, offset, or buffer yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate.

(D) Placement in yards. A ground-mounted solar energy system located in a residential or commercial zoning district may only be located in the rear or side yard. Pursuant to the procedures and requirements in Article 5, the Plan Commission may approve a special exception to allow a ground-mounted solar energy system in the front yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an industrial zoning district may be located in any yard area.

(E) Certification. A ground-mounted solar energy system must be certified by (1) Underwriters Laboratories, Inc.; (2) National Renewable Energy Laboratory; (3) Solar Rating and Certification Corporation; or (4) other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(F) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(G) Termination of use. If the zoning administrator determines that a ground-mounted solar energy system has not been operational for a continuous period of 12 months, the administrator must follow the procedure outlined in Article 5 relating to the termination of an approval.

(H) Solar access. The property owner may submit a solar access permit to the Village pursuant to the provisions set forth in § 66.0403, Wis. Stats.

(I) Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401 (1m), Wis. Stats. If a restriction in this part does not comply with the authority of § 66.0401 (1m), Wis. Stats., the Plan Commission may on a case-by-case basis modify or waive such restriction. In addition, the Plan Commission has the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the Village pursuant to § 66.0401 (1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

Temporary note: From consultant



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16.01 Accessory building, residential (new)

Description: A detached building customarily found with a residential use as an accessory use. The term includes greenhouses (noncommercial), detached garages, sheds, gazebos, pool cabanas, and the like.

Supplemental Standards:

(A) Number and floor area. The number of residential accessory buildings and the floor area must comply with standards in Appendix C.

(B) Location. A residential accessory building is only allowed in the side and rear yards.

(C) Exterior materials. Exterior materials for a residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(D) Prohibition on specific materials. Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for greenhouses.

(E) Rooflines. The roof lines of a residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(F) Plumbing fixtures. A residential accessory building may include a single compartment bar sink and a half bath (e.g., sink and toilet). A pool house may include a stand-up shower provided access to the shower is via an exterior door.



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16.02 Accessory dwelling unit (new)

Description: An accessory dwelling unit established in conjunction with, and clearly subordinate to, the principal dwelling unit on a single-family zoned lot.

Supplemental Standards:

(A) Legislative intent. Allowing accessory dwelling units in the Village is a way to increase the housing stock and promote housing choice and affordability. Accessory dwelling units must be compatible with the surrounding area and must be clearly subordinate to the principal dwelling unit.

(B) Location. An accessory dwelling unit must be located on the upper floor of an attached garage or a detached garage that is located in the rear yard and complies with all setback standards for the zoning district where the lot is located. If a variance is granted allowing construction of the garage closer to a property boundary line than what is otherwise allowed in the zoning district, such garage is not eligible to also include an accessory dwelling unit.

(C) Lot area. The lot containing an accessory dwelling unit must be at least 2,500 square feet greater than the minimum lot area for the zoning district where the lot is located.

(D) Character of building. The building with the accessory dwelling unit must have exterior building materials that are similar to those on the principal dwelling and be architecturally compatible with the principal dwelling.

(E) Primary access. The accessory dwelling unit must have a separate outdoor access. External stairs serving as the primary access are prohibited.

(F) Maximum floor area. The floor area of the accessory dwelling unit may not be more than 65 percent of the total floor area of the principal dwelling unit up to a maximum of 650 square feet.

(G) Number. There shall be no more than one accessory dwelling unit on the subject property.

(H) Owner occupancy required. The property owner must occupy either the principal dwelling unit or the accessory dwelling unit.

Temporary note: Provisions from consultant



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16.03 Adult family home (accessory) (new)

Description: A private residence licensed by the state under § 50.032 (1m), Wis. Stats.

Note: An adult family home can either be a principal use or an accessory use. If the operator lives in the residence with the adults, it is considered an accessory use.

Supplemental Standards:

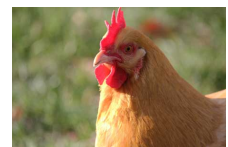
(A) Residents. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, must be disabled persons as indicated in the required state license application.

(B) Reserved

Temporary note: This provision is from the consultant.

16.04 Backyard chickens

Description: The keeping of chickens pursuant to the requirements set forth in Chapter 14, Article VI of the municipal code.



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16.05 Bed and breakfast

Description: A single-family residence that offers overnight accommodations for a daily charge and that also serves as a primary residence of the operator or owner.

Vehicle Parking: 1 space for each room or suite

Supplemental Standards:

(A) State permit. Prior to the establishment of a bed and breakfast, the operator must obtain a permit from the Wisconsin Department of Health Services, or the department's authorized agent, and maintain the license for the life of the use or until the department no longer requires the permit.^[1]

(B) Display of permit. The operator must display the current bed and breakfast permit in a conspicuous location inside the bed and breakfast.

(C) Accommodations tax. Prior to the establishment of a bed and breakfast, the operator must obtain any permit or license, as may be required by the Village, for the purpose of collecting an accommodations tax as may be adopted by the Village and/or any other purpose.

(D) Registry. The operator of the bed and breakfast must keep an accurate register showing the names of all guests. This registry must be kept on file for a period of one year and must be available for inspection by village officials at any time upon request.

(E) Compliance with applicable building codes. Prior to the establishment of a bed and breakfast or the expansion of an existing bed and breakfast, the building inspector must certify that the dwelling meets all applicable building code requirements.^[2]

(F) Type of dwelling. A bed and breakfast may only occur within a single-family dwelling.

(G) Exterior character of the dwelling unit. The exterior appearance of the building may not be altered from its single-family appearance.

(H) Residency requirement. The operator of a bed and breakfast must reside in the single-family dwelling during those times when one or more of the guest rooms are occupied (i.e., rented).

(I) Number of allowable guest rooms. The maximum number of guest rooms is 4.

(J) Number of guests. The maximum number of overnight guest at any one time is 12.

(K) Food preparation. Food preparation and/or cooking in guest rooms is prohibited.

(L) Meals. Meals may only be offered to overnight guests.

(M) Maximum stay. The maximum stay for any guest is 14 consecutive days in any 30-day period.



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[1] See subch. VII of ch. 254, Wis. Stats., and ch. DHS 197, Wis. Admin. Code

[2] Bed and breakfasts must comply with the residential building code requirements; the commercial building code does not apply because the dwelling is the operator's residence and the operator is residing in the residence when guests are present.

16.06 Bee keeping (new)

Description: The keeping of bees for production of honey and pollination of plants.

Supplemental Standards:

(A) Legislative intent. The keeping of honeybees in the Village of Mukwonago is consistent with the Village's desire to foster sustainable urban agriculture while addressing issues related to public health, safety, and welfare.

(B) Densities. One beehive is allowed on a lot between 9,000 and 14,520 square feet. One additional beehive is allowed for each full half acre over 14,520 square feet. For example, a property with 1 acre (43,560 square feet) may have 2 beehives. A temporary beehive is allowed for no more than 4 weeks for hive separation or new swarm establishment purposes.

