

Chapter 6 – Use Regulations

6.1 USE CLASSIFICATIONS

6.1.1 General

6.1.1.A Purpose and Applicability

Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Land Use Administrator shall determine whether a specific use shall be deemed to be within one or more use classifications or not within any classification in this title, based on the considerations set forth in Section 6.1.1(E) below. The Land Use Administrator may determine that a specific use shall not be deemed to be within a classification, whether or not named within the classification, if its characteristics are substantially incompatible with those typical of uses named within the classification. The Land Use Administrator's decision may be appealed, as provided by Section 2.3.13.

6.1.1.B Uses Not Classified

Any new use, or any use that cannot be clearly determined to be in an existing use classification, may be incorporated into the zoning regulations by a Code text amendment, as provided by Section 2.3.3.

6.1.1.C Basis for Classifications

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

6.1.1.D Principal Use Characteristics

Principal uses are assigned to the category that most closely describes the nature of the principal use. The "Characteristics" subsection of each use category describes the common characteristics of each principal use.

6.1.1.E Criteria for Categorizing Principal Uses

The following criteria shall be utilized to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

6.1.1.E.1 The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;

6.1.1.E.2 The relative amount of site area or floor space and equipment devoted to the activity;

6.1.1.E.3 Relative amounts of sales from each activity;

6.1.1.E.4 The customer type for each activity;

6.1.1.E.5 The relative number of employees in each activity;

6.1.1.E.6 Hours of operation;

6.1.1.E.7 Building and site arrangement;

6.1.1.E.8 Vehicles used with the activity;

6.1.1.E.9 The relative number of vehicle trips generated by the use;

6.1.1.E.10 Signs;

6.1.1.E.11 How the use advertises itself; and

6.1.1.E.12 Whether the activity is likely to be found independent of the other activities on the site.

6.1.1.F Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

6.1.1.G Accessory Uses

Accessory uses are allowed by-right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

6.1.1.H Use of Examples

The “Examples” subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself “Wholesale Warehouse” but that sells mostly to consumers, is included in the Retail Sales and Service category rather than the Wholesale Sales category, because the actual activity on the site matches the description of the Retail Sales and Service category.

6.1.2 Residential Uses

6.1.2.A Household Living

6.1.2.A.1 Characteristics

Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis.

6.1.2.A.2 Accessory Uses

Accessory uses commonly associated with Household Living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies and parking of the occupants’ vehicles. Home Occupations and Accessory Dwelling Units are accessory uses that are subject to additional regulations (See Section 6.3).

6.1.2.A.3 Examples

Uses include living in single-family dwellings, both detached and attached (e.g., town homes), duplexes, triplexes, fourplexes, and other multi-dwelling structures, retirement center apartments; manufactured housing; mobile home parks and trailer courts (also see Section 6.2.7); and other structures with self-contained dwelling units.

6.1.2.A.4 Exceptions

Lodging in a dwelling unit where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the Visitor Accommodations category.

6.1.2.B Group Living

6.1.2.B.1 Characteristics

Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and care givers may or may not also reside at the site. Also, see Section 6.2.6.

6.1.2.B.2 Accessory Uses

Accessory uses commonly associated with Group Living are recreational facilities and vehicle parking for occupants and staff.

6.1.2.B.3 Examples

The Group Living category includes the following specific uses:

6.1.2.B.3.a Small Group Living Facility

A residence for up to 8 unrelated individuals, none of which are receiving on-site medical or psychological treatment, therapy, counseling, or physical assistance with day-to-day living activities. The restriction to 8 individuals shall include both residents and caretakers, if any.

6.1.2.B.3.b Large Group Living Facility

Any residence for more than 8 unrelated individuals, and any residence for up to 8 unrelated individuals that does not meet the definition of "Seasonal Housing for Farm Workers," "Senior Assisted Living Facility" or "Small Group Living Facility."

6.1.2.B.3.c Nursing Home

Any facility providing a full range of 24-hour direct medical, nursing, and other health services by registered nurses, licensed practical nurses, and nurses aides prescribed by a resident's physician. These facilities are designed for older adults who need health supervision, but not hospitalization. Emphasis is on nursing care, but restorative therapies may be provided. Specialized nursing services such as intravenous feeds or medication, tube feeding, injected medication, daily wound care, rehabilitation services, and monitoring of unstable conditions may also be provided. Surgical and emergency medical care are not allowed.

6.1.2.B.3.d Seasonal Housing for Farm Workers

Temporary residences **occupied for less than 180 days by individual farmworkers or families** participating in the harvesting of agricultural crops.

6.1.2.B.3.e Senior Assisted Living

A residential care facility designed primarily for senior citizens with no serious health problems, but who may have chronic or debilitating conditions requiring assistance with daily activities. Permitted services include but are not limited to staff-supervised meals, housekeeping and personal care, medication supervision, and social activities. Both private and shared sleeping rooms may be provided.

6.1.2.B.3.f Treatment Facilities

Residences for up to 8 persons some or all of whom are receiving on-site medical or psychological treatment.

6.1.2.B.3.g Prisons

Places where persons convicted or accused of crimes are confined.

6.1.2.B.3.h Homeless Shelter - A facility set up to provide for the needs of homeless people; often including shelter, food, sanitation and other forms of support. Permitted services may include but are not limited to staff-supervised meals, housekeeping and personal care, medication supervision, and social activities. Both private and shared sleeping rooms may be provided.

6.1.2.B.4 Exceptions

6.1.2.B.4.a Lodging where tenancy may be arranged for periods of less than 30 days is classified in the Visitor Accommodations category.

6.1.2.B.4.b Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Household Living.

6.1.3 Institutional, Public, and Semi-Public Uses

This classification includes uses of an institutional nature and serving a public need, such as churches, hospitals, schools, libraries, museums, post offices, police and fire stations, public utilities, and other public services.

6.1.3.A Aviation

6.1.3.A.1 Characteristics

Aviation uses include facilities for the landing and takeoff of flying vehicles, including loading and unloading areas and passenger terminals for aircraft. Aviation facilities may be improved or unimproved.

6.1.3.A.2 Accessory Uses

Accessory uses include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities.

6.1.3.A.3 Examples

Examples include airports, seaplane landing basins, and helicopter landing facilities.

6.1.3.A.4 Exceptions

Private airstrips or helicopter landing facilities that are accessory to another use are considered accessory uses.

6.1.3.B Cemetery

6.1.3.B.1 Characteristics

Cemeteries are lands used or intended to be used for the burial of human remains and dedicated for cemetery purposes.

