



Fox Crossing Community Development Department  
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**VILLAGE OF FOX CROSSING  
PLANNING COMMISSION MEETING  
WEDNESDAY, February 20, 2019 @ 5:15 PM  
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

1. Zoning Ordinance Text Amendments – Articles 3 & 7
2. Rezoning – I-1 (Light Industrial) to M-1 (Mixed-Use) – 1007 Wheeler Rd.

**APPROVAL OF MINUTES – January 16, 2019**

**NEW BUSINESS**

1. Zoning Ordinance Text Amendments – Articles 3 & 7
2. Rezoning – I-1 (Light Industrial) to M-1 (Mixed-Use) – 1007 Wheeler Rd.
3. Jacobsen Meadows 3 Final Plat
4. Extraterritorial Certified Survey Map – Fairview Rd. – Town of Clayton

**OTHER BUSINESS**

1. Development Activity Report

**COMMUNICATIONS**

1. Sustainability Committee Report

**PUBLIC FORUM: Non-Agendized Village Related Matters**

*Pursuant to WI Statutes 19.83(2) & 19.84(2), the public may present matters; however, they cannot be discussed or acted upon. Limited to ten minutes - non-repetitive matters.*

**ADJOURNMENT**

If you have any questions, please call (920) 720-7105 for information. You may also access the staff recommendations on the website, [www.foxcrossingwi.gov](http://www.foxcrossingwi.gov). From the main page, click "Meetings," then "Agendas." The recommendation is posted on the website the Thursday or Friday preceding the Plan Commission meeting.

**PLEASE NOTE:** It is possible that members of and possibly a quorum of Village Board members or other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body other than the governmental body specifically referred to on the agenda above.

The Commission reserves the right to take up any item on the agenda at any time after the meeting commences.

Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Administration Office at (920) 720-7101.

**VILLAGE OF FOX CROSSING  
PLANNING COMMISSION MEETING  
WEDNESDAY, JANUARY 16, 2019 at 5:15 PM  
MUNICIPAL COMPLEX - 2000 MUNICIPAL DRIVE**

**CALL TO ORDER:** Chairperson Jochman called the Planning Commission meeting of January 16, 2019 to order at 5:17 p.m.

**PRESENT:** Chairperson: Chair Dennis Jochman  
Commissioners: Mr. Aaron Sabel, Mr. Tom Young, Mr. Morris Cox, Mr. Michael Scheibe, Ms. Tracy Romzek, Mr. James Zielinski  
Staff: Community Development Director George Dearborn  
Associate Planner Ria Hull

**ALSO PRESENT:** Village Manager Jeffrey Sturgell, Corrie Kovacs, Nilesh Patel, Mitul Patel, Marty Olsen

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARINGS**

**Item 1 - Zoning Ordinance Text Amendments – Articles 7 & 10**

A motion was made by Mr. Cox, seconded by Mr. Sabel, to open the public hearing for the Zoning Ordinance text amendments.

The motion carried – 7-0

Director Dearborn said we are again bringing some minor text amendments to our Zoning Ordinance forward for approval. He said these are amendments that staff have compiled over the past couple of years. Some have been brought to our attention via requests or inquiries from residents or developers and some we have discovered on our own. He summarized the amendments.

A motion was made by Mr. Sabel, seconded by Mr. Scheibe, to close the public hearing for the Zoning Ordinance text amendments.

The motion carried – 7-0

**Item 2 - Conditional Use Permit –Home Occupation – Show How LLC – 2200 Thrush Ln.**

A motion was made by Mr. Cox, seconded by Ms. Romzek, to open the public hearing for the conditional use permit for a home occupation at 2200 Thrush Ln.

The motion carried – 7-0

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Director Dearborn said that the applicant is requesting a Conditional Use Permit for a home business so that she may give music, dance and acting lessons from her home at 2200 Thrush Ln.

A motion was made by Mr. Cox, seconded by Mr. Scheibe, to close the public hearing for the conditional use permit for a home occupation at 2200 Thrush Ln.

The motion carried – 7-0

### **APPROVAL OF MINUTES – December 12, 2018**

A motion was made by Mr. Cox, seconded by Mr. Scheibe, to approve the meeting minutes of December 12, 2018 with corrections.

The motion carried – 7-0

### **NEW BUSINESS**

#### **Item 1 - Zoning Ordinance Text Amendments – Articles 7 & 10**

Director Dearborn said that these changes will go to the Village Board for approval.

A motion was made by Mr. Cox, seconded by Ms. Romzek, to approve the Zoning Ordinance text amendments to Articles 7 and 10 as presented.

Mr. Young asked about why wind turbines were not included in section 12.

Director Dearborn explained that state regulations preempt local regulations when it comes to wind power.

The motion carried 7-0

#### **Item 2 - Conditional Use Permit –Home Occupation – Show How LLC – 2200 Thrush Ln.**

Director Dearborn said that the size, location and zoning of this parcel is appropriate for the proposed use. He said that staff foresee no negative impacts on surrounding properties and no major impact on traffic. He said that staff recommend approval.

A motion was made by Mr. Zielinski, seconded by Ms. Romzek, to approve the conditional use permit for a home occupation, Show How LLC, at 2200 Thrush Ln., with the following conditions, as stated in section 31.7-175 of the Zoning Ordinance:

1. The individual primarily responsible for operation of the major home occupation shall reside in a dwelling unit on the parcel.
2. The space specifically designated for use of the major home occupation shall occupy no more than 25 percent of the total floor area of the dwelling unit.

3. The establishment of a major home occupation does not authorize the property owner to construct a garage or other accessory building that does not otherwise comply with this code.
4. The exterior character of the home shall not be altered to accommodate the use.
5. The number of individuals working on-site shall be limited to those individuals living in the dwelling unit and one individual not living in the dwelling unit.
6. No more than two clients at a time, by appointment only, shall come to the home.
7. On-site retail sale of merchandise is prohibited.
8. A major home occupation shall not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the typical residential use in the zoning district.

Mr. Cox asked if the applicant was okay with the conditions.

Ms. Corrie Kovacs said yes, she is.

Mr. Young said he thinks it is a great small business use.

The motion carried – 7-0

### **Item 3 - Valley Inn Hotel License – New Ownership**

Director Dearborn said that a new owner purchased the hotel and that we need to treat this as an entirely new application. He said staff have had discussions with the new owners about the past issues at the hotel and the owners have said that they want to create a new image for the hotel. He said this application has been reviewed by all Village departments.

Mr. Zielinski asked what the Police Department's view was.

Director Dearborn said that the Police Department was in on the meetings with the owners and that they are confident that the new owners will maintain and improve the hotel. He said if there are issues in the future, the Planning Commission can always review the license again.

Mr. Sabel asked about the list of previous conditions.

Director Dearborn said that we apply all of Chapter 9.13, but the rest of the conditions no longer apply due to the change in ownership.

Mr. Cox asked Mr. Patel if he had reviewed Chapter 9.13.

Mr. Patel said yes, and that he has also had many discussions with staff.