(C) Placement. Beehives are restricted to side and rear yards, and must be located at least 20 feet from all property boundary lines and 20 feet from a principal dwelling unit, patio, swimming pool/deck, swing set or other similar play structure, or gazebo on an abutting lot. The entrance to the beehive must face the interior of the lot.

(D) Flyaway barrier. When a beehive is situated closer than 25 feet to a property boundary line, a flyaway barrier must be established and maintained that is generally parallel to the property line. The flyaway barrier must be at least 5 feet in height and 6 feet in either direction. Such barrier may consist of a wall, a solid fence, dense vegetation, or combination thereof.

(E) Water. The property owner must provide a source of clean water specifically for the beehive.

(F) Behavior and swarming. Adequate space must be maintained in the beehive to prevent overcrowding and swarming. Colonies must be re-queened if colonies exhibit aggressive behavior. One (1) additional temporary beehive is allowed for hive separation or new swarm establishment purposes. Such temporary beehive must be removed from the property within 2 weeks.

(G) Compliance with state law. The property owner must comply with all laws relating to beekeeping as may be adopted by the state of Wisconsin, including § 94.76, Wis. Stats.

(H) Sale of honey. The property owner or tenant may sell honey and packaged honeycombs produced by the beehives on the property, provided all other applicable law are satisfied. For the purposes of the Village's zoning regulations, the sale of honey is not considered a commercial use or a home occupation.

(I) Predators. The property owner must adequately protect the beehives from predators.



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16.07 Boat dock

Description: A pier or wharf.

Supplemental Standards:

(A) State requirements. A boat dock must comply with all rule and regulations established in state statutes and administrative rules established pursuant to those statutes.

(B) Reserved

Temporary note: From consultant



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16.08 Boathouse

Description: A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.

Supplemental Standards:

(A) Other permits. The property owner must obtain all necessary permits from the Wisconsin Department of Natural Resources, United States Army Corps of Engineers, and other regulatory agencies as may be required.

(B) Allowable uses. The use of a boathouse is limited to the storage of watercraft and related equipment.

Human habitation is prohibited.

(C) Yard setbacks. A boathouse may be located within a shoreyard, but no closer than 10 feet to the ordinary high-water mark of the stream, lake, pond, or wetland on which it fronts. A boathouse may not be closer than 3 feet to a side lot line.

(D) Number. No more than one boathouse may be located on a parcel of land.

(E) Floor area. The boathouse must contain at least 200 square feet of floor area but not more than 450 square feet.

(F) Height. The boathouse may not exceed 12 feet in height at the roof peak above the original grade or final grade as measured on the side facing the waterbody.

(G) Slopes. The boathouse may not be constructed where the existing slope is more than 20 percent.

(H) Access door requirement. A boathouse must have a garage-type door on the side of the building facing the waterbody for the purpose of entry and exit for watercraft. French, patio, or glass doors are prohibited.

(I) Plumbing fixtures. A boathouse may contain plumbing for 2 sinks and one toilet, provided such fixtures are connected to an approved wastewater system. Showers and/or bathtubs are prohibited.

(J) Floodplain regulations. If the boathouse is located, in whole or in part, within the floodplain overlay district, all applicable standards of that district apply.

Temporary note: From consultant



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16.09 Family day care home

Description: A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.

Note: See § 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed as a special care facility (See Series 4).

Vehicle Parking: Additional parking not required

Supplemental Standards:

(A) State license. Prior to the establishment of a family day care home, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.

(B) Reserved

Temporary note: From consultant

16.10 Fence, privacy

Description: A solid or partially solid fence placed around an outdoor patio or other private area in the rear yard.

16.11 Fence, security

Description: A fence placed around an outdoor storage area or similar activity area associated with a commercial or industrial use.

16.12 Fence, sport court

Description: A fence placed on one or more sides of a sport court.

16.13 Foster home and treatment foster home (accessory)

Description: A facility licensed by the state for the care of foster children and which is operated by a foster parent who lives with the children.

Note: See § 48.62, Wis. Stats. A foster home and treatment foster home can either be a principal use or an accessory use. If the operator lives in the residence with the children, it is considered an accessory use.

Vehicle Parking: Additional parking not required

Supplemental Standards:

(A) State license. Prior to the establishment of a foster home or treatment foster home, the operator must obtain a license from the state as

set forth in § 48.75, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.

(B) Reserved

Temporary note: From consultant

16.14 Gardening

Description: The cultivation of food or ornamental crops.

Supplemental Standards:

(A) Location. A garden may be located in any yard, but not closer than 3 feet to the front lot line.

(B) Cold frames. Cold frames and other similar structures are permitted in the rear and side yard, provided they are setback a minimum of 3 feet from all property lines and do not exceed 3 feet in height as measured from the ground surface.

(C) Support structures. A structure used to support plants may not exceed 6 feet in height as measured from the ground surface.

(D) Vacant lots. A garden may be located on a vacant lot.

Temporary note: Provisions from consultant



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16.15 Home occupation

Description: An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the premises, and which by their nature, appearance, and inherent operational activities and characteristics, are compatible in a residential setting.



Supplemental Standards:

(A) Validity of use. The individual primarily responsible for operating the home occupation must reside in the dwelling unit on the parcel.

(B) Location and space limitation. The home occupation must occur entirely within the dwelling unit. The space specifically designated for use of the home occupation may occupy no more than 25 percent of the total floor area of the dwelling unit.

(C) Exterior character of building. The exterior character of the building housing the home occupation may not be altered to accommodate such use.

(D) Storage of materials. Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.

(E) Limitation on number of on-site workers. The number of individuals working on-site is limited to those individuals living in the dwelling unit and **one** individual not living in the dwelling unit. **(Should one employee be allowed?)**

(F) Retail sales. Retail sale of merchandise is prohibited.

(G) Limitation on customer traffic. A home occupation may not generate more than 10 customer trips per business day, which is determined to be an acceptable level of non-residential traffic in residential neighborhoods.

(H) Nuisance. A home occupation may not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.

(I) Special exception for an operator with a disability. Consistent with the procedures and requirements of Article 21, the Plan Commission may approve a special exception to any of the requirements in this part when the operator has a temporary or permanent disability and the home occupation is or would be his or her primary livelihood and such deviation is needed to facilitate the operation of the home occupation in a reasonable manner.

(J) Multiple home occupations. More than one home occupation may be permitted on a single lot provided all of the general requirements set forth in this part can be met based on an accumulation of activities.

(K) Advertising with address of property. Any advertising or other promotional materials for the home occupation may not include the address of the property where the home occupation is located.

Temporary note: These provisions are new from the consultant.

16.16 In-family suite (previously secondary suite)

Description: An arrangement and use of rooms within a single-family dwelling that allows for one or two family members to reside separate from the single housekeeping entity while remaining part of and having nonlockable direct interior access to the entire single-family dwelling. The arrangement of rooms may contain a kitchenette with associated living areas, bedrooms, and a bathroom.

Note: Also known as in-law dwelling unit, granny flat, or secondary suite.