6.1.3.B.2 Accessory Uses

Accessory uses may include parking and offices. Also, cemetery purposes may include columbariums, crematoriums, mausoleums, and mortuaries operated in conjunction with the cemetery.

6.1.3.C Cultural Institution

6.1.3.C.1 Characteristics

Cultural Institutions are public or nonprofit institutions displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences.

6.1.3.C.2 Accessory Uses

Accessory uses may include parking, offices, and storage areas.

6.1.3.C.3 Examples

Examples include libraries, museums, art galleries, and performing arts centers.

6.1.3.D Hospitals

6.1.3.D.1 Characteristics

Hospitals include uses providing medical, surgical, or emergency care to patients and offering overnight care.

6.1.3.D.2 Accessory Uses

Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

6.1.3.D.3 Examples

Examples include medical centers and hospitals.

6.1.3.D.4 Exceptions

6.1.3.D.4.a Medical clinics that provide care where patients are generally not kept overnight are classified as Office, Business and Professional.

6.1.3.D.4.b Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as Treatment Facilities.

6.1.3.E Parks and Open Space

6.1.3.E.1 Characteristics

The Parks and Open Space use category includes public and semi-public uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Private parks and private open space uses are not included within this classification.

6.1.3.E.2 Accessory Uses

Accessory uses may include club houses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking.

6.1.3.E.3 Examples

Examples include fairgrounds, golf courses, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves, and wildlife ponds.

6.1.3.E.4 Exceptions

Golf driving ranges are classified as Recreation and Entertainment, Outdoor.

6.1.3.F Public Assembly Areas

6.1.3.F.1 Characteristics

Public Assembly uses include spaces of a public, nonprofit, or commercial nature for the periodic gathering of large numbers of people for specific events or shows. Activities may be of a spectator nature.

6.1.3.F.2 Accessory Uses

Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities.

6.1.3.F.3 Examples

Examples include community centers, conference centers, convention centers, exhibit halls, stadiums, sports arenas, coliseums, auditoriums, other public assembly areas, and town halls.

6.1.3.F.4 Exceptions

6.1.3.F.4.a Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Visitor Accommodations category.

6.1.3.F.4.b Theaters are classified as Recreation and Entertainment, Indoor.

6.1.3.F.4.c Recreation or entertainment uses conducted on a continuous basis are classified as Indoor or Outdoor Recreation and Entertainment Uses.

6.1.3.G Religious Institutions

6.1.3.G.1 Characteristics

Religious Institutions primarily provide meeting areas for religious activities.

6.1.3.G.2 Accessory Uses

Accessory uses include Sunday school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents.

6.1.3.G.3 Examples

Examples include churches, temples, synagogues and mosques, but not associated schools or day care facilities.

6.1.3.H Safety Services

6.1.3.H.1 Characteristics

Safety Services are uses that protect public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.

6.1.3.H.2 Accessory Uses

Accessory uses include offices and parking.

6.1.3.H.3 Examples

Examples include fire stations, police stations, and emergency medical and ambulance stations.

6.1.3.I Schools

6.1.3.I.1 Characteristics

This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state-mandated basic education.

6.1.3.I.2 Accessory Uses

Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

6.1.3.I.3 Examples

Examples include public and private day-time schools, boarding schools, and military academies.

6.1.3.I.4 Exceptions

6.1.3.I.4.a Preschools are classified as Day Care uses.

6.1.3.I.4.b Business and trade schools are classified as Personal Service.

6.1.3.J Utilities, Basic

6.1.3.J.1 Characteristics

Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have employees at the site. This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, communication signals, or other similar services on a local level. Services may be public or privately provided.

6.1.3.J.2 Accessory Uses

Accessory uses may include control, monitoring, data, or transmission equipment.

6.1.3.J.3 Examples

Utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, cap banks, underground water, sewer lines, and storm sewer pipes and lift stations, natural gas distribution systems and television cables.

6.1.3.J.4 Exceptions

6.1.3.J.4.a Services where people are generally present are classified as Office, Business or Professional, or Safety Services.

6.1.3.J.4.b Utility offices where employees or customers are generally present are classified as Office, Business or Professional.

6.1.3.J.4.c Bus barns are classified as Warehousing and Transportation.

6.1.4 Commercial Uses

6.1.4.A Adult Oriented Establishments

See Section 4.2 - Dodge County, Wisconsin, Overlay District Provisions Regulating Adult Oriented Establishments.

6.1.4.B Animal Sales and Service

6.1.4.B.1 Characteristics

Animal Sales and Service uses involve the selling or boarding of animals on a commercial basis.

6.1.4.B.2 Examples

The Animal Sales and Service category includes the following specific uses.

6.1.4.B.2.a Animal Hospitals and Shelters

Establishments where small animals receive medical and surgical treatment or where animals are confined while awaiting placement. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming of animals is included if incidental to the use.

6.1.4.B.2.b Horse Boarding and Riding Facility

Facilities for the care and exercise of horses and related equestrian activities, including facilities for instruction in horseback riding, including rings, stables and exercise areas.

6.1.4.B.2.c Kennels

Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, and incidental medical care.

6.1.4.B.2.d Pet Shops

6.1.4.B.3 Exception

Veterinary offices are classified as Office, Business and Professional.

6.1.4.C Day Care

6.1.4.C.1 Characteristics

Day Care uses provide care, protection, and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. Also see Section 6.2.5.

6.1.4.C.2 Accessory Uses

Accessory uses include offices, recreation areas, and parking.

6.1.4.C.3 Examples

Day Care includes the following categories.

6.1.4.C.3.a Day Care, General

Non-medical care and supervision of 7 or more persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children and adults.

6.1.4.C.3.b Day Care, Large Family

A state-licensed family care home serving 7 to 12 children at one time where care, protection, and supervision are regularly provided in the caregiver's home for periods of less than 24 hours per day while parents or guardians are away. The number of children served shall include children of the caregiver who are at home.

6.1.4.C.3.c Day Care, Limited

Non-medical care and supervision of 6 or fewer persons on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children and adults.

6.1.4.C.4 Exceptions

Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center, or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

6.1.4.D Eating and Drinking Establishments

6.1.4.D.1 Characteristics

Eating and Drinking Establishments include businesses serving prepared food or beverages for consumption on or off the premises.

6.1.4.D.2 Accessory Uses

Accessory uses may include food preparation areas, offices, and parking.