Mr. Zielinski asked if he had had any discussions with a national brand.

Mr. Patel said that they have a franchise agreement with Econolodge.

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Mr. Young and Mr. Sabel both indicated that they appreciated the risk Mr. Patel was taking and that they hoped that the Village and the Patels could work together into the future.

A motion was made by Mr. Cox, seconded by Ms. Romzek, for approval of the new Hotel/Motel License for the Valley Inn, 2000 Holly Rd., for the remainder of licensing year July 1, 2018 to June 30, 2019 with the following conditions:

1. The applicant shall comply with all requirements as specified in section 9.13 Hotels and Motels of the Village of Fox Crossing Municipal Code.

The motion carried – 7-0

## **OTHER BUSINESS**

### **Development Activity Report**

Director Dearborn reviewed 2015-2018 data on values and permit numbers. He said that we were a little slower on the commercial and industrial values this year than last, but that is because the SECURA permit came at the end of 2017. He said he believes this is still the third largest year in terms of values since he has been here.

## **COMMUNICATIONS**

### **Sustainability Committee Report**

Ms. Hull said there are still a few garden plots left at Wittmann Park.

## **PUBLIC FORUM**

Ms. Romzek said that the CB/10 interchange is getting worse. She said we need to look at what to do to prevent traffic from backing up at the lights. She said it will only get worse once SECURA opens.

Director Dearborn said that he agreed, but one issue is that they are state and county roads and we don't have total control over them.

## **ADJOURNMENT:**

A motion was made by Mr. Sabel, seconded by Ms. Romzek, to adjourn.

The motion carried – 7-0

6:10 p.m.

Ria Hull,  
Recording Secretary

# MEMO

**Date:** February 14, 2019  
**To:** Village Planning Commission Members  
**From:** Community Development Department Staff  
**RE:** New Business Item 1 - Zoning Ordinance Text Amendments – Articles 3 & 7

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This is a continuation of the text amendments to our Zoning Ordinance that we began last month. We have two main amendments this month, both being done for the sake of consistency across ordinances. The first is to the definition of overnight lodging. We adjusted the definition to match Chapter 9.13 of the Municipal Code, which states that guests may not rent a room for longer than 60 days within any 6 month period. As it stood, Ch. 9.13 took precedence over the Zoning Ordinance, but we wanted to make them consistent. We then also referenced Ch. 9.13 in Article 7 where it discusses standards for land uses.

The second issue is that of “utility installations.” The ordinance had all utility installations – gas, electric, water, sewer – lumped into one category. The Wisconsin DNR has very specific and very strict regulations related to sanitary sewer utility installations, so putting them all into one category could prove difficult in terms of regulation. What we have done in the definitions in Article 3, is to break sanitary utilities out into its own category. By breaking it out in the definitions section, we were then also able to break it out in Division 7 of Article 7 where it lays out “special standards for principal land uses.” Here we inserted guidelines consistent with the DNR requirements related to separation of land uses. We have many uses listed in Article 7 that have separation requirements (warehouses, truck terminals, salvage yards, etc.), so we thought it appropriate to include these as well. We also inserted the sanitary utilities into the Land Use Matrix, Table 7-1. Again, the main purpose of this amendment is to make our ordinance consistent with DNR regulations.

I have highlighted the changes in yellow on the attached documents to make them easier to find. Insertions are in red text. Deletions have been struck out in black.

### 31.3-02 Land Use Definitions

For the purpose of this chapter, certain land uses are defined below and shall have the meaning ascribed to them. For organizational purposes, similar land uses are grouped together to form a series. The first 16 series are principal land uses, accessory land uses are found in series 17, and temporary land uses are found in series 18.

#### Land Use Series

1. Agriculture	10. Recreation and Entertainment
2. Resource-Based Uses	11. Government and Community Services
3. Residential	12. Telecommunications and Utilities
4. Special Care Facilities	13. Transportation
5. Group Accommodations	14. General Storage
6. Food and Beverage Sales	15. Industrial
7. Vehicle Rental, Sales, and Service	16. Solid Waste
8. General Sales	17. Accessory Uses
9. General Services	18. Temporary Uses

## 1.0 AGRICULTURE

- 1.01 Agriculture-related use A place primarily involved in (1) providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services; (2) storing, processing, or handling raw agricultural commodities; (3) slaughtering livestock; (4) marketing livestock; and/or (5) processing agricultural byproducts or wastes. Examples include (1) a grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms; (2) a dairy plant that processes or handles milk from farms; (3) a meat slaughter establishment; (4) a food processing plant that processes raw agricultural commodities received from farms; (5) a feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms; (6) a communal manure digester, (7) a pelletizing plant, or other facility that processes raw agricultural commodities, by-products, or wastes (received directly from farms) to produce fuel or other products; (8) a sawmill or other facility that processes wood or other forest products received directly from farms; (9) a facility that provides farm inputs such as fertilizer, pesticides, seed, or feed directly to farms; and (10) a facility that is primarily engaged in providing agronomy or veterinary services to farms. The term does not include a sawmill, an ethanol plant, or a bio-diesel plant.
- 1.02 Agriculture, crop 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.
- 1.03 Agriculture, general A place where nursery stock, trees, sod, fruit, vegetables, flowers, agricultural crops and forage, and other plants are primarily grown for commercial purposes and/or livestock is raised



primarily for commercial purposes. Buildings and other structures necessary for the operation are allowed. The term does not include commercial stables.

- 1.04 Greenhouse A place where fruit, vegetables, flowers and other types of plants are grown within an enclosed building for commercial purposes, whether using sunlight or artificial lighting. For the purpose of this definition, a mushroom farm is considered a greenhouse.

## 2.0 RESOURCE-BASED USES

- 2.01 Dam An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal, or powerhouse.

- 2.02 Forestry The harvesting, thinning, and planting of trees and related forest management activities whether for commercial or noncommercial purposes. The term includes temporary skidding yards necessary to store and sort logs harvested on the premises. The term does not include on-site processing and permanent skidding yards.

- 2.03 Hunting preserve A place where the public or those with a membership can, for a fee or other consideration, hunt game animals not confined within a fenced enclosure. This use may include one or more buildings and other structures directly related to operation of this use, such as an office, structures and enclosures for rearing game animals for hunting purposes, and buildings for housing maintenance equipment, supplies, and related materials. The term does not include lands leased for private, individual use.

- 2.04 Nonmetallic mine A place where nonmetallic minerals are removed from the ground by any method for use on-site or off-site. The following activities may be associated with a nonmetallic mine: excavating and transporting nonmetallic minerals, stockpiling of nonmetallic minerals, blending of nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering.

- 2.05 Sewage sludge disposal The application of sewage sludge to a land area for final disposal.

- 2.06 Wildlife park A place where the public can, for a fee or other consideration, view free-roaming wildlife from a motor vehicle. This use may include one or more buildings and other structures directly related to operation of this use, such as an office, structures and enclosures for rearing wild animals, and buildings for housing maintenance equipment, supplies, and related materials.