Vehicle Parking: 1 space (in addition to other required parking)

Supplemental Standards:

(A) Building permit. Issuance of a building permit for the new construction or remodeling is required.

(B) Deed restriction required. Submittal of a recorded declaration of restrictions with the county register of deeds, stating the "the Village of Mukwonago inspections department/zoning administrator has approved the building permit application conditioned upon the owner signing and recording this declaration of restrictions indicating said dwelling will be a single family dwelling." The declaration of restrictions must be recorded before issuance of a building permit for construction of the in-family suite.

(C) Location. The in-family suite must be on the first floor of the single-family dwelling, at street grade level, or, if on second floor or lower

level, an elevator or chair lift must be installed from the in-family suite to the first floor at street grade level.

(D) Interior access. The in-family suite must have non-lockable direct interior access to the entire dwelling.

(E) Limitation on bedrooms. No more than two bedrooms are allowed.

(F) Utility connections. The single-family dwelling and the in-family suite must share common water, sanitary sewer or septic, and electric connections. The owner must provide evidence to the inspections department that the water and sanitary sewer or septic facilities are adequate to serve the in-family suite.

(G) Exterior appearances. The in-family suite must be designed that the appearance of the building remains as a single-family dwelling. Any new entrances must be located on the side or rear of the building and must be at ground level.

Temporary note: From current code with minor edits

16.17 Kennel, hobby

Description: A place where 4 or more dogs and/or cats, but less than 9 adult dogs or other pet animals are kept for the occupant's private, non-commercial purposes. The term also includes the sale and training of up to 2 litters in a calendar year.

Supplemental Standards:

(A) Licensing. Dogs must be licensed with the Village of Mukwonago as set forth in Section 14-31 of the municipal code. [Click to view.](#)

(B) Status as a building. A free-standing dog enclosure with a roof not exceeding 48 square feet does not count as a building with regard to the maximum number of accessory buildings allowed on a parcel.

Temporary note: Provisions from consultant



16.18 Kennel, private

Description: A place where no more than 8 dogs and/or cats are kept for the occupant's private, non-commercial purposes.

Supplemental Standards:

(A) Licensing. Dogs must be licensed with the Village of Mukwonago as set forth in Section 14-31 of the municipal code. [Click to view.](#)

(B) Status as a building. A free-standing dog enclosure with a roof not exceeding 48 square feet does not count as a building with regard to the maximum number of accessory buildings allowed on a parcel.

Temporary note: Provisions from consultant

16.19 Outdoor fireplace (new)

Description: A free-standing fireplace (with a chimney) that is located out of doors. An outdoor fireplace may be located within or next to a deck or patio.

Supplemental Standards:

(A) Location. An outdoor fireplace may not be located in the front yard or closer than 10 feet to a side or rear lot line.

(B) Reserved

Temporary note: These provisions from the consultant



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16.20 Patio

Description: A hard-surfaced area used for outdoor living such as dining and lounging.

Supplemental Standards:

(A) Location. A patio must be at least 3 feet from a lot line.

(B) Reserved

Temporary note: These provisions from consultant



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16.21 Pergola

Description: A structure with columns that support a grid of beams and perpendicular rafters (i.e., dimensional lumber placed on edge). A pergola may be free-standing or attached to an exterior wall of a building. By definition, a pergola does not have a roof.

Supplemental Standards:

(A) Location. A free-standing pergola may not be located in the front yard or placed any closer than 6 feet to the side and rear lot lines.

(B) Reserved



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16.22 Play structure (new)

Description: A playhouse and recreational equipment, such as swings, slides, and jungle gyms, normally found in a residential setting or with a group day care center.

Supplemental Standards:

(A) **Location.** A play structure must comply with the setback standards for accessory buildings for the zoning district where the lot is located.

(B) **Status as a building.** A play structure with a roofed area not exceeding 64 square feet does not count as a building with regard to the maximum number of accessory buildings allowed on a parcel.

Temporary note: These are all new provisions.



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16.23 Sport court (new)

Description: A hard-surfaced area located out of doors used exclusively for basketball, pickleball, volleyball, tennis, or other similar sports-related activity. This term does not include any portion of a private driveway that is also used for a sport-related use.

Supplemental Standards:

(A) **Use.** Those using the sport court are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the sport court by others is strictly prohibited.

(B) **Location.** A sport court may not be located in a front yard. A sport court must comply with the setback standards for the zoning district where the use is located.

(C) **Fence.** A sport court may include a fence on one or more sides as specified in Appendix A and B.

(D) **Outdoor lighting.** Outdoor lighting for a sport court must comply with the standards in Article 18.



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16.24 Swimming pool

Description: An outdoor structure placed on the ground or below ground that is filled with water for swimming. The term does not include those pools with a maximum diameter of 15 feet and a maximum wall height of 15 inches and which are taken down and stored in the off-season.

Supplemental Standards:

(A) **Use.** Those using the swimming pool are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the swimming pool by others is strictly prohibited.

(B) **Location.** A swimming pool, together with its surrounding walks, patios, diving platforms, bathhouses, and accessory structures, may not be located in a front yard. A swimming pool, together with its surrounding walks, patios, diving platforms, bathhouses, and accessory structures, must comply with the setback standards for the zoning district where the lot is located. A swimming pool may not be located closer than 10 feet to the principal building. The inside wall of the pool must be located at least 10 feet from the vertical plane formed by the electrical wire perpendicular to the ground surface. Pumps and filter equipment must be located at least 20 feet from a lot line.

(C) **Walls or fences.** Walls or fences of at least 4 feet, but not more than 6 feet, in height must be provided to restrict access by children. All gates must be equipped with self-closing and self-latching devices placed at the top of the gate.

(D) **Outdoor lighting.** Outdoor lighting for a swimming pool must comply with the standards in Article 18.

(E) **Draining of water.** Water that is drained out of a swimming pool may not flow onto an adjoining property, into a wetland or any body of water, or into a sanitary sewer without the approval of the public works director or equivalent.

Temporary note: These are all new provisions.



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17 Accessory Uses for Other Principal Uses

17.01 Accessory building, non-residential

Description: An accessory building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises. The term includes detached garages, storage sheds, and the like.

Supplemental Standards:

(A) **Number and floor area.** The number of non-residential accessory buildings and the floor area must comply with standards set forth in Appendix C.

(B) **Exterior materials.** Exterior materials for a non-residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(C) **Prohibition on specific materials.** Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for greenhouses.

(D) **Rooflines.** The roof lines of a non-residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(E) **Plumbing fixtures.** Plumbing in a non-residential accessory building is prohibited.

Temporary note: From consultant

17.02 Donation drop box (new)

Description: A fully enclosed receptacle where household items may be placed for pickup by the entity receiving the donation.

Supplemental Standards:

(A) **Limitation on donations.** Donations are limited to those that can fit inside of the drop box.

- (B) Location.** The location of the drop box may not impede the flow of traffic on the site or be located less than 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.
- (C) Site plan.** The location of the drop box must be depicted on an approved site plan.
- (D) Hard surfacing.** The area in front of a drop box must be hard surfaced.