6.1.4.D.3 Examples

Eating and Drinking Establishments include the following categories.

6.1.4.D.3.a Restaurants

Businesses serving prepared food and non-alcoholic beverages for consumption on or off the premises.

6.1.4.D.3.b Restaurants with Bars

Businesses serving prepared food and beverages, including alcoholic beverages, for consumption on or off the premises.

6.1.4.D.3.c Restaurants with Drive-Through Service

Restaurants that include service from a building to persons in vehicles through an outdoor service window.

6.1.4.D.3.d Taverns

Businesses serving alcoholic beverages for consumption on the premises.

6.1.4.E Financial Institutions

6.1.4.E.1 Characteristics

Establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities. Automatic teller machines may be either principal or accessory uses.

6.1.4.E.2 Accessory Uses

Accessory uses may include automatic teller machines, offices, and parking.

6.1.4.E.3 Examples

Examples include banks, credit unions, and check-cashing centers. Financial Institutions include the following categories:

6.1.4.E.3.a Automatic Teller Machines

6.1.4.E.3.b Financial Institutions with Drive-Through Service

6.1.4.E.3.c Financial Institutions without Drive-Through Service

6.1.4.E.4 Exceptions

Financial Institutions shall not include bail bond brokers.

6.1.4.F Food and Beverage Sales

6.1.4.F.1 Characteristics

Retail sales of food and beverages for off-site preparation and consumption.

6.1.4.F.2 Accessory Uses

Accessory uses may include offices, gasoline sales, parking, and food preparation areas.

6.1.4.F.3 Examples

Typical uses include groceries, beer and liquor stores, delicatessens, convenience stores, fruit and vegetable markets, and roadside stands. Food and Beverage Sales includes the following categories:

6.1.4.F.3.a Food and Beverage Sales with Drive-Through Service.

6.1.4.F.3.b Food and Beverage Sales without Drive-Through Service.

6.1.4.F.4 Exceptions

Establishments at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Eating and Drinking Establishments.

6.1.4.G Landscaping Businesses

6.1.4.G.1 Characteristics

Commercial sale of plants and related lawn and garden materials that normally would include decorative structures and materials, packaged fertilizer, decorative stone, and related materials.

6.1.4.G.2 Accessory Uses

Accessory uses may include offices, outdoor storage yards, equipment storage buildings, and parking.

6.1.4.G.3 Exceptions

Tree and plant nurseries and greenhouses devoted primarily to raising plants rather than on-site retail sales are classified as horticulture.

6.1.4.H Lumberyards and Building Supplies

6.1.4.H.1 Characteristics

This classification includes lumberyards and retailing, wholesaling, or rental of building supplies and equipment. This classification includes tool and equipment sales or rental establishments. Establishments may have indoor or outdoor storage areas.

6.1.4.H.2 Accessory Uses

Accessory uses may include offices, parking, and storage areas.

6.1.4.H.3 Examples

Examples include building supply yards and lumberyards.

6.1.4.H.4 Exception

Establishments exclusively devoted to retail sales of paint and hardware are classified as Retail Sales and Services.

6.1.4.I Office, Business and Professional

6.1.4.I.1 Characteristics

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, insurance, or financial services.

6.1.4.I.2 Accessory Uses

Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

6.1.4.I.3 Examples

Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, insurance agencies, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; veterinary offices; medical and dental clinics and laboratories; and blood-collection facilities.

6.1.4.I.4 Exceptions

6.1.4.I.4.a Offices that are part of and located with a principal use in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.

6.1.4.I.4.b Contractors and others who perform services off-site are included in the Warehousing and Transportation category if equipment and materials are stored on the site and/or fabrication, services, or similar work is carried on at the site.

6.1.4.J Personal Service

6.1.4.J.1 Characteristics

Personal Service businesses provide services of a personal nature.

6.1.4.J.2 Accessory Uses

Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale and parking.

6.1.4.J.3 Examples

Examples may include photographic studios; photocopy and blueprint services; hair cutting and styling, tanning, and personal care services; business, martial arts; dance or music classes; taxidermists; mortuaries; business or trade schools; seamstresses and tailors; shoe repair shops; laundry and dry cleaning drop-off/pick-up facilities (no dry cleaning performed on the premises); and self-service laundries.

6.1.4.K Recreation and Entertainment, Indoor (except Adult)

6.1.4.K.1 Characteristics

Indoor Recreation and Entertainment Businesses provide indoor entertainment activities for consumers.

6.1.4.K.2 Accessory Uses

Accessory uses may include offices, storage of goods, and parking.

6.1.4.K.3 Examples

Examples include bowling alleys, ice rinks, game arcades, pool halls, dance halls, indoor firing ranges, theaters, health clubs, gyms, membership clubs, and lodges.

6.1.4.K.4 Exceptions

Casinos and other gambling, gaming, and wagering establishments are classified as Adult Entertainment.

6.1.4.L Recreation and Entertainment, Outdoor

6.1.4.L.1 Characteristics

Outdoor Recreation and Entertainment uses are generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors, but may take place in a number of structures that are arranged together in an outdoor setting.

6.1.4.L.2 Accessory Uses

Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.

6.1.4.L.3 Examples

Examples include bait shops, boat launches, marinas, riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, golf driving ranges, miniature golf facilities, zoos, outdoor firing ranges, and ski hills and lodges.

6.1.4.L.4 Exceptions

6.1.4.L.4.a Golf courses are classified as Parks and Open Space.

6.1.4.L.4.b Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Public Assembly Areas.

6.1.4.M Retail Sales and Service

6.1.4.M.1 Characteristics

Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public.

6.1.4.M.2 Accessory Uses

Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

6.1.4.M.3 Examples

Examples include stores selling, leasing, or renting consumer, home and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, indoor plants, printed material, stationary and videos; wineries; and auction services.

6.1.4.M.4 Exceptions

6.1.4.M.4.a The sale of animals is classified as Animal Sales and Service.

6.1.4.M.4.b The sale of food or beverages for consumption on the premises is classified as Eating and Drinking Establishments.

6.1.4.M.4.c The sale of food or beverages for consumption off premises is classified as Food and Beverage Sales.

6.1.4.M.4.d The sale of outdoor plantings and related accessory items is classified as Landscaping Businesses.

6.1.4.M.4.e Lumber yards and other building material sales that sell to contractors as well as retail customers are classified as Lumberyards and Building Supplies.