## 3.0 RESIDENTIAL USES

- 3.01 Manufactured home park A place where 2 or more spaces may be rented or leased for the placement of a mobile home or manufactured home.

- 3.02 Mixed-use housing One or more dwelling units located in a building, commonly on the second floor, that also houses a commercial land use, such as a retail use or a professional office.

- 3.03 Multifamily building, 2 units A building containing 2 dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.



- 3.04 Multifamily building, 3 or more units A building containing 3 or more dwelling units that is situated on one lot. The units may be rented or owned as in a condominium.
- 3.05 Single-family dwelling 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, modular homes, panelized homes, pre-cut homes, and site-built homes, but excludes mobile homes.
- 3.06 Townhouse A building containing 3 or more 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.
- 3.07 Twin home 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.



3.04



3.05

**4.0 SPECIAL CARE FACILITIES**

- 4.01 Adult family home A place licensed by the state under s. 50.033(1m), Wis. Stats.
- 4.02 Community living arrangement Any one of the following facilities (1) residential care centers for children and youth, as defined in s. 48.02(15d), Wis. Stats., operated by a child welfare agency licensed under s. 48.60, Wis. Stats.; (2) group homes for children, as defined in s. 48.02(7), Wis. Stats.; and (3) community-based residential facilities, as defined in s. 50.01(lg), Wis. Stats. The term does not include adult family homes, as defined in s. 50.01, Wis. Stats.
- 4.03 Foster home and treatment foster home 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.
- 4.04 Group day care center 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.
- 4.05 Hospice care center 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.
- 4.06 Nursing home 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



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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.

- 4.07 Retirement home 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 limited on-site commercial and medical facilities for the exclusive use of residents.
- 4.08 Temporary shelter A place where abuse victims or homeless individuals are temporary housed and provided with ancillary services.

## 5.0 GROUP ACCOMMODATIONS

- 5.01 Boardinghouse A place, other than a hotel or restaurant, where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
- 5.02 Campground A place where members of the general public may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes. Accessory uses may include individual cabins, a dwelling unit for the manager of the campground, and one or more buildings to house a laundromat and retail sales for the convenience of campground guests, an office, maintenance equipment, supplies, and related materials.
- 5.03 Group recreation camp A place where members of an association or other similar group, which operates the premises, and their invited guests may set up tents, campers and trailers of all types, and recreational vehicles for camping and sleeping purposes or stay overnight in a lodge, cabin, or other similar accommodation. Accessory uses may include a dwelling unit for the manager of the camp, sleeping accommodations for resident staff, and one or more buildings to house guest services, administrative offices, recreational facilities, maintenance equipment, supplies, and related materials. The term includes youth camps and church camps.
- 5.04 Hotel/Motel see "overnight lodging."
- 5.05 Migrant labor camp Living quarters under the control and supervision of any person for any migrant worker or any other person who is not related by blood, marriage, or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state. The term does not include a premises occupied by the employer as a personal residence and by no more than two migrant workers or any accommodation subject to ch. 50, Wis. Stats.
- 5.06 Overnight lodging A place where individual guest rooms with private bathrooms are offered to transient guests for rent **for no longer than 60 days within any six month period**. 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 extended stay hotels and motels.



- 5.07 **Resort** A place with lodging facilities and on-site amenities primarily intended for the use of overnight guests. Guest rooms may be located in one or more buildings and may include kitchen facilities. In addition to lodging facilities and recreational amenities, such as golf, horseback riding, or lake/beach access, a resort may also include a lodge or other gathering place for guests, dining facilities, administrative facilities, and maintenance and storage facilities.



**6.0 FOOD AND BEVERAGE SALES**

- 6.01 **Brewpub** A place where fermented malt beverages are manufactured and those beverages, along with other beverages and food, are offered for retail sale and on-site consumption.
- 6.02 **Restaurant** A place where food and beverages are offered for retail sale for on-site or off-site consumption, and where the on-site consumption of fermented malt beverages, wine, or liquor, if any, is clearly secondary and subordinate to the sale of food and nonalcoholic beverages. A restaurant may also prepare food as part of a catering business. The term does not include a grocery store with a food service section.
- 6.03 **Tavern** 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 alcoholic beverages. The term includes bars, drinking establishments, sports bar, and lounges.



**7.0 VEHICLE RENTAL, SALES, AND SERVICE**

- 7.01 **Heavy vehicle sales and rental** 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.
- 7.02 **Truck stop** 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.
- 7.03 **Vehicle fuel station** 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.
- 7.04 **Vehicle repair shop** 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. The term includes do-it-yourself





shops where patrons use the facility, tools, and other equipment for a fee and perform the work themselves.

- 7.05 Vehicle sales and rental 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.
- 7.06 Vehicle service shop 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.
- 7.07 Vehicle storage yard A place where impounded motor vehicles are temporarily stored or where damaged motor vehicles are temporarily stored before being 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 not allowed.

## 8.0 GENERAL SALES

8.01 Convenience retail sales A place where a limited product line of frequently needed personal items is offered for retail sale. The term includes convenience stores and small grocery stores.

8.02 General retail sales A place where a diverse product line is offered for retail sale. The term includes grocery stores, retail outlets, comparison shopping stores, full-line department stores, and dollar stores.

8.03 General retail sales, large format (1) A single building that contains more than 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area, (2) two or more buildings with a total of 20,000 gross square feet on a single parcel where the primary tenant occupies 65 percent or more of the gross floor area, or (3) a group of buildings on adjoining lots with more than 20,000 gross square feet of floor where the primary tenant owns the lots and occupies 65 percent or more of the gross floor area. The term does not include a retail store that is part of an industrial building or warehouse when the floor area of such store is less than 20,000 gross square feet.



8.04 Outdoor sales A place where the merchandise offered for sale is primarily displayed outside of a building or other structure. This term does not include those land uses otherwise defined in this section.

## 9.0 GENERAL SERVICES

9.01 Administrative services 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.

9.02 Adult-oriented establishment 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 motion picture theater.

9.03 Body-piercing establishment A place where a licensed body piercer performs body piercing.

9.04 Commercial kennel A place where 5 or more 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 boarding kennels, dog motels, and dog training centers. The term does not include animal hospitals, animal grooming parlors, or pet shops.

9.05 Commercial stable A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides. Nonresidential buildings and other structures, such as barns, stables, riding arenas, and sheds necessary for the operation are allowed.