Temporary note: These provisions are from the consultant.



17.03 Drive-up service window (new)

Description: An opening in a building through which patrons are served while remaining in a motor vehicle.

Supplemental Standards:

- (A) Location.** A drive-up service window may only be located to the side or rear of the building and at least 60 feet from a property in a residential zoning district or a planned development district that allows residential uses.
- (B) Crosswalks.** A pedestrian crosswalk must be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.
- (C) Vehicle stacking.** The approved site plan must show a stacking area to accommodate vehicles waiting for service consistent with the design standards in § 102- . The stacking area must accommodate at least 4 vehicles per lane for a pharmacy, 2 vehicles per lane for a financial institution, and 6 vehicles per order box for a restaurant although more may be required as part of the site plan review based on the nature of the service being provided.
- (D) Noise.** Noise associated with an intercom or speaker may not be audible at any lot line.
- (E) Menu board.** A restaurant may incorporate a menu board based on the standards in Chapter (Sign Regulations) of the municipal code.

Temporary note: These provisions are new and from the consultant.



17.04 Outdoor food and beverage service

Description: An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can eat and drink.

Supplemental Standards:

- (A) Maximum size of service area.** The size of the outdoor service area may not be more than 50 percent of the service area of the brewpub, restaurant, or tavern.
- (B) Location of service area.** The outdoor service area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area may not be located in a public right-of-way, a required landscape area, or the setback of a front yard, side yard, shore yard, or rear yard.
- (C) Consistency with alcohol license.** Alcohol may not be served or consumed within the outdoor service area unless the liquor, beer, or wine license, whichever is applicable, issued by the Village, explicitly states that consumption is permitted within the outdoor service area.
- (D) Entrance to service area if alcohol is served.** If alcohol is served, and upon recommendation of the police chief, the entrance or entrances to the outdoor service area must be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence must be erected to prevent entry to the outdoor service area by any other means. An emergency access gate may be provided if required by state law.
- (E) Restroom requirements.** The restroom facilities in the brewpub, restaurant, or tavern must be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.
- (F) Hours of operation.** The outdoor service area may not remain open after the close of the brewpub, restaurant, or tavern.
- (G) Outdoor lighting.** Festoon lighting (i.e., lamps wired to a flexible cable) may be placed above the approved outdoor service area, provided (1) the lighting is only used when the outdoor service area can be used, (2) each bulb does not produce more than 200 lumens, and (3) the lighting levels at the property boundary line complies with the levels set forth in Article 18.

Temporary note: New provisions from consultant.



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17.05 Parking lot (on-site)

Description: Surface parking spaces for five or more light motor vehicles, adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles.

Supplemental Standards:

- (A) General design requirements.** A parking lot must comply with the design standards in Article 17 and other requirements of the zoning code as applicable.
- (B) Reserved**

17.06 Sales incidental to industrial use (new)

Description: A place where items manufactured on site are offered for sale as a subordinate use to the manufacturing operation.

Vehicle Parking: 1 space for each 300 square feet of retail sales area

Supplemental Standards:

(A) Maximum floor area. The total floor area devoted to indoor sales may not exceed 25 percent of the total floor area of the building.

(B) Required separation. The area devoted to wholesale/retail sales must be physically separated from those areas used for industrial purposes by a physical barrier such as a full-height interior wall or a half-wall as may be required by state law.

Temporary note: These are new provisions

18 Temporary

18.01 Farmers market

Description: An outdoor area where agricultural producers gather on a regular basis to offer their agricultural products directly to retail consumers. The term does not include indoor markets or those held at a public park.

Vehicle Parking: 1.5 space for each vendor space when sufficient on street parking is not available

Supplemental Standards:

(A) Hours of operation. The display of products and sales may only occur between 7:00 am and 30 minutes past sunset.

(B) Removal and clean up. All features solely associated with the farmers market must be removed and all trash and debris must be removed within 24 hours following the close of the farmers market.

Temporary note: From consultant



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18.02 Flea market

Description: A outdoor area where new and used household goods, personal effects, tools, art work, small household appliances and similar merchandise, equipment or objects, are sold at retail in small quantities, in broken lots or parcels, (i.e., not in bulk). The term does not include indoor markets or those held at a public park. Rummage sales are not considered to be flea markets.

Supplemental Standards:

(A) Hours of operation. The display of products and sales may only occur between 7:00 am and 30 minutes past sunset.

(B) Removal and clean up. All features solely associated with the flea market must be removed and all trash and debris must be removed within 24 hours following the close of the flea market.

Temporary note: From consultant - nothing in Village's current code

18.03 Mobile food establishment (new)

Description: A motorized vehicle, moveable trailer, or a moveable, nonmotorized pushcart from which ready-to-eat food and drink are prepared and sold at retail on a private property (i.e., not in the public right-of-way). The term does not include a bicycle (two- or three-wheel) food cart or when operating within a public park with approval.

Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Supplemental Standards:

(A) Placement. A mobile food establishment must be located on or next to an existing parking lot.

(B) Proximity to existing restaurant. A mobile food establishment may be located on a property with an existing restaurant. A mobile food establishment must be located more than 300 feet from the primary customer entrance of an existing restaurant on another lot.

(C) Vehicle type. The motor vehicle must be licensed by the state of Wisconsin and may be either self-propelled or towed by another vehicle.

(D) Pushcart specifications. A pushcart must comply with current NSF/ANSI 59 standards.

(E) Licensing. The business operation must comply with all food licensing requirements established by Walworth or Waukesha counties and the state of Wisconsin.

(F) Signage. Signage is not allowed aside from signage that is part of the motor vehicle, trailer, or pushcart. Flags, pennants, and banners are specifically prohibited.

(G) Seating. On-site seating for patrons is not allowed.

(H) Overnight storage. A motor vehicle, trailer, or pushcart may not be kept overnight on the same property where it is operated during the day.

Temporary note: These are all new provisions



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18.04 Model home (new)

Description: A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.

Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Supplemental Standards:

(A) Generally. A model home may only be established when the residential project in which it located is



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developed by a single developer and the project will have 6 or more dwelling units.

(B) On-street parking required. A model home may only be established when on-street parking is permitted on the street directly in front of the model home.

(C) Appearance. The dwelling unit used as a model home must be of the same type and character as the dwelling units being offered for sale within the development.

(D) Duration of use. The model home may operate for no more than 3 years. Prior to the expiration of this time period, the model home must be closed when 80 percent of the dwelling units within the entire development have been sold.

(E) Limitation on use. The model home is intended to facilitate the sale of residential housing units in the development in which it occurs and off-site sales activity must be clearly incidental. The model home may be furnished but may not be occupied as a residence.

(F) Hours of operation. The model home may not be open between 8:00 pm and 8:00 am, except by appointment.

(G) Permanent conversion. Upon cessation as a model home, the property owner must take all necessary actions to convert the building to a dwelling unit.

Temporary note: These are all new provisions

18.05 Off-site construction yard (new)

Description: A place where construction materials and equipment may be stored, prepped, or staged for an off-site construction project (e.g., highway reconstruction project or construction of an electric transmission line or pipeline).