6.1.4.M.4.f Sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles, and heavy trucks and equipment or manufactured housing units are classified as Vehicles and Equipment.

6.1.4.N Service and Repair Businesses

6.1.4.N.1 Characteristics

Service and Repair Businesses provide product repair or services for consumer and business goods.

6.1.4.N.2 Accessory Uses

Accessory uses may include offices, storage of parts or other goods, or manufacture or repackaging of goods for on-site sale and parking.

6.1.4.N.3 Examples

Examples include repair of televisions, bicycles, clocks, watches, shoes, guns, appliances and office equipment; locksmith; and upholsterer.

6.1.4.N.4 Exceptions

Repair and service of consumer motor vehicles, motorcycles, light and medium trucks, and industrial or agricultural vehicles and equipment, is classified as Industrial Service.

6.1.4.O Telecommunications

6.1.4.O.1 Characteristics

Telecommunications facilities include all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission systems.

6.1.4.O.2 Accessory Uses

Accessory uses may include transmitter facility buildings.

6.1.4.O.3 Examples

Examples include broadcast towers, communication towers, point-to-point microwave towers, and all FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

6.1.4.O.4 Exceptions

6.1.4.O.4.a Receive-only antennas and amateur radio facilities that are owned and operated by a federally licensed amateur radio station operator are not included in this category.

6.1.4.O.4.b Radio and television studios are classified as Office, Business and Professional.

6.1.4.O.4.c Radio and television broadcast facilities that are public safety facilities are classified as Utilities, Basic.

6.1.4.P Vehicle and Equipment

6.1.4.P.1 Characteristics

Vehicle and Equipment facilities include a broad range of uses for the sale, rental, and/or maintenance of motor vehicles and related equipment. Large parking areas and outdoor storage areas may be included with these uses.

6.1.4.P.2 Accessory Uses

Accessory uses may include incidental repair and storage, offices, and sales of parts and/or tires.

6.1.4.P.3 Examples

Vehicle and Equipment includes the following categories:

6.1.4.P.3.a Car Wash

Washing, waxing or cleaning of automobiles or similar light vehicles.

6.1.4.P.3.b Commercial Parking Area

Commercial Parking Areas provide parking that is not accessory to a specific use, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking Area. In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

6.1.4.P.3.c Gas Station and Mini-Mart

Any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories; and prepared food and beverages for off-site consumption. Vehicle repairs may be allowed as a conditional use. Body and fender work or repair of heavy trucks or vehicles are excluded from this use classification.

6.1.4.P.3.d Machinery and Equipment Sales and Storage

Outdoor storage areas and/or buildings used for the sale of machinery and equipment used in agriculture, construction, or other occupations. Incidental storage and maintenance may also be provided on site.

6.1.4.P.3.e Mobile Home Sales and Rental

Sale or rental of mobile homes for occupation off-site, including incidental storage and incidental maintenance.

6.1.4.P.3.f Motor Vehicle Sales and Rental

Sale or rental of all-terrain vehicles, automobiles, motorcycles, snowmobiles, trucks, tractors, boats, and similar equipment, including incidental storage and incidental maintenance.

6.1.4.P.3.g Vehicle and Equipment Testing

6.1.4.P.4 Exceptions

Repair and service of vehicles and equipment; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

6.1.4.Q Visitor Accommodation

6.1.4.Q.1 Characteristics

Visitor Accommodation facilities provide lodging where tenancy may be arranged for periods of less than 30 days.

6.1.4.Q.2 Accessory Uses

Accessory uses may include restaurants, offices, parking, and recreational uses, including swimming pools.

6.1.4.Q.3 Examples

Visitor Accommodation includes the following categories.

6.1.4.Q.3.a Bed and Breakfast

A dwelling unit or accessory building within which bedrooms are available for paying guests on a less than monthly basis, the rental of which includes at a minimum a daily breakfast meal provided to the guest by the landlord.

6.1.4.Q.3.b Campground

An area provided for camping in tents, camping vehicles, or recreational vehicles on a less than monthly basis, which may include shower and restroom facilities, outdoor cooking facilities, electrical and water hookups, and recreational facilities. Also see Section 6.2.3.

6.1.4.Q.3.c Hostels

A dwelling unit or accessory building available for paying guests on a less than monthly basis that provides at least sleeping accommodations and sanitary facilities.

6.1.4.Q.3.d Hotels

Establishments offering 10 or more rooms as lodging on a less than weekly basis to guests, with eating and drinking service and a dining room where meals are served. Hotels offer individual lodging for traveling guests, with rooms generally designed for single-family units or business travelers lodging independently, and parking provided in a central location remote from individual rooms. Hotels may include time share projects.

6.1.4.Q.3.e Motels, Resorts, and Tourist Courts

Establishments offering lodging on a less than weekly basis. This classification may include incidental eating or drinking service. This classification provides a land use category for establishments offering individual lodging for traveling guests, with rooms generally designed for single-family units or business travelers lodging independently, and associated parking provided convenient to the room.

6.1.4.Q.3.f Recreational Vehicle Parks

Facilities similar to campgrounds are offered for rent on a less than monthly basis for use by recreational vehicles. Also see Section 6.2.3.

6.1.4.Q.4 Exceptions

6.1.4.Q.4.a Lodging where the residents meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Household Living.

6.1.4.Q.4.b Lodging where the residents do not meet the definition of Household and where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Group Living.

6.1.4.R Wholesale Sales

6.1.4.R.1 Characteristics

Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

6.1.4.R.2 Accessory Uses

Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

6.1.4.R.3 Examples

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food and clothing.

6.1.4.R.4 Exceptions

6.1.4.R.4.a Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales and Services.

6.1.4.R.4.b Firms that are primarily storing goods with little on-site business activity are classified as Warehousing and Transportation.

6.1.4.S Casino or other Gambling, Gaming or Wagering Establishments

6.1.4.S.1 Characteristics

A casino or other gambling, gaming or wagering establishment means any establishment, room or rooms, wherein or whereon gaming is done. Gaming is defined as the dealing, operating, carrying on, conducting, maintaining or exposing for pay of any game. Gambling means to deal, operate, carry on, conduct, maintain, or expose for play any game, sports book, pari-mutuel, or any other form of wagering. This does not include games played in private homes or residences for prizes or games operated by charitable or educational organizations that have been approved by the State.

6.1.4.S.2 Accessory Uses

Accessory uses may include eating and drinking establishments, visitor accommodation facilities, offices, an attached single family residence and parking.