9.06 Equipment rental, large A place where large equipment that is normally stored out of doors is offered for

- rent. Typical items include modular buildings, trucks and trailers, vertical lifts, skid loaders, forklifts, backhoes, and other types of heavy equipment.
- 9.07 Equipment rental, small A place where small equipment is offered for rent and related supplies are offered for retail sale or rent. Items for rent or sale are stored indoors and may include hand tools, party equipment, and lawn and yard equipment.
- 9.08 Financial services 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. The term does not include automated teller machines, which are considered an accessory use.
- 9.09 Funeral home 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.
- 9.10 General repair A place where consumer goods such as shoes, bicycles, appliances, and business equipment are repaired. The term does not include repair of motor vehicles or industrial equipment.
- 9.11 General services 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, beauty shops, pet grooming shops, photocopying and printing services, linen services, dry cleaning services, and diaper services.
- 9.12 Health care clinic 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.
- 9.13 Health care center 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.
- 9.14 Instructional services A place where instruction, training, or tutelage is offered in such areas as gymnastics, dance, art, music, and martial arts.
- 9.15 Landscape business 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.
- 9.16 Professional services A place where services involving predominantly professional, clerical, or similar operations are performed and where customers may or could come on a regular basis. The term includes law offices, real estate offices, insurance offices, and travel agencies.
- 9.17 Tattoo establishment A place where a licensed tattooist applies a tattoo to another individual.
- 9.18 Veterinary clinic, general A place where medical services for small and large animals, such as horses and livestock, are offered. This use may include office space, medical labs, appurtenant facilities, and indoor and outdoor enclosures for animals under the immediate medical care of a veterinarian.
- 9.19 Veterinary clinic, small animal 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.

## 10.0 RECREATION AND ENTERTAINMENT USES

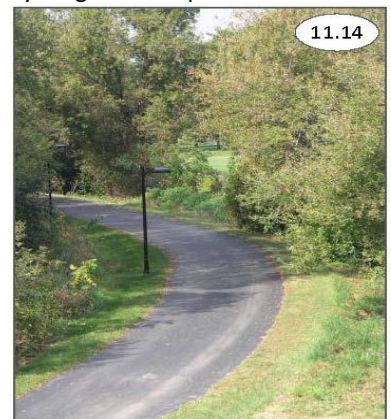
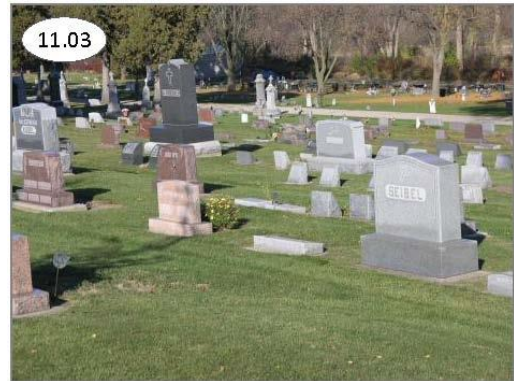
- 10.01 Driving range A place where golfers practice driving golf balls from a fixed central location. This use may include one or more buildings and other structures directly related to the operation of this use, such as an office, snack bar, and buildings for housing maintenance equipment, supplies, and related materials.
- 10.02 Golf course 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.
- 10.03 Indoor entertainment A place where indoor entertainment is offered. The term includes theaters, movie

theaters, dance halls, and theaters for performing arts. The term does not include adult-oriented establishments.

- 10.04 Indoor recreation A place where indoor recreational activities are offered. The term includes bowling alleys, skating rinks, billiard and pool halls, and arcades.
- 10.05 Outdoor entertainment A place where outdoor, spectator-type uses or events are offered. The term includes race tracks, motocross courses, tractor-pulling events, and sports arenas.
- 10.06 Outdoor recreation A place where outdoor recreational activities are offered. The term includes miniature golf, batting cages, water parks, and amusement parks. The term does not include driving ranges and golf courses.
- 10.07 Outdoor shooting range An outdoor area where patrons shoot guns, such as pistols, rifles, and shotguns, and bow and arrows for target practice. The term includes archery ranges, trap and skeet clubs, and target ranges.

## 11.0 GOVERNMENT AND COMMUNITY SERVICES

- 11.01 Administrative government center A place where government employees perform administrative functions on behalf of the public. The term includes administrative offices, post offices, and courthouses.
- 11.02 Animal shelter A place where stray household pets are temporarily housed.
- 11.03 Cemetery A place where human remains may be buried or interned. Accessory uses may include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.
- 11.04 Civic use facility A place where large gatherings of people may assemble for public purposes. The term includes zoos, arenas, stadiums, and fairgrounds.
- 11.05 Community center 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.
- 11.06 Community cultural facility 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.
- 11.07 Community garden 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.
- 11.08 Correctional facility A place where individuals who are serving a comparatively long court-imposed sentence may be housed.
- 11.09 Educational facility, pre-K through 12 A place where primary and secondary educational opportunities are offered. The term includes preschools, elementary schools, junior high schools, and high schools.
- 11.10 Educational facility, post-secondary A place where post-secondary educational opportunities are offered. The term includes colleges, universities, community colleges, and vocational schools.
- 11.11 Maintenance garage A place where a municipal government maintains administrative offices, equipment, and supplies necessary for maintaining public roadways, parks, and other types of public facilities.
- 11.12 Park A place where primarily outdoor recreational activities may occur. A 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. A park may be developed with recreational facilities or undeveloped. The term includes dog parks and neighborhood recreation centers.

- 11.13 Public safety facility 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.
- 11.14 Sidewalk An off-road linear path dedicated to a single recreational use or multiple uses. Examples include walking trails, bike paths, cross-country ski trails, and horse trails.
- 11.15 Unspecified public use A place, whether in public or private ownership, that is used or intended for a public purpose that is not otherwise classified.
- 11.16 Worship facility 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 parsonages, friaries, convents, fellowship halls, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, and health care facilities.



## 12.0 TELECOMMUNICATIONS AND UTILITIES

- 12.01 Solar energy system A free-standing solar energy system that constitutes the principal use of the property. (In contrast see solar energy system, freestanding – series 17.36)
- 12.02 Stormwater management facility A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.
- 12.03 Telecommunication facility, concealed An antenna that a casual observer would consider a part of the structure to which it is attached or made a part of.
- 12.04 Telecommunication facility, unconcealed An antenna that a casual observer would consider a separate and distinct structure that may be mounted on a tower or mounted on the ground.
- 12.05 Utility installation, major A place, building and/or structure, or portion thereof, whether public or private, used or 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 and water towers.
- 12.06 Utility installation, minor 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 17).





12.07 **Utility Installation, major sanitary** A utility installation specifically intended to provide sanitary sewer services, which could potentially have a moderate to high impact on neighboring property. The term includes, but is not limited to, sewage treatment plants, sewage storage tanks and any other above ground sewage collection or treatment facilities.

12.08 **Utility installation, minor sanitary** A utility installation specifically intended to provide sanitary sewer services generally having a low impact on neighboring properties. The term includes, but is not limited to, below ground sewer lift stations.

12.09 **Utility maintenance yard** A place where a public or private entity maintains administrative offices, equipment, and supplies necessary for maintaining the infrastructure it provides.



### 13.0 TRANSPORTATION FACILITIES

13.01 **Airport** A place where airplanes, ultralights, helicopters, or similar aircraft may land and take off. This use may also include facilities for the housing and maintenance of the same and facilities for passenger ticket sales and accessory food service areas primarily intended for pilots and passengers.

13.02 **Bus storage facility** 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.