Vehicle Parking: 1 space for each employee on the largest work shift; plus 1 space for each fleet vehicle parked on site

Supplemental Standards:

(A) Setback requirements. Outdoor storage areas and other activity areas must be located at least 40 feet from a parcel in a residential zoning district or a planned development district that allows residential uses and 20 feet from a parcel in a commercial zoning district.

(B) Site restoration. As part of the review process, the applicant must prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan must identify those areas of the parcel that will be disturbed and how those areas will be restored following the cessation of this temporary use.

(C) Financial guarantee. Prior to the establishment of an off-site construction yard, the property owner must submit a financial guarantee to the Village pursuant to the requirements in Article 4 of the zoning code. The amount of the guarantee is 120 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project.

(D) Access requirements. The primary access for this use must be off of a major street as depicted on the Village's zoning map.

Temporary note: From consultant

18.06 Party tent (new)

Description: A nonpermanent tent that is associated with a temporary event that is permitted under the zoning code.

Supplemental Standards:

(A) Duration. A party tent may not be erected for more than 10 consecutive days.

(B) Status as a building. A party tent permitted under this code does not count as a building with regard to the maximum number of accessory buildings allowed on a parcel.

Temporary note: Provisions from consultant



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18.07 Portable storage container (new)

Description: An enclosed metal container that is used to temporarily store household items and similar goods.

Supplemental Standards:

(A) Duration. A portable storage container may not be located on a parcel of land for more than 90 days during any 9-month period.

(B) Location. A portable storage container may not be located in the front or side yard setback established for the zoning district in which this use occurs, except when placed in a driveway.

(C) Maximum floor area. The cumulative floor area of one or more portable storage containers may not exceed 250 square feet.^[1]

(D) Limitation on use. When located in a residential zoning district, a portable storage container may only be used to store household goods during an on-site construction/remodeling project or when used to move household goods to another location.



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[1] Although portable storage containers come in different sizes, units are generally 10 feet by 10 feet and 10 feet by 15 feet.

Temporary note: These are all new provisions.

18.08 Roadside stand

Description: A place where agricultural products produced exclusively on the premises are offered for sale at retail.

Vehicle Parking: Determined on a case-by-case basis by the reviewing authority



Supplemental Standards:

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(A) Location. A roadside stand must be located at least 10 feet from the front lot line and at least 20 feet from any other lot line.

(B) Hours of operation. If this use is located in a residential zoning district or a planned unit development district that allows residential uses, the hours of operation are limited to sunrise to sunset.

(C) Number. No more than one stand is allowed on any one premises.

(D) Use of structure. A structure may be used to store or display products provided (1) the structure is only used from April 1 through November 30 and is removed no later than December 10, (2) the floor area of the structure does not exceed 80 square feet, and (3) the height of the structure does not exceed 10 feet.

(E) Removal and clean up. Within 24 hours following the close of the roadside stand, all features solely associated with the roadside stand must be removed and all trash and debris must be removed.

(F) Status as a building. If the roadside stand can be defined as a building, it does not count as a building with regard to the maximum number of accessory buildings allowed on a parcel.

Temporary note: From consultant

18.09 Sale of vehicles/recreational equipment

Description: The intermittent sale of automobiles, trucks, vans, motorcycles, boats, snowmobiles, personal watercraft, self-contained motorized campers, and camping trailers as an accessory use to a principal use. The sale of such items is limited to those that have been titled and registered to the individual living on the property and had been operated for personal use.



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Supplemental Standards:

(A) Limits on what can be offered. All items posted for sale must be owned and, where applicable, licensed or titled to one or more of the members of the household owning and/or occupying the property from which such items are for sale.

(B) Number of items. No more than 2 items may be available and advertised for sale at any one time.

(C) Location. All items that are available and advertised for sale must be located outside of all public street or highway rights-of-way and at least 10 feet from the side lot lines.

(D) Time limits. The time period during which a particular item is available and advertised for sale may not exceed 20 consecutive days and not more than 3 such periods per year.

Temporary note: From consultant

Advisory notes:

1. Individuals may sell up to 5 of their own vehicles each year without a dealer license from the Wisconsin Department of Transportation.

18.10 Seasonal product sales

Description: An outdoor area where merchandise typically associated with a seasonal holiday or festival is displayed and offered for sale at retail immediately before the event. Examples of such merchandise include Christmas trees and wreaths for Christmas and pumpkins for Halloween. The sale of fireworks is specifically prohibited.



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Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Supplemental Standards:

(A) Duration of use. Merchandise may not be sold any sooner than 30 days prior to the date of the seasonal event. Cleanup and removal of all related items must be completed within 2 days following the date of the seasonal event.

(B) Removal and clean up. Within 24 hours following the termination of the sale, all features associated with the sale and trash and debris of all kinds must be removed from the site.

(C) Status as a building. A tent used for the sales operation does not count as a building with regard to the maximum number of accessory buildings allowed on a parcel.

Temporary note: From consultant

18.11 Sidewalk cafe (new)

Description: An outdoor dining area located on public property, typically a sidewalk, and operated as an integral part of an adjacent restaurant where food and beverages are sold or served primarily for consumption on the premises.



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Vehicle Parking: 1 space for every 3 seats

Supplemental Standards:

(A) Legislative findings. The Village Board makes the following legislative findings relating to sidewalk cafes:

(1) When properly designed and operated, sidewalk cafes can enhance the pedestrian ambiance of the Village by promoting additional activity on public sidewalks and visual interest; enhance the appropriate use of existing public spaces; and increase economic activity in the area.

(2) The establishment of general standards is necessary to protect the public health safety and welfare.

(3) The imposition of permit conditions may be also necessary to protect the public health safety and welfare.

(B) General location. A sidewalk café may only be located along the frontage of the restaurant (see exhibit) but may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access. No portion of a sidewalk café may be located within 5 feet of a curb-cut or a marked pedestrian crosswalk.

(C) Unobstructed sidewalk. The area dedicated or used for the sidewalk café must maintain an unobstructed sidewalk of at least 4 feet. (See exhibit)

(D) Signage. Signs are not allowed in the sidewalk café except as otherwise allowed by the zoning regulations. Table-top menus are not considered signs for the purpose of this part.

(E) Furnishings. The operator must use, and maintain in good repair, safe and sturdy furniture, furnishings, and equipment which enhance the aesthetics of the surrounding area. Umbrellas and a floor covering are not allowed.

(F) Hours. A sidewalk café may only be open during the hours of the principal restaurant, but in no case may the sidewalk café be open from 10:00 pm to 7:00 am.

(G) Music/noise. The sidewalk café area may not have music directed to it from speakers nor may live music take place at the sidewalk café.

(H) Trash removal. The operator must remove all trash from the sidewalk café on a regular basis during business hours and keep the sidewalk café area in a clean, orderly, litter-free and hazard-free condition. The operator must remove litter from the abutting properties that may have come from the sidewalk café. The operator may provide covered trash containers for the customer. The operator may not place trash in any Village trash containers.