6.1.4.S.3 Examples

Casinos, Horse Racing or Dog Racing Establishments, Gaming Establishments.

6.1.5 Industrial Uses

6.1.5.A Accessory Retail Sales

Factory outlets and similar retail sales outlets to sell products manufactured on the premises are allowed on manufacturers' sites.

6.1.5.B Industrial Service

6.1.5.B.1 Characteristics

Industrial Service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

6.1.5.B.2 Accessory Uses

Accessory activities may include retail sales, offices, parking and storage. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

6.1.5.B.3 Examples

Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; sawmills; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

Industrial Services include the following categories:

6.1.5.B.3.a Agricultural Services

6.1.5.B.3.b Machinery and Equipment Repair

This includes the repair of agricultural and construction equipment, automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping. Generally, the customer does not wait at the site while the service or repair is being performed.

6.1.5.B.3.c Printing and Publishing

6.1.5.B.3.d Propane Gas Distributors

This classification includes outlets for the sale and distribution of gases, including propane.

6.1.5.B.3.e Sawmills

6.1.5.B.4 Exceptions

Contractors and others who perform services off-site are included in the Office, Business and Professional, category, if major equipment and materials are not stored at the site and fabrication or similar work is not carried out on at the site. If major equipment and materials are stored at the site, or fabrication or similar work is carried out on the site, then these uses are categorized in Warehousing and Transportation.

6.1.5.C Manufacturing and Production

6.1.5.C.1 Characteristics

Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included (i.e., establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment). Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

6.1.5.C.2 Accessory Uses

Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

6.1.5.C.3 Examples

Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; electric power generation plants; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.

Manufacturing and Production includes the following categories:

6.1.5.C.3.a Animal Feed Preparation

The manufacturing and processing of food for animals off-premises. Animal feed preparation businesses shall comply with the Operational Compatibility Standards listed in Section 8.5 of this Code.

6.1.5.C.3.b Fertilizer Production

6.1.5.C.3.c Food Processing

6.1.5.C.3.d Manufacturing of Hazardous Materials

6.1.5.C.3.e Manufacturing Other than Conditional Uses in the I-2 District

6.1.5.C.3.f Power Generation and Transmission

Generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, transportation or communication utilities, and similar facilities of commercial or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification. Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines, and gas compressor and transfer stations.

6.1.5.C.4 Exceptions

6.1.5.C.4.a Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales and Services.

6.1.5.C.4.b Manufacture and production of goods from composting organic material is classified as Waste Related uses.

6.1.5.D Resource Extraction and Processing

6.1.5.D.1 Characteristics

Resource extraction and processing includes mining extraction, and/or processing of mineral or aggregate resources from the ground, and the removal of peat or soil, for off-site use.

6.1.5.D.2 Accessory Uses

Accessory uses may include storage, sorting, stockpiling, or transfer off-site of the mined material, and may include concrete batching, crushers and asphalt production.

6.1.5.D.3 Examples

Examples include mining; oil, gas, or geothermal drilling; oil or coal refineries; borrow pits; mineral resource processing; quarrying and mineral extraction; and soil and peat removal.

6.1.5.E Warehousing and Transportation

6.1.5.E.1 Characteristics

Warehousing and Transportation firms are involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

6.1.5.E.2 Accessory Uses

Accessory uses may include offices, truck fleet parking, and maintenance areas.

6.1.5.E.3 Examples

Examples include: contractor's offices and storage yards; feed mills, granaries, and elevators; separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; self-service storage; and the stockpiling of sand, gravel, or other aggregate materials.

Warehousing and Transportation includes the following categories:

6.1.5.E.3.a Contractor's Offices and Storage Yards

6.1.5.E.3.b Feed Mills, Granaries, and Elevators

6.1.5.E.3.c Food Storage Warehouses

6.1.5.E.3.d Freight Yards

6.1.5.E.3.e Outdoor Storage Areas

6.1.5.E.3.f Road Maintenance Equipment Storage

6.1.5.E.3.g Self-Service Storage

Self-service storage uses provide separate storage areas for rent for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property. These uses are also called mini-warehouses. Accessory uses may include living quarters for a resident manager or security and leasing offices.

6.1.5.E.3.h Transportation Terminals

Transportation terminals include passenger terminals for regional bus and rail service, and bus and rail passenger stations for subregional service, such as mass transit stops and park-and-ride facilities. Accessory uses include freight handling areas, concessions, offices, parking, and maintenance and fueling facilities.

6.1.5.E.3.i Trucking Companies

6.1.5.E.3.j Warehousing Except Conditional Uses in the I-2 District

6.1.5.E.4 Exceptions

6.1.5.E.4.a Contractor's offices that do not include storage yards are classified as Offices, Business and Professional.

6.1.5.E.4.b Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste Related uses.

6.1.5.F Waste-Related Use

6.1.5.F.1 Characteristics

Waste-Related uses are those uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste-Related uses also include uses that receive hazardous wastes from others.

6.1.5.F.2 Accessory Uses

Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

6.1.5.F.3 Examples

Examples include land-spreading of waste, sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage treatment plants, brine disposal/storage, recycling collection points, salvage and junk yards, and hazardous-waste collection sites.

6.1.6 Agricultural Uses

6.1.6.A Animal Confinement Facilities

6.1.6.A.1 Characteristics

This classification includes establishments where animals are fed, confined, and maintained, where crops or forage growth is not maintained in the area of confinement, where a majority of the crops or forage used to feed the animals is not grown on the same property. Such uses generate heavy regular truck traffic transporting animals to and from the confinement area. Livestock sales may also occur from the property.

6.1.6.A.2 Accessory Uses

Accessory uses must meet the definition of s. 91.01(1), Stats. and may include offices, parking, and storage areas that are incidental to the agricultural use of the farm.

6.1.6.A.3 Examples

Animal Confinement includes the following categories:

6.1.6.A.3.a General/Animal Confinement Facility

Facilities for the confinement, feeding, and maintenance of large numbers of animals, meeting the definition of Animal Confinement Facility, as defined in Chapter 12.

6.1.6.A.3.b Fur Farms

Facilities for raising or harboring fur-bearing animals for breeding, slaughter, or pelting, as defined in Chapter 12.

6.1.6.A.3.c Stockyards and Livestock Sales

Facilities for the confinement, feeding, maintenance, and sale of livestock.

6.1.6.B Aquatic Species Raising

6.1.6.B.1 Characteristics

This classification includes facilities for procreation and raising of lowland animals, fowl, or fish, or the raising of aquatic plant species, as defined in Chapter 12.