13.03 **Marina** A place where pleasure watercraft may dock on a temporary or permanent basis, watercraft may be trailered or untrailered, or both, and related services may be provided, such as retail sale of fuel for watercraft and supplies and minor servicing and repair of watercraft. The term does not include boat yards.

13.04 **Mass transit terminal** 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.

13.05 **Off-site parking lot** A place where motor vehicles associated with an offsite use may be parked for a short duration. It may be available to the public or reserved to accommodate parking for a specific purpose.

13.06 **Parking structure** A place where motor vehicles may be parked in a multi-level structure for a short duration. The term does not include underground parking.

13.07 **Park-and-ride lot** A designated place where people can park their motor vehicles for a short duration to board public transportation or to carpool or vanpool.

13.08 **Railroad** A permanent road with rails fixed to ties commonly in one or more pairs of continuous lines forming a track or tracks on which locomotives and cars run for the transportation of passengers and freight. The term does not include properties owned by a railroad





company that are leased for use by others.

13.09 Street A surfaced travelway for motor vehicles that is located within an easement or right-of-way.

#### 14.0 GENERAL STORAGE

14.01 Boat yard A place where watercraft may be kept in dry storage during the off season or while not in use.

14.02 Bulk fuel storage A place where liquid or compressed fuel products may be stored in bulk.

14.03 Personal storage facility A place where individual storage units are offered for rent, lease, sale, or other arrangement. The term includes a tract of land used to store motor vehicles and watercraft.

14.04 Truck terminal A place where goods carried by motor transport are received and temporarily stored until transferred to another truck for delivery.

14.05 Warehouse 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.



## 15.0 INDUSTRIAL USES

- 15.01 Artisan shop 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, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.
- 15.02 Biofuels production plant A facility where alcohol-based fuel products are produced from biomass and other materials. Various types of byproducts may be produced as part of the production process.
- 15.03 Construction equipment repair A place where construction equipment, such as dump trucks, excavators, graders, and scrapers, are typically left overnight for maintenance, service, or repair.
- 15.04 Construction equipment sales and rental 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.
- 15.05 Contractor yard 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.
- 15.06 Industrial, heavy A place where raw materials are processed or refined. The term includes batching plants, sawmills, foundries, and power plants. The term does not include a biofuels production plant which is listed as a separate land use in this series.
- 15.07 Industrial, light A place where finished products or parts from previously prepared materials are manufactured, including processing, fabrication, assembly, treatment, packaging, incidental storage, and administrative offices. The term includes furniture production, metal fabrication, apparel manufacturing, printing, and publishing.
- 15.08 Salvage yard A place where salvage materials, such as scrap metal, rubber tires, and used timber and lumber, may be bought, sold, exchanged, stored, baled, packed, disassembled, or handled. (In contrast, see recycling center)



## 16.0 SOLID WASTE FACILITIES

- 16.01 Composting facility 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.
- 16.02 Recycling center A place where recoverable materials, which have been previously removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products.
- 16.03 Solid waste landfill A place where solid waste from municipal and/or industrial sources may be permanently buried consistent with environmental protection standards. Typically, the solid waste is spread in layers, compacted, and covered with a fresh layer of earth materials each day. The term does not include land application units, surface impoundments, injection wells, or waste piles.
- 16.04 Solid waste transfer station A place where solid waste may be temporary stored prior to transport to a processing plant or to final disposal.

## 17.0 ACCESSORY USES

- 17.01 Adult family home A private residence licensed by the state under s. 50.032(1m), Wis. Stats.
- 17.02 Amateur radio antenna An antenna and related support structure used by a licensed user to send and receive telecommunications for noncommercial purposes.
- 17.03 Automated teller machine An automated device for conducting financial transactions that is accessed from outside of a building.
- 17.04 Backyard chickens A place where chickens are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of a chicken as part of a 4-H or similar educational project shall not be considered a commercial purpose. (Also see household livestock, which is considered a separate and distinct land use)
- 17.05 Beekeeping The keeping of one or more honeybee colonies by a beekeeper.
- 17.06 Bed and breakfast 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.
- 17.07 Boat dock A pier or wharf.
- 17.08 Boathouse A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.
- 17.09 Commercial truck parking The parking of a commercial type vehicle on a residential lot when such vehicle is owned or leased and operated by a person living in the dwelling unit.
- 17.010 Exterior communication device An antenna used to capture wireless telecommunication signals.
- 17.011 Family day care home A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.
- 17.12 Farm storage building A building once used for agricultural purposes in which motor vehicles, construction equipment and vehicles, recreational vehicles, boats, and other related items may be stored. Minor repair and maintenance of those objects in storage is permitted, provided such activity is for noncommercial purposes.
- 17.13 Farmstead retail outlet A place where food products are offered for retail that are predominantly produced on the farm on which it is located. The term includes wine tasting rooms.
- 17.14 Fence A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include wood, concrete, metal, wire, masonry, stacked rocks, or logs.
- 17.15 Foster home and treatment foster home 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.
- 17.16 Garage, nonresidential A building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises.
- 17.17 Garage, off-site A free-standing building intended to house motor vehicles, yard equipment, and household items belonging to the people that own the lot on which it is located.



- 17.18 Garage, residential A building intended to house motor vehicles, yard equipment, and household items belonging to the people occupying the principal residence on the lot. A residential garage may be detached or attached to a building with a residential use. A carport shall be considered to be a residential garage.
- 17.19 Garden A plot for growing fruits, vegetables and flowers.
- 17.20 Greenhouse A building, intended for the propagation of delicate or out-of-season plants, whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated.
- 17.21 Helipad A designated place where helicopters can land and take off, and which has no related support services or facilities.
- 17.22 Home occupation, major An occupation, profession, enterprise, or similar commercial activity that is conducted within a dwelling unit and/or an accessory building and that is compatible in size and scope in a residential setting. Clients may occasionally come to the home, but no more than two clients at a time and by appointment only. The term does not include hobbies or similar noncommercial activities.
- 17.23 Home occupation, minor An occupation, profession, enterprise, or similar commercial activity that is conducted entirely within a dwelling unit and that is compatible in size and scope in a residential setting. A minor home occupation does not entail clients coming to the home. The term does not include hobbies or similar noncommercial activities.
- 17.24 Hot tub An outdoor warm water reservoir usually with hydro-massage jets. A hot tub may be built in or portable.
- 17.25 Household livestock A place where livestock are kept for the use and enjoyment of those living on the premises, but not for commercial purposes. The sale of an animal as part of a 4-H or similar educational project shall not be considered a commercial purpose. (Also see backyard chickens, which is considered a separate and distinct land use)
- 17.26 Indoor sales incidental to light industrial use A place where items manufactured on site are offered as a subordinate use to the manufacturing operation.
- 17.27 Light industrial use incidental to indoor sales A place where light repairs are made to products that are offered for retail or wholesale sale.
- 17.28 Outdoor display incidental to indoor sales A place where a limited line of merchandise is displayed outside of a retail sales business over an extended period of time. Sales agents are not assigned to assist customers here and sales transactions occur inside the building.
- 17.29 Outdoor food and beverage service An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can consume food and drink.
- 17.30 Outdoor furnace An apparatus designed to burn solid or liquid combustible materials (e.g., corn, ear corn, wood, wood pellets, coal, and fuel oil) to produce heat and/or hot water for a building in which it is not located.
- 17.31 Parking lot (on-site) A parking lot located entirely on the parcel it is intended to serve.
- 17.32 Play structure A playhouse and recreational equipment, such as swings, slides, basketball hoops, and



jungle gyms, normally found in a residential setting.