(I) Restroom facilities. Facilities within the restaurant must be sufficient to adequately serve the additional seating and capacity provided by the sidewalk café as required by the State of Wisconsin Commercial Building Code.

(J) Non-smoking. Smoking in a sidewalk café is prohibited, pursuant to the authority in § 101.123 (4m), Wis. Stats, and § [REDACTED], municipal code.

(K) Alcohol. Alcohol may not be served or consumed in a sidewalk café .

-- OR --

(K) Alcohol. The operator may sell and serve alcohol in a sidewalk café consistent with the following conditions:

(1) The operator has a valid and appropriate alcohol license for the principal premises.

(2) The alcohol license includes the sidewalk café area in the description of the licensed premises.

(3) The alcohol license permits the sale of the type of alcohol to be served at the sidewalk café.

(4) Alcohol is only sold and served to seated customers of the sidewalk café and are served by the licensee or licensee's employees in compliance with all applicable laws, ordinances, and regulations.

(5) Alcohol may only be served when food service is available through the principal restaurant.

(6) The operator is responsible for policing the sidewalk café area to prevent underage persons from entering or remaining in the sidewalk café, except when underage persons are allowed to be present on the licenses premises under applicable laws.

(7) The operator may not allow patrons of the sidewalk café to bring alcohol from another location, carry open containers of alcohol about in the sidewalk café area, or leave the sidewalk café area with open containers of alcohol.

(8) The bar from which the alcohol is dispensed must be located indoors (i.e., not located in the sidewalk café area).

(9) Alcohol is not allowed between 10:00 pm and 7:00 am.

(L) Insurance. If the sidewalk is within a Village right-of-way, the operator must provide and maintain insurance for the sidewalk café as follows :

(1) Commercial General Liability: \$1,000,000 per occurrence/general aggregate.

(2) Workers Compensation: statutory.

(3) Employers Liability: \$300,000 disease policy limit; \$100,000 per employee.

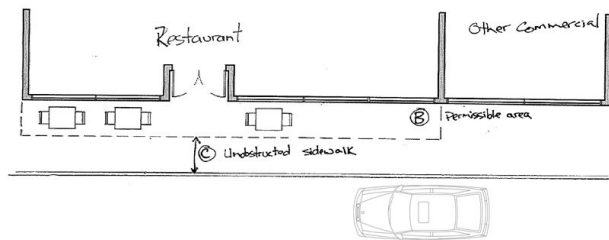
The operator must provide, upon request, policies and endorsements. The policies must be endorsed to name the Village as an additional insured, and must provide that the policies of insurance will not be canceled or altered without 30 days prior written notice to the Village. The insurance requirements are not intended to waive any immunity or statutory procedures that the Village may have or be entitled to under provisions of law.

(M) Indemnification. The operator must sign an indemnification agreement provided by the village attorney prior to operation of the sidewalk café.

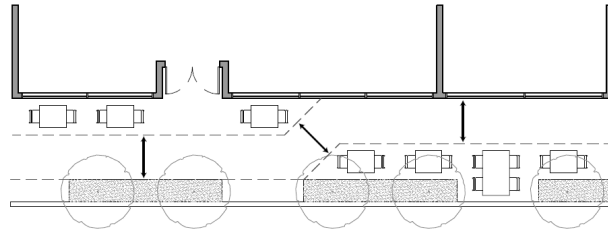
(N) State or county approvals. If a sidewalk café is located in a state or county right-of-way, the operator must also obtain the approval of such jurisdictions as appropriate and comply with any terms and conditions of that approval.

Temporary note: Provisions from consultant - will need to reconcile with village code if any

Two options - In first one, seating is along the wall face.



In the second, seating can be anywhere in sidewalk area as long as its in front of the restaurant and a clear area is maintained for pedestrians. In this instance, both tenant spaces are restaurants.



18.12 Wind test tower (new)

Description: A tower on which equipment is attached that measures parameters needed to assess the site's suitability for a wind energy system.

Supplemental Standards:

Pursuant to § 66.0401 (3), Wis. Stats., there are no standards or requirements for the establishment of a wind test tower or similar testing facility. However, if the Plan Commission and/or Village Board determines that the anticipated or actual testing is detrimental to the public health, safety, or welfare, such bodies may, individually or jointly, submit a written petition to the Wisconsin Public Service Commission requesting the imposition of reasonable restrictions on such use.

Temporary note: From consultant.

18.13 Yard sale

Description: A temporary event where used household items are offered for retail sale. A flea market is not a yard sale.

Note: Also known as garage sale or rummage sale.

Supplemental Standards:

(A) Duration. A yard sale may not exceed 4 consecutive days in length and may not be conducted more often than three times a year.

(B) Reserved

Temporary note: These are all new provisions



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19 Msc

19.01 Common area amenity (new)

Description: Any buildings or other structures located within an outlot of a residential subdivision as approved by the Village as part of the land division process or within a multi-family development project as approved by the Village as part of the site plan process. Examples of such common amenities include clubhouse, picnic shelter, equestrian facilities, and swimming pool and pool cabana.

Vehicle Parking: Determined on a case-by-case basis by the reviewing authority

Appendix B

Non-Residential Use Table (Draft December 22, 2023)

Series	Land Use	Business				Village Center			Industrial			Special Purpose			Secondary Review
		B-1	B-6	B-7	B-8	VC-1	VC-2	VC-3	M-1	M-2	M-4	A-1	P-1	SP-1	
1	Residential														
1.01	Manufactured home park														SPAR,ZP
1.02	Mixed-use housing (new)	C	P	P	P	P	C	C							SPAR,ZP
1.03	Multi-family, 2 units						P	C							ZP
1.04	Multi-family, 3 to 8 units						C								SPAR,ZP
1.05	Multi-family, 9 to 15 units														SPAR,ZP
1.06	Multi-family, more than 15 units														SPAR,ZP
1.07	Single-family dwelling	P				P	P	P				P			ZP
1.08	Townhouse, 2 units						C	C							ZP
1.09	Townhouse, 3 to 8 units						C	C							SPAR,ZP
1.10	Townhouse, 9 to 15 units														SPAR,ZP
1.11	Townhouse, more than 15 units														SPAR,ZP
2	Special Care Facilities														
2.01	Adult care facility, assisted living					P	P	P							SPAR,ZP
2.02	Adult care facility, continuum of care		P	P	P	P	C	C							SPAR,ZP
2.03	Adult care facility, nursing home		P	P	P	P	C	C							SPAR,ZP
2.04	Adult family home						P	P				C			ZP
2.05	Community living arrangement, 8 or fewer residents						P	P				P			ZP
2.06	Community living arrangement, 9 to 15 residents						C	C				C			ZP
2.07	Community living arrangement, more than 15 residents	C	C		C	C	C	C							SPAR,ZP
2.08	Foster home and treatment foster home						P	P				P			ZP
2.09	Group day care center	C	P	C	P	P	C	C							SPAR,ZP
2.10	Group day care center, company (new)			C					C	C	C				SPAR,ZP
2.11	Hospice care center (new)	C	P		C	C	C	C							SPAR,ZP
2.12	Temporary residential shelter					C	C	C							SPAR,ZP
3	General Accommodations														
3.01	Boarding house						C								SPAR,ZP
3.02	Overnight lodging		P	P	P	P	P								SPAR,ZP
4	Food & Beverage Services														
4.01	Banquet hall	C	P	P	P	C									SPAR,ZP
4.02	Craft brewery, winery, distillery (new)		C	C	C	C	C		C	C	C				SPAR,ZP
4.03	Food pantry (new)	C	C			C	C								SPAR,ZP
4.04	Restaurant, fast-food		P	P	P	C									SPAR,ZP
4.05	Restaurant, standard	P	P	P	P	P	P								SPAR,ZP
4.06	Tavern		P	C	P	C									SPAR,ZP
5	Vehicle Rental, Sales, & Service														
5.01	Heavy vehicle sales and service		C	C	C				C	C	C				SPAR,ZP
5.02	Truck stop (new)			C	C										SPAR,ZP
5.03	Truck-trailer rental establishment								P	C	C				SPAR,ZP