6.1.6.B.2 Accessory Uses

Accessory uses may include cages, pens, processing facilities, parking, and storage areas.

6.1.6.B.3 Examples

Aquatic Species Raising may include the raising of waterfowl, minnows, and other lowland plant and animal species.

6.1.6.B.4 Exceptions

Raising of fur-bearing lowland animal species is considered a fur farm, and classified in the Animal Confinement Facilities category.

6.1.6.C General Farming

6.1.6.C.1 Characteristics

Agriculture includes activities that primarily involve raising, producing, or keeping plants or animals, as defined in Chapter 12.

6.1.6.C.2 Accessory Uses

Accessory uses include dwellings for proprietors and employees of the use, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site.

6.1.6.C.3 Examples

Examples include breeding or raising of fowl or other animals; dairy farms; stables; farming, orchards; vineyards; truck gardening; and forestry.

6.1.6.C.4 Exceptions

6.1.6.C.4.a Processing of animal or plant products are classified as Manufacturing and Production.

6.1.6.C.4.b Plant and tree nurseries and greenhouses are classified as Horticulture.

6.1.6.C.4.c Storage of non-agricultural products is classified as Warehousing and Transportation.

6.1.6.D Harvesting of Wild Crops

6.1.6.D.1 Characteristics

This classification includes the harvesting of plant products that occur naturally on land or water.

6.1.6.D.2 Examples

Harvesting of wild crops may include seeds, nuts, berries, grains, flowers, fungi, and similar products.

6.1.6.D.3 Exceptions

The removal of soil or peat is classified as Resource Extraction and Processing.

6.1.6.E Horticulture

6.1.6.E.1 Characteristics

Horticulture uses include the raising of flowers, ornamental trees, and shrubs as a commercial enterprise, including the storage of nursery equipment and materials and the erection of nursery structures.

6.1.6.E.2 Accessory Uses

Accessory uses may include offices and parking for employees of the use.

6.1.6.E.3 Examples

Typical uses include greenhouses, plant nurseries, and tree nurseries.

6.1.6.E.4 Exception

Plant and tree nurseries that are oriented toward retail sales are classified as Landscaping Businesses.

6.1.6.F Open Space Use

6.1.6.F.1 Characteristics:

This category includes any lot or area of land or water essentially unimproved and used for agricultural use. Typical agricultural open space uses include plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products. The open space use category does not allow for the construction of any principal structures.

6.1.6.F.2 Accessory Uses

Accessory uses include recreational activities that do not require a developed site, including hiking, horseback riding, picnicking, bird watching and bicycling. The open space use category does not allow the construction of accessory structures.

6.1.6.F.3 Exceptions

Soil conservation practices, erosion control structures, diversions and terraces used for erosion control may be included in this category.

6.2 USE STANDARDS

6.2.1 Adult Oriented Establishments

All adult oriented establishments shall be subject to the licensing requirements in the Dodge County, Wisconsin, Overlay District Provisions Regulating Adult Oriented Establishments.

6.2.2 Camping

No lot or parcel of land shall be used for camping unless the owner of the lot or parcel has received the required permits and approvals to allow a campground or recreational vehicle park use on said lot or parcel.

6.2.3 Campgrounds and Recreational Vehicle Parks

All campgrounds or recreational vehicle parks shall be subject to the following standards:

6.2.3.A The minimum size of a campground or recreational vehicle park shall be 5 acres.

6.2.3.B The maximum number of campsites or recreational vehicles shall be 15 per acre.

6.2.3.C Minimum dimensions of a campsite or recreational vehicle site shall be 25 feet wide by 40 feet long.

6.2.3.D Each campsite or recreational vehicle site shall be separated from other recreational vehicle sites or campsites by a yard not less than 15 feet wide.

6.2.3.E There shall be one and one-half automobile parking spaces for each recreational vehicle site and one for each campsite.

6.2.3.F In addition to the dimensional requirements set forth in Chapter 5 of this Code, there shall be a minimum yard setback of 40 feet from all exterior lot lines of the campground or recreational vehicle park.

6.2.3.G The campground or recreational vehicle park shall conform to the requirements of Chapter 178, Wisconsin Administrative Code, as amended.

6.2.3.H The screening provisions for mobile home parks set forth in Section 6.2.7(J) shall be met.

6.2.4 Conditional Commercial Development in the A-2 District

Any commercial development conditionally allowed in the A-2 District shall be subject to the following standards:

6.2.4.A The development shall be appropriately screened from any adjoining road or property.

6.2.4.B Traffic generated, lights, noise, or hours of operation shall not have a significant adverse impact on opposite or abutting property owners.

6.2.5 Day Care Centers

All day care centers shall comply with all applicable County, municipal, and state regulations, including Chapters Comm. 60, and HFS 45 and 46, Wisconsin Administrative Code.

6.2.6 Group Living

All group living facilities shall be subject to the following standards:

6.2.6.A Twenty-four-hour supervision shall be provided by qualified staff at all group living facilities.

6.2.6.B The number of residents occupying a group living facility at any one time, including staff and family of staff, shall not exceed 1 person per 200 square feet of living space.

6.2.6.C All group living facilities shall be located so as to provide convenient access to grocery and other retail stores and other commercial services, public transportation access points, and public recreation facilities.

6.2.6.D If active and continuous operations are not carried on for a period of 12 consecutive months in a group living facility that was approved pursuant to this Code, the group living facility shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use permit.

6.2.6.E Group living structures shall be compatible with the character of the surrounding neighborhood.

6.2.6.F All group living facilities shall comply with all applicable County, municipal, and state regulations, including Chapters HFS 70, 82, 83, and 88, Wisconsin Administrative Code.

6.2.7 Manufactured Home Community

Manufactured Home Communities, are allowed as conditional uses within the R-3 and A-2 districts. In granting a Conditional Use Permit for the development or improvement of a manufactured home community the Committee shall make the following determinations:

6.2.7.A The minimum size of a manufactured home community, shall be 10 acres.

6.2.7.B The maximum number of manufactured homes in a manufactured home community shall be 8 per acre.

6.2.7.C Minimum dimensions of a manufactured home site within a manufactured home community shall be 50 feet wide by 100 feet long. Each site shall be clearly delineated on plans submitted to the department.

6.2.7.D All drives, parking areas, and walkways shall be hard-surfaced.