17.33 Pond Man-made body of water exceeding 100 sq. ft. that is not required for the purposes of stormwater management.

17.34 Service window, drive-up An opening in a building through which patrons are served while remaining in a motor vehicle.

17.35 Service window, walk-up An opening in a building through which patrons are served while standing outside of the building.

17.36 Solar energy system, building-mounted An installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.

17.37 Solar energy system, free-standing An installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building. (In contrast see solar energy system – series 12.01)

17.38 Solar panel A panel consisting of equipment that converts light from the sun into electricity or which heats water using the light from the sun.





- 17.39 Storage container An enclosed metal container exceeding 900 cubic feet typically used to temporarily store merchandise.
- 17.40 Swimming pool A structure, as defined by Town of Menasha Municipal Code Ch. 13.49(1), that is placed on the ground surface or below-ground that is filled with water or capable of being filled with water for swimming.
- 17.41 Temporary shelter A place where abuse victims or homeless individuals are temporarily housed and provided with ancillary services.
- 17.42 Utility cabinet A ground-mounted pedestal, junction box, cabinet, or similar feature that a service provider uses to provide telephone, electric, natural gas, cable television, cable Internet, or similar public service. A utility cabinet may be located within a public right-of-way or on private property.
- 17.43 Yard shed An accessory building designed to store yard furniture and tools, equipment, and supplies normally associated with lawn and garden care.

**18.0 TEMPORARY USES**



- 18.01 Agricultural product sales, off-site A place where agricultural products not produced on the premises are offered for sale at retail.
- 18.02 Agricultural product sales, on-site A place where agricultural products produced exclusively on the premises are offered for sale at retail.
- 18.03 Earth materials stockpile A place where an earth material, such as topsoil and gravel, derived from an on-site land development project, is piled and temporarily stored until taken to an off-site location.
- 18.04 Farmer's market A place where agricultural producers gather on a regular basis to offer their agricultural products directly to retail consumers.
- 18.05 General outdoor sales An outdoor area where merchandise is displayed for retail sales over a limited duration. The merchandise may be offered by one or more vendors and be displayed out of doors and/or within a nonpermanent structure, such as a trailer or tent. The term includes flea markets and bazaars. The term does not include seasonal product sales, rummage sales, agricultural product sales, or farmer markets.

- 18.06 Model home A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.
- 18.07 Off-site construction yard 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).
- 18.08 On-site construction office A portable building or enclosed trailer temporarily placed on a construction site for use by the contractor as a field office.
- 18.09 On-site construction yard A place where construction materials, equipment, and the like may be stored, prepped, or staged for an on-site construction project.
- 18.10 Portable storage container An enclosed metal container that is used to temporarily store household items and similar goods.
- 18.11 Relocatable building A portable building or enclosed trailer temporarily placed on a parcel that may be used in conjunction with the principal use of the property. For example, relocatable buildings are used to house students during a construction project or accommodate enrollment in excess of the principal building's design capacity. A mobile home or manufactured home is not considered a relocatable building.
- 18.12 Seasonal product sales 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.
- 18.13 Snow disposal site A place where snow that accumulates on another site is stored and allowed to naturally melt.
- 18.14 Wind test tower A tower on which equipment is attached that measures parameters needed to assess the site's suitability for a wind energy system.
- 18.15 Yard sale A temporary event where used household items are offered for sale.



- (3) **Placement of doors on a single-loaded building.** When a personal storage facility is single-loaded (i.e., cubicle doors only on one side), the cubicle doors shall not face the outer perimeter of the site.
- (4) **Exterior material.** At least 40 percent of the wall surface facing toward the outer perimeter of the site shall be brick, natural or cultured stone, decorative concrete block (e.g., ground face or split face), stucco, or a combination thereof.

**DIVISION 7**  
**SPECIAL STANDARDS FOR PRINCIPAL LAND USES**  
 (Series 1 to 16 in Land Use Matrix)

**Sections**

<p><b>Series 1. Agricultural Uses</b></p> <p>31.7-36 Agriculture-related uses            31.7-37 Agriculture, crop            31.7-38 Agriculture, general</p> <p><b>Series 2. Resource-Based Uses</b></p> <p>31.7-40 Dam            31.7-41 Forestry            31.7-42 Hunting preserve            31.7-43 Sewage sludge disposal            31.7-44 Wildlife park</p> <p><b>Series 3. Residential Uses</b></p> <p>31.7-45 Mixed-use housing            31.7-46 Mobile home park            31.7-47 Multifamily building, 2 units            31.7-48 Multifamily building, 3 or more units            31.7-49 Single-family dwelling            31.7-50 Townhouse            31.7-51 Twin home</p> <p><b>Series 4. Special Care Facilities</b></p> <p>31.7-52 Adult family home            31.7-53 Community living arrangement            31.7-54 Foster home and treatment foster home            31.7-55 Group day care center            31.7-56 Hospice care center            31.7-57 Nursing home            31.7-58 Retirement home            31.7-59 Temporary shelter</p> <p><b>Series 5. Group Accommodations</b></p> <p>31.7-60 Boardinghouse            31.7-61 Campground            31.7-62 Group recreation camp            31.7-63 Migrant labor camp            31.7-64 Overnight lodging            31.7-65 Resort</p> <p><b>Series 6. Food and Beverage Sales</b></p> <p>31.7-66 Brewpub            31.7-67 Restaurant            31.7-68 Tavern</p>	<p><b>Series 7. Vehicle Rental, Sales and Services</b></p> <p>31.7-69 Heavy vehicle sales and rental            31.7-70 Truck stop            31.7-71 Vehicle fuel station            31.7-72 Vehicle repair shop            31.7-73 Vehicle sales and rental            31.7-74 Vehicle service shop            31.7-75 Vehicle storage yard</p> <p><b>Series 8. General Sales</b></p> <p>31.7-76 Convenience retail sales            31.7-77 General retail sales            31.7-78 General retail sales, large format            31.7-79 Outdoor sales</p> <p><b>Series 9. General Services</b></p> <p>31.7-80 Administrative services            31.7-81 Adult-oriented establishment            31.7-82 Body-piercing establishment            31.7-83 Commercial kennel            31.7-84 Commercial stable            31.7-85 Equipment rental, large            31.7-86 Equipment rental, small            31.7-87 Financial services            31.7-88 Funeral home            31.7-89 General repair            31.7-90 General services            31.7-91 Health care clinic            31.7-92 Health care center            31.7-93 Instructional services            31.7-94 Landscape business            31.7-95 Professional services            31.7-96 Tattoo establishment            31.7-97 Veterinary clinic, general            31.7-98 Veterinary clinic, small animal</p> <p><b>Series 10. Recreation and Entertainment</b></p> <p>31.7-99 Driving range            31.7-100 Golf course            31.7-101 Indoor entertainment            31.7-102 Indoor recreation            31.7-103 Outdoor entertainment            31.7-104 Outdoor recreation            31.7-105 Outdoor shooting range</p>
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**Series 11. Government and Community Services**