Series	Land Use	Business				Village Center			Industrial			Special Purpose			Secondary Review
		B-1	B-6	B-7	B-8	VC-1	VC-2	VC-3	M-1	M-2	M-4	A-1	P-1	SP-1	
5.04	Vehicle fuel station		P	P	P	C	C								SPAR,ZP
5.05	Vehicle repair shop								C	C	C				SPAR,ZP
5.06	Vehicle sales and service		C	C	C										SPAR,ZP
5.07	Vehicle service shop		P	P	P										SPAR,ZP
6 General Sales & Services															
6.01	Administrative services	C	P	P	P	P	P								SPAR,ZP
6.02	Adult-oriented establishment										C				SPAR,ZP
6.03	Body-piercing establishment (new)	C	P	P	P	C	C								SPAR,ZP
6.04	Business incubator (new)		P		C	C	C		C	C	C		C		SPAR,ZP
6.05	Commercial kennel								C	C	C				SPAR,ZP
6.06	Equipment rental, large								C	C	C				SPAR,ZP
6.07	Equipment rental, small	C	P	P	P	C									SPAR,ZP
6.08	Financial services	C	P	P	P	P	P	C							SPAR,ZP
6.09	Funeral establishment	C	P	P	P		C								SPAR,ZP
6.10	Garden or landscaping center		C	C	C				C	C					SPAR,ZP
6.11	General office	C	P	P	P	P	P	C							SPAR,ZP
6.12	General repair	C	P	P	P	C	C								SPAR,ZP
6.13	General retail, 15,000 square feet or less (new)	C	P	P	P	P	P								SPAR,ZP
6.14	General retail, more than 15,000 square feet		C	P	P										SPAR,ZP
6.15	General services	C	P	P	P	P	P								SPAR,ZP
6.16	Instructional studio	C	P	P	P	P	P								SPAR,ZP
6.17	Landscape business								C	C	C				SPAR,ZP
6.18	Personal service														
6.19	Shared-use kitchen	C	P	P	P	P	P								SPAR,ZP
6.20	Tattoo establishment	C	P	P	P	C	C								SPAR,ZP
6.21	Tobacco/vape/smoke store	C	P		P										SPAR,ZP
6.22	Veterinary clinic	C	P	P	P		C								SPAR,ZP
7 Recreation & Entertainment															
7.01	Golf course											C	C		SPAR,ZP
7.02	Indoor entertainment		P	P	P	C	P								SPAR,ZP
7.03	Indoor recreation		P	P	P	P	P								SPAR,ZP
7.04	Indoor shooting range (new)		P	P	P				C	C	C				SPAR,ZP
7.05	Park, community		C	C	C	P	P	P				C	P	P	
7.06	Park, neighborhood	P	P	P	P	P	P	P				P	P		
8 Government & Community Services															
8.01	Animal shelter								C	C	C		C		SPAR,ZP
8.02	Administrative government center	C	P	P	P	P	P		P				P		SPAR,ZP
8.03	Cemetery												C		SPAR,ZP
8.04	Community center	C	C		C	P	P						P		SPAR,ZP
8.05	Community cultural facility	C	P	P	P	P	P								SPAR,ZP
8.06	Community garden (new)	C	C	C	C		C	C				C	C		SPAR,ZP

Series	Land Use	Business				Village Center			Industrial			Special Purpose			Secondary Review
		B-1	B-6	B-7	B-8	VC-1	VC-2	VC-3	M-1	M-2	M-4	A-1	P-1	SP-1	
8.07	Conference - exposition center (new)			C											SPAR,ZP
8.08	Delivery/pickup hub (new)	C	C	C	C				C	C			C		SPAR,ZP
8.09	Health care center		P	P	P										SPAR,ZP
8.10	Health care clinic	C	P	C	P	P	P								SPAR,ZP
8.11	Municipal garage								C	C	C		C		SPAR,ZP
8.12	Public safety facility		C		C		C		C	C	C		C		SPAR,ZP
8.13	Recreation trail (new)	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
8.14	School, K-12		C	C									P		SPAR,ZP
8.15	School, post-secondary		C	P									P		SPAR,ZP
8.16	Worship facility	C	P	P	P	C	C						P		SPAR,ZP
9	Telecommunications & Utilities														
9.01	Public utility office and yard								C	C	C		C		SPAR,ZP
9.02	Solar power plant								C	C	C	C	C		SPAR,ZP
9.03	Stormwater management facility	P	P	P	P	P	P	P	P	P	P	P	P	P	SPAR
9.04	Telecommunication tower and Class 1 collocation	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	TFR	SPAR,ZP
9.05	Telecommunication, Class 2 collocation	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
9.06	Utility installation, major		C						C	C	C	C	C		SPAR,ZP
9.07	Utility installation, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
10	Transportation														
10.01	Park-and-ride lot (new)								C	C	C	C	C		SPAR,ZP
10.02	Passenger terminal		C		C	C	C						C		SPAR,ZP
10.03	Railroad (new)													P	SPAR,ZP
11	Storage & Wholesale Trade														
11.01	Bus storage facility (new)								C	C	C		C		SPAR,ZP
11.02	Multipurpose storage		C												SPAR,ZP
11.03	Personal storage facility								C	C	C				SPAR,ZP
11.04	Truck terminal (new)								P	P	P				SPAR,ZP
11.05	Vehicle storage yard								C	C	C				SPAR,ZP
11.06	Warehouse								P	P	P				SPAR,ZP
12	Industrial & Manufacturing														
12.01	Artisan shop	C				P	C	C							SPAR,ZP
12.02	Construction equipment sales and service (new)								C	C	C				SPAR,ZP
12.03	Contractor yard								P	P	P				SPAR,ZP
12.04	Makers space														
12.05	Manufacturing								P	P	P				SPAR,ZP
13	Solid Waste														
13.01	Composting facility (new)								C	C	C	C			SPAR,ZP
13.02	Recycling center (new)								C	C	C				SPAR,ZP
13.03	Solid waste transfer station (new)								C	C	P				SPAR,ZP
14	Resource-Based Uses														
14.01	General cultivation											P			