6.2.7.E In addition to all applicable intensity and dimensional requirements set forth in Chapter 5 of this Code, there shall be a minimum yard setback of 40 feet at all lot lines of the manufactured home community to any structure located within the community.

6.2.7.F A manufactured home community shall conform to the requirements of Chapters SPS 320 and SPS 326 Wisconsin Administrative Code.

6.2.7.G No manufactured home site within a manufactured home community shall be rented for a period of less than 30 days.

6.2.7.H Each manufactured home basic unit shall be located on a site so that there is at least a 10-foot clearance between basic units. A "basic unit" means a manufactured home without a hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.

6.2.7.H.1 No basic unit shall be located closer than 10 feet to any building such as a pump house, the office building for the community, a laundry building or a recreational buildings, except a garage or accessory structure belonging to the site or manufactured home community occupant;

6.2.7.H.2 No basic unit shall be located closer than 10 feet to any street within the community.

6.2.7.I There shall be 2 paved automobile parking spaces for each manufactured home.

6.2.7.J Unless adequately screened by existing vegetative cover, the manufactured home community shall be screened by:

6.2.7.J.1 A temporary planting of fast growing materials capable of reaching a height of 15 feet or more, such as hybrid poplar; and

6.2.7.J.2 A permanent evergreen planting, such as white or Norway Pine, the individual trees to be such in number and so arranged that within 10 years they will have formed a screen equivalent to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

6.2.7.K Streets. Streets shall conform to the minimum widths specified in COMM 26. The streets shall be paved and maintained in good condition and shall be designed in accordance with Town Road Standards.

6.2.7.L Unless otherwise exempted or waived, erosion control plan approval under Section 7.3 of the Code shall be required and all site erosion control provisions of Section 7.9.5 shall apply to the development of a manufactured home community.

6.2.7.M Unless otherwise exempted or waived, stormwater management plan approval under Section 7.9.3 of the Code shall be required and all stormwater management provisions of Section 7.9.6 shall apply to the development of a manufactured home community.

Section 6.2.8 was deleted on June 28, 2010

6.2.9 Residential Development

6.2.9.A Design Standards

The following design standards shall apply to all single-family and two-family dwellings, and all manufactured homes.

6.2.9.A.1 Exterior Materials

All dwellings shall have exterior siding and roofing that, in color, materials, and appearance, is compatible with the predominant materials in use on surrounding dwellings, or, if there is no predominance, is compatible with the exterior siding and roofing material commonly in use on residential dwellings in the community as a whole. The exterior walls of all structures, other than accessory structures, shall have a nonmetallic finish.

6.2.9.A.2 Front Steps

The front steps to all dwellings shall be permanently installed and shall be constructed of concrete, masonry, or wood materials.

6.2.9.A.3 Foundation

A manufactured home used or intended to be used as an individual's place of habitation shall be placed on and shall be anchored or securely attached to an excavated and backfilled foundation that is enclosed by a permanent perimeter enclosure of masonry or concrete wall construction.

6.2.9.A.4 Dwelling Area

A dwelling or manufactured home shall contain a minimum of 400 square feet of dwelling area. The dwelling area for this section shall be calculated using the outside dimensions of the dwelling or manufactured home. A deck or a patio shall not be included in the calculation of dwelling area.

6.2.9.B Front Yards in Residential Districts (Deleted on August 18, 2020)

6.2.9.C Maximum Dwelling Unit Occupancy

Occupancy by persons living as a single household in a dwelling unit shall have a minimum of 150 square feet of gross floor area for each of the first 10 occupants and 300 square feet for each additional occupant to a maximum of 20. In no case shall a dwelling unit be occupied by more than 20 persons.

6.2.9.D Temporary Residential Occupancy During Construction

A legal existing residential structure located on a lot may be temporarily occupied by the owner of the lot during the construction of a new residential structure on the same lot. The temporary residential use of the existing residence shall be discontinued within 1 month of the issuance of a certificate of compliance letter for the new residential structure by the Department and the existing residence shall be removed within 6 months of the issuance of the certificate of compliance letter by the Department. Failure to vacate the existing residence and/or failure to remove the residence within the timelines stated above shall be considered a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.

6.2.10 Deleted on June 16, 2009; (Pond and Wetland Scrape provisions moved to the shoreland overlay district)

6.2.11 Animal Confinement Facilities

In granting a conditional use permit for an animal confinement facility in the A-1 Prime Agriculture and A-2 General Agriculture Zoning Districts the rules, regulations and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 shall apply. All applicable rules, regulations and laws as set forth in Wisconsin Administrative Code Chapter ATCP 51 are hereby adopted by reference and made part of this section as if fully set forth herein.

6.3 ACCESSORY USES AND STRUCTURES

6.3.1. Allowed Uses

Allowed uses and approved conditional uses shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, clearly incidental, and subordinate to, the principal uses allowed in zoning districts. Examples of accessory uses and structures are provided in Section 6.1. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, unless otherwise expressly stated.

6.3.2 Time of Establishment

No accessory use shall be established, and no accessory structures shall be allowed on a subject parcel until all required permits and approvals for the principal use or activity have been obtained and the principal structure is under construction or has been established.

6.3.3 Dimensional and Operational Standards

The standards of this section shall apply in all districts unless otherwise expressly stated.

6.3.3.A Maximum Building Size

All structures, in aggregate, shall not exceed Maximum Lot Coverage's as shown in Table 5.1.1-1. Agricultural buildings shall be exempt from the lot coverage provisions of the Code.

6.3.3.B Height

The maximum height of accessory buildings or structures shall not exceed 20 feet except as allowed under Section 5.1, 5.1.2.N, 5.2.3.H.5 and 5.2.4.

6.3.3.C Setbacks

See Chapter 5, except that private accessory structures that are less than 10 feet in height and contain less than 120 square feet of floor area shall be setback no less than 3 feet from the rear property line when located within the required rear setback area.

6.3.3.D Operation

Accessory structures shall be constructed, maintained, and conducted to avoid production of noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, electrical interference, and glare from artificial illumination or from reflection of natural light.

6.3.3.E Prohibited Uses

6.3.3.E.1 Accessory structures shall not be used for any business, trade or industry unless said use is allowed in the underlying zoning district and all of the required permits and approvals have been obtained to establish and operate said business, trade or industry within said accessory structure.

6.3.3.E.2 Accessory structures shall not be used for human habitation or occupancy and shall not be used as a temporary or permanent residence, lodging facility, boarding quarters, office space or facility, or for temporary or permanent sleeping or living quarters unless said use is allowed in the underlying zoning district and all of the required permits and approvals have been obtained to establish and operate said use within said accessory structure.