- 31.7-106 Administrative government center
- 31.7-107 Animal shelter
- 31.7-108 Cemetery
- 31.7-109 Civic use facility
- 31.7-110 Community center
- 31.7-111 Community cultural facility
- 31.7-112 Community garden
- 31.7-113 Correctional facility
- 31.7-114 Educational facility, pre-K through 12
- 31.7-115 Educational facility, post-secondary
- 31.7-116 Maintenance garage
- 31.7-117 Park
- 31.7-118 Public safety facility
- 31.7-119 Recreation trail
- 31.7-120 Unspecified public use
- 31.7-121 Worship facility

**Series 12. Telecommunications and Utilities**

- 31.7-122 Solar energy system
- 31.7-123 Stormwater facility
- 31.7-124 Telecommunication facility, concealed
- 31.7-125 Telecommunication facility, unconcealed
- 31.7-126 Utility installation, major
- 31.7-127 Utility installation, minor
- 31.7-128 Utility installation, major sanitary
- 31.7-129 Utility installation, minor sanitary
- 31.7-130 Utility maintenance yard

**Series 13. Transportation Facilities**

- 31.7-129 Airport
- 31.7-130 Bus storage facility
- 31.7-131 Marina
- 31.7-132 Mass transit terminal
- 31.7-133 Off-site parking lot
- 31.7-134 Parking structure
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**Series 14. General Storage**

- 31.7-138 Boat yard
- 31.7-139 Bulk fuel storage
- 31.7-140 Personal storage facility
- 31.7-141 Truck terminal
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**Series 15. Industrial Uses**

- 23.7-143 Artisan shop
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- 23.7-145 Biofuels production plant
- 23.7-146 Construction equipment sales and rental
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- 23.7-148 Contractor yard
- 23.7-149 Industrial, heavy
- 23.7-150 Industrial, light
- 23.7-151 Nonmetallic mining
- 23.7-152 Salvage yard

**Series 16. Solid Waste Facilities**

- 31.7-153 Composting facility
- 31.7-154 Recycling center
- 31.7-155 Solid waste landfill
- 31.7-156 Solid waste transfer station

**Series 1. Agricultural Uses****31.7-36 Agriculture-related use**

- (a) **Generally.** Such use shall not be located in, or adjacent to, an existing or platted residential subdivision. If such use is established prior to March 31, 2013, the adjoining lands may be platted for residential subdivisions after that date.
- (b) **Long-term use.** This use shall be located in an area that is planned to remain commercially viable for agricultural land uses over the long term.
- (c) **Setbacks.** All buildings, structures, and outdoor storage areas shall be located at least 100 feet from all side and rear property boundary lines.

**31.7-37 Agriculture, crop**

- (a) **Setbacks.** The raising of crops may occur within the setback of a street yard, side yard, and rear yard.
- (b) **Buildings.** Buildings related to the raising of crops are only allowed in an agricultural zoning district.

**31.7-38 Agriculture, general**

- (a) **Legislative findings.** The Village Board of Trustees makes the following legislative findings regarding large-scale animal

agriculture:

- (1) The state legislature adopted s. 93.90, Wis. Stats., (Livestock Facility Siting Law) to govern livestock facilities, which is implemented by administrative rule under ch. ATCP 51, Wis. Admin. Code.
  - (2) The Livestock Facility Siting Law allows local jurisdictions to review livestock facilities with 500 animal units or more as a conditional use.
- (b) **Standards for livestock facilities with fewer than 500 animal units.** There are no special standards that apply to general agriculture with fewer than 500 animal units.
- (c) **Standards for livestock facilities with 500 animal units or more.** A livestock facility with 500 animal units or more shall comply with the following requirements.
- (1) **Minimum lot area.** The facility shall only occur on a parcel of land that is 40 acres or larger. Once this use is established, the parcel shall not be made smaller through a property boundary line relocation or other means, except as may be approved by the Planning Commission.
  - (2) **Road access.** Primary access to this use shall occur off of a road classified as a County trunk highway or state highway, unless otherwise prohibited.
  - (3) **Location of livestock structures.** A livestock structure approved after March 31, 2013, except for livestock waste storage structures, shall be located at least 100 feet from a public road right-of-way and 150 feet from a property boundary line, other than for a public road right-of-way.
  - (4) **Location of livestock waste storage structures.** A livestock waste storage structure approved after March 31, 2013, shall be located at least 350 feet from a property boundary. If any portion of an existing structure is closer than 350 feet from a property boundary line, such structure may be expanded, provided the expansion is not located any closer to the property boundary line than the existing structure. A single new livestock waste storage structure may be constructed closer than 350 feet if such structure (1) is located on the same tax parcel as a livestock waste storage structure in existence before May 1, 2006, (2) is not larger than the existing structure, (3) is no further than 50 feet from the existing structure, and (4) is no closer to the property boundary line than the existing structure. An existing structure that does not meet the setback standards in this subsection may be expanded provided such expansion is not located any closer to the property boundary line than the existing structure.
  - (5) **Wells.** All water wells located within a livestock facility shall comply with chs. NR 811 and 812, Wis. Admin. Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in chs. NR 811 and 812, Wis. Admin. Code, regardless of whether the livestock facility operator owns the land on which the wells are located. A livestock structure in existence on May 1, 2006 may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

## Series 2. Resource-Based Uses

### 31.7-40 Dam

- (a) **State and federal compliance.** A dam constructed after March 31, 2013, shall comply with all state and federal rules and regulations.
- (b) **Removal.** A dam may be removed, provided the standards and requirements of ch. 31, Wis. Stats., are met.
- (c) **Safety.** The owner of the dam shall comply with the safety measures required in s. NR 33.07(3), Wis. Admin. Code.
- (d) **Unsafe conditions.** If the Zoning Administrator determines that a dam is unsafe or otherwise defective, the Administrator shall follow the procedure outlined in article 6 of this chapter relating to unsafe conditions.
- (e) **Termination of use.** If the Zoning Administrator determines that a dam has not been operational for a continuous period of 12 months, the Administrator shall follow the procedure outlined in article 6 of this chapter relating to the termination of an approval.

### 31.7-41 Forestry

- (a) **Removal of trees and shrubs within a buffer yard.** Trees and shrubs within a required buffer yard shall not be removed, except as follows:
  - (1) A dead or dying tree or shrub may be removed.
  - (2) An invasive tree or shrub may be removed.If a tree or shrub is removed and the tree or shrub is counted towards meeting a landscaping requirement contained in this chapter, a new plant shall be planted in the buffer yard to compensate for the loss.
- (b) **Removal of a tree or shrub within a defined open space area.** Trees and shrubs within an area set aside as open space shall not be removed except as follows:
  - (1) A dead or dying tree or shrub may be removed.
  - (2) An invasive tree or shrub may be removed.
  - (3) The removal of trees and shrubs is done consistent with a landscape management plan as prepared by a registered landscape architect, an arborist, or a forester and as approved by the Zoning Administrator.