Series	Land Use	Business				Village Center			Industrial			Special Purpose			Secondary Review
		B-1	B-6	B-7	B-8	VC-1	VC-2	VC-3	M-1	M-2	M-4	A-1	P-1	SP-1	
14.02	Open land (new)	P	P	P	P	P	P	P	P	P	P	P	P	P	
15	Accessory Uses for All Principal Uses														
15.01	Amateur radio and/or citizens band antenna	P	P	P	P	P	P	P	P	P	P	P	P		ZP
15.02	Exterior communication device (new)	P	P	P	P	P	P	P	P	P	P	P	P	P	
15.03	EV charging facility, 1 to 4 stations (new)	P	P	P	P	P	P	P	P	P	P		P		SPAR,ZP
15.04	EV charging facility, 5 or more stations (new)	C	C	C	C	C	C		P	P	P		P		SPAR,ZP
15.05	Fence, perimeter	P	P	P	P		P	P	P	P	P	P	P		ZP
15.06	Little free library	P	P	P	P	P	P	P	P	P	P	P	P		
15.07	Rain garden	P	P	P	P	P	P	P	P	P	P	P	P	P	
15.08	Solar energy system, building-mounted	P	P	P	P	P	P	P	P	P	P	P	P	P	
15.09	Solar energy system, ground-mounted	P	P	P	P	P	P	P	P	P	P	P	P		ZP
16	Accessory Uses for Residential Uses														
16.01	Accessory building, residential (new)						P	P							ZP
16.02	Accessory dwelling unit (new)					C	C	C							ZP
16.03	Adult family home (accessory) (new)					P	P	P				P			ZP
16.04	Backyard chickens						P	P							ZP
16.05	Bed and breakfast						P	P							ZP
16.06	Bee keeping (new)	P	P	P	P		P	P	P	P	P	P	P		ZP
16.07	Boat dock	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
16.08	Boathouse							P				P			ZP
16.09	Family day care home					P	P	P				P			
16.10	Fence, privacy						P	P							ZP
16.11	Fence, security		C	C	C				P	P	P				ZP
16.12	Fence, sport court						P	P							ZP
16.13	Foster home and treatment foster home (accessory)					P	P	P				P			ZP
16.14	Gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	
16.15	Home occupation					P	P	P				P			ZP
16.16	In-family suite (previously secondary suite)					P	P	P				P			ZP
16.17	Kennel, hobby														ZP
16.18	Kennel, private					P	P	P				P			
16.19	Outdoor fireplace (new)						P	P							ZP
16.20	Patio														
16.21	Pergola	P	P	P	P	P	P	P	P	P	P	P	P		ZP
16.22	Play structure (new)						P	P				P			
16.23	Sport court (new)						P	P							ZP
16.24	Swimming pool						P	P				P			ZP
17	Accessory Uses for Other Principal Uses														
17.01	Accessory building, non-residential		P	P					P	P	P				SPAR,ZP
17.02	Donation drop box (new)	C	P	P	P										ZP
17.03	Drive-up service window (new)	C	P	P	P	C	C								SPAR,ZP
17.04	Outdoor food and beverage service	C	C	P	P	C	C								SPAR,ZP

Series	Land Use	Business				Village Center			Industrial			Special Purpose			Secondary Review
		B-1	B-6	B-7	B-8	VC-1	VC-2	VC-3	M-1	M-2	M-4	A-1	P-1	SP-1	
17.05	Parking lot (on-site)	P	P	P	P	P	P	P	P	P	P				SPAR
17.06	Sales incidental to industrial use (new)								P	P	P				SPAR,ZP
18 Temporary															
18.01	Farmers market		P	P	P	P							P		SPAR,ZP
18.02	Flea market		P	P	P										SPAR,ZP
18.03	Mobile food establishment (new)	C	P	P	P	P	P		P	P	P		P		ZP
18.04	Model home (new)														ZP
18.05	Off-site construction yard (new)								C	C	C		C		SPAR,ZP
18.06	Party tent (new)	P	P	P	P	P	P	P	P	P	P	P	P		
18.07	Portable storage container (new)	P	P	P	P	P	P	P	P	P	P	P	P		
18.08	Roadside stand	P	P	P	P							P			ZP
18.09	Sale of vehicles/recreational equipment						P	P				P			
18.10	Seasonal product sales	C	P		P	C	C					P			ZP
18.11	Sidewalk cafe (new)		C			C									ZP
18.12	Wind test tower (new)	P	P	P	P	P	P	P	P	P	P	P	P	P	ZP
18.13	Yard sale						P	P				P			
19 Msc															
19.01	Common area amenity (new)						P	P							SPAR,ZP

Key for Zoning Districts

R-1 Single-Family Medium Lot Residential
R-2 Single-Family Historical Lot Residential
R-3 Single-Family Small Lot Residential
R-5 Low Density Multi-Family Residential
R-10 Medium Density Multi-Family Residential
R-15 High Density Multi-Family Residential
B-1 Neighborhood Business
B-6 General Commercial
B-7 Planned Business Center
B-8 Planned Business Center -Satellite Lots
VC-1 Village Center Retail
VC-2 Village Center Multi-Purpose Perimeter
VC-3 Village Center Residential Perimeter
A-1 Rural Residential
P-1 Public and Semi-Public
SP-1 Railroad

Key for Primary Reviews

P Permitted subject to any secondary review procedures.
C Conditional use subject to any secondary review procedures. See below if (1) the parcel is nonconforming, (2) a nonconforming use is currently on the parcel, or (3) there is already a conditional use on the parcel.
TFR This use is subject to the review procedures and requirements for Wireless Telecommunication Facilities in Article 5 (Specific Procedural Requirements).

Key for Secondary Reviews

AR Architectural review (SPAR)
SP Site Plan review (SPAR)
ZP Zoning permit

Special Reviews for Certain Conditional Uses

(1) In the event a lot is classified as a nonconforming lot (e.g., lot area, lot width), all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the nature of the nonconformity does not affect the appropriateness of the lot for the conditional use. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation or the Village Board's decision made under this chapter.
(2) In the event a lot has a nonconforming use, all conditional uses are prohibited, unless the Plan Commission determines, on a case-by-case basis, that the nonconforming use and proposed conditional use are compatible. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation or the Village Board's decision made under this chapter.
(3) In the event a lot has an approved conditional use, all conditional uses are prohibited, unless the Plan Commission determines, on a case-by basis, that the existing and proposed conditional uses are compatible. Any such determination in the affirmative shall have no bearing on the Plan Commission's recommendation or the Village Board's decision made under this chapter.

Notes:

- Any use that is not listed is prohibited, as set forth more fully in § 102.
- The Village will consider amendments to this appendix (and other parts of this chapter) consistent with the procedures and requirements for a code amendment in Article 5 (Specific Procedural Requirements).