6.3.4 Home Occupations

6.3.4.A Where Allowed

Home Occupations that comply with the regulations of this section may be allowed in any zoning district in which residences are allowed if reviewed and approved in accordance with the provisions of this Code. Home Occupations are not allowed in rental quarters.

6.3.4.B Allowed Uses

The regulations of this subsection establish performance standards rather than detailed lists of allowed home occupations. Uses that comply with all of the standards of this subsection will be allowed as home occupations unless they are specifically prohibited.

6.3.4.C Prohibited Uses

6.3.4.C.1 Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts shall be prohibited.

6.3.4.C.2 Home occupations involving farm or domestic animals shall be prohibited.

6.3.4.C.3 Such occupations as barbering, beauty shops, schools, real estate brokerage or photographic studios shall be prohibited.

6.3.4.D Size

No more than 25 percent of the total floor area of the dwelling unit may be used to house a home occupation.

6.3.4.E Employees

No nonresident employees are allowed with a home occupation. For the purpose of this provision, the term “nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

6.3.4.F Resident Operator

The operator of a home occupation shall be a full-time resident of the dwelling unit.

6.3.4.G Retail Sales

Retail sale of goods on the premises shall be prohibited.

6.3.4.H Signs

Home occupations shall be limited to nameplate signs, not exceeding 4 square feet on one side or 8 square feet total.

6.3.4.I Exterior Appearance

Other than the allowed signs, there shall be no visible evidence of the conduct of a home occupation when viewed from the street right-of-way or from an adjacent lot. Home occupations shall not involve any exterior alteration that would affect a substantial change in the residential character of the building.

6.3.4.J Professional Offices

Professional Offices shall be permitted as home occupations only where such office use is conducted solely by a member or members of the occupant family entirely within the residence and incidental to the residential use of the premises.

6.3.4.K Number

No more than one home occupation may be conducted on a single site.

6.3.4.L Off-Street Parking

At least one off-street parking space shall be provided for the home occupation.

6.3.5 Pet and Animal Regulations

6.3.5.A In platted residential subdivisions, no animals other than household pets shall be allowed.

6.3.5.B In all zoning districts, household pets shall be allowed provided that not more than 4 dogs are kept on any one premise, except for an authorized kennel. However, offspring of permitted household pets may be kept and sold from the premises for a period of up to 8 months.

Fencing Requirements for Outdoor Swimming Pools, Spas and Hot Tubs

6.4 Fencing Requirements for Outdoor Swimming Pools, Spas and Hot Tubs

Private outdoor swimming pools, spas and hot tubs shall be enclosed in accord with the fencing requirements of Section 6.4.2 of this Code.

6.4.1 Exception:

Portable swimming pools which are not permanently installed; which do not require water filtration, circulation, and purification; which do not exceed 18 inches in depth; which do not exceed a water surface area of 100 square feet; and which do not require braces or supports, shall not be subject to the pool fencing requirements of Section 6.4.2.

6.4.2 Fencing and Safety Feature Requirements – Swimming Pools, Spas and Hot tubs

The following safety features are required for all private outdoor swimming pools, spas and hot tubs:

6.4.2.1 In the case of an in ground pool, one of the following requirements shall be met:

- a. There shall be erected and maintained a wall or a good quality safety fence not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located, or
- b. A safety pool cover that:
 - 1) Provides a continuous connection between the cover, pool surface and any deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
 - 2) Is mechanically operated so that the cover cannot be drawn open or retracted without the use of a key or switch and key or touch pad with a personal code;
 - 3) Is installed with track, rollers, guards, guides or other accessories in accord with the manufacturers specifications and requirements;
 - 4) Bears an identification tag indicating that the cover satisfies the requirements of ASTM F1346-19 Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot tubs as published by ASTM International.

6.4.2.2 In the case of an above ground pool, one of the following requirements shall be met:

- a. There shall be erected and maintained a good quality safety fence of not less than four feet in height completely surrounding the pool or surrounding the yard in which the pool is located, or
- b. The total wall height of the pool and surrounding deck/railing must be at least six feet above yard grade, or
- c. A locked safety cover that:
 1. Provides a continuous connection between the cover, pool surface and any deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
 2. Is operated so that the cover cannot be opened or retracted without the use of a key or switch and key or touch pad with a personal code;
 3. Is installed with track, rollers, guards, guides or other accessories in accord with the manufacturers specifications and requirements;
 4. Bears an identification tag indicating that the cover satisfies the requirements of ASTM F1346-19 Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot tubs as published by ASTM International.

- 6.4.2.3** In the case of a spa or hot tub, a locked safety cover meeting the applicable state building code requirements or the spa or hot tub must be completely enclosed in a structure with locking windows and doors. The safety cover shall bear an identification tag indicating that the cover satisfies the requirements of ASTM F1346-19 Standards Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot tubs as published by ASTM International.
- 6.4.2.4** In the case of a spa or hot tub, a locked safety cover meeting the applicable state building code requirements or the spa or hot tub must be completely enclosed in a structure with locking windows and doors.
- 6.4.2.5** Safety fencing must be so constructed as not to have voids, holes or openings larger than 1 ¾ inches in any dimension.
- 6.4.2.6** Every gate or other opening in the fence enclosing the pool or yard (including spa and hot tub safety covers) except an opening to the dwelling or other building shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool, spa or hot tub. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate and they shall be kept securely closed at all times when the pool is not in actual use.
- 6.4.3 Location of Outdoor Swimming Pools.** A swimming pool located outside of a building shall be located a minimum of 10 feet from the principal structure, a minimum of 3 feet to any property line, a minimum of 15 feet from any alley line, a minimum of 15 feet from an in ground private onsite wastewater treatment component (i.e. leach field, mound, at-grade component etc.) and in accord with the minimum road setback requirements listed in Table 5.1-1 of the Code. No pool and the area extending 10 feet outside of the pool may be located under any overhead electrical service or power transmission line.
- 6.4.4 Compliance with State and Federal Requirements.** The owner is responsible to locate, construct, operate and maintain all swimming pools, spas and hot tubs in compliance with the applicable State and Federal rules, regulations and requirements. In the event of any conflict between the provisions of this Code and any provision of state or federal law or requirement, rule or regulation, the provision imposing the higher standard or the more restrictive requirement shall be controlling.