### 31.7-42 Hunting preserve

No special standards apply to hunting preserves.

### 31.7-43 Sewage sludge disposal

The land application of sewage sludge shall comply with s. 283.82, Wis. Stats.; ch. NR 204, Wis. Admin. Code; and other applicable rules and regulations administered by the Wisconsin Department of Natural Resources.

### 31.7-44 Wildlife park

No special standards apply to wildlife parks.

<b>Series 3. Residential Uses</b>
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### 31.7-45 Mixed-use housing

No special standards apply to mixed-use housing.

### 31.7-46 Manufactured/Mobile home park

- (a) **Minimum size.** The minimum size of a manufactured/mobile home park established after March 31, 2013 shall be 20 acres.
- (b) **Uses.** A recreational vehicle shall not be used for dwelling purposes. The following are permitted uses:
  - (1) one mobile home or manufactured home per designated space;
  - (2) one single-family dwelling for the park operator or caretaker;
  - (3) one or more community safe rooms;
  - (4) service buildings, such as administrative offices, laundromats, and recreational buildings, provided that such uses are subordinate to the residential character of the park and are intended for use primarily by park residents;
  - (5) accessory structures, such as storage sheds, porches, garages, and carports as may be approved by the park operator, provided minimum setback requirements to the perimeter are maintained; and
  - (6) one or more play areas for children.
- (c) **Density.** The maximum density shall be 8 spaces per gross acre.
- (d) **Park access.** The entrance to the manufactured/mobile home park shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent roads. Each access to the development shall be off of a road classified as a minor arterial, major collector, or minor collector as depicted on the zoning map or a supplemental map.
- (e) **Interior access.** Access to each manufactured/mobile home space shall be off of a paved private street internal to the project.
- (f) **Walkways.** Pedestrian walkways shall be provided in the area around service buildings, along major streets, and in other locations of anticipated heavy foot traffic. Walkways shall be at least 4 feet wide and hard-surfaced. In addition, each manufactured/mobile home stand shall be provided with a walkway from the stand to the street or parking space.
- (g) **Manufactured/mobile home space.** An individual manufactured/mobile home space shall contain at least 3,000 square feet and shall have a minimum width, at the narrowest point, of 45 feet. The limits of each manufactured/mobile home space shall be clearly marked on the ground. Considering the orientation of principal windows in manufactured/mobile homes, manufactured/mobile home spaces should be arranged diagonally to the street (30 degrees from perpendicular).
- (h) **Identification of manufactured/mobile home spaces.** Each manufactured/mobile home shall be clearly identified in a uniform manner with a unique number or other approved designation for fire and police services. Such number or other approved designation shall be filed with the appropriate authorities by the licensee.
- (i) **Manufactured/mobile home pad.** Within each designated manufactured/mobile home space, a manufactured/mobile home pad with minimum dimensions of 17 feet by 70 feet shall be provided for the placement of the manufactured/mobile home. The pad shall be hard surfaced with asphalt, concrete, or similar material and provide adequate drainage and support against settling and frost heave. It shall be equipped with tie downs and anchors to secure the manufactured/mobile home against winds.
- (j) **Required separation between manufactured/mobile homes.** Manufactured/mobile homes shall be separated from each other and from other buildings and structures by at least 10 feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the manufactured/mobile home shall, for purposes of separation requirements, be considered a part of the manufactured/mobile home. The basic unit shall not occupy in excess of one fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one-half of the area of the lot.
- (k) **Setback and buffer strips.** Each manufactured/mobile home shall be located at least 5 feet from any manufactured/mobile home lot line. There shall be a minimum setback of the manufactured/mobile home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All manufactured/mobile homes shall be located at

least 25 feet from the perimeter of the site. Accessory buildings shall be located at least 10 feet from the perimeter of the site.

- (l) **Drainage and landscaping.** The ground surface shall be graded and equipped to drain all surface water in a safe, efficient manner away from the manufactured/mobile home pad. Except for the manufactured/mobile home pad and other hard-surfaced areas, manufactured/mobile home spaces shall be sodded or seeded or otherwise landscaped.
- (m) **Skirting.** Each manufactured/mobile home shall be skirted within 30 days of placement on the pad.
- (n) **Mail delivery.** An off-street area for central mail delivery shall be provided.
- (o) **Solid waste collection.** If the solid waste service provider does not provide individual pickup, a dumpster enclosure of sufficient size shall be provided.
- (p) **Common storage area for residents.** An open, well-drained, dust-free storage area for the parking of boats, trailers, and outside vehicles owned by those living in the manufactured/mobile home park shall be provided. The minimum size of such area shall be 100 square feet per manufactured/mobile home space. The storage area shall be fenced to prevent access from outside the park.
- (q) **Recreation area.** A manufactured/mobile home park shall contain a recreation area consisting of one-half acre for each 100 manufactured/mobile home spaces. The minimum area in a park shall be 0.2 acres. Such area shall be located in a central area of the manufactured/mobile home park.
- (r) **Utilities.** Utilities, including electrical, television, and telephone services, shall be placed underground.
- (s) **Lighting.** Street lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night and shall be effectively related to buildings, trees, walks, steps, and ramps.
- (t) **Fire hydrants.** Fire hydrants shall be installed as required by the fire department serving the subject property.
- (u) **Sanitation.** All appropriate State, County, and County sanitation regulations shall be strictly observed.
- (v) **Continuing maintenance.** The owner of the manufactured/mobile home park shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.
- (w) **Community safe room.** A new manufactured/mobile home park that contains 20 or more manufactured/mobile home spaces and existing manufactured/mobile home parks that expand the number of spaces to 20 or more spaces shall provide and maintain an on-site community safe room for the use of park residents during wind-related storm events. The shelter shall meet applicable building codes and shall comply with the design and construction guidance as contained in *Design and Construction Guidance for Community Safe Rooms* (FEMA 361, second edition), or later edition, as published by the Federal Emergency Management Agency, U.S. Department of Homeland Security.
- (x) **Local license.** Prior to the establishment of a manufactured/mobile home park, the operator shall obtain a license from the Village of Fox Crossing pursuant to ch. 11, Mobile Home Parks, Mobile Homes and Recreational Campers, and maintain such license for the life of the use or until the Town no longer requires such license.

#### **31.7-47 Multifamily building, 2 units**

- (a) **Number of principal buildings per parcel.** More than one multifamily building with 2 dwelling units may be located on a parcel of land, provided the district standards are maintained.
- (b) **Design and construction.** A multifamily building with 2 dwelling units shall meet the design and construction standards for a single-family dwelling under s. 31.7-48(c).

#### **31.7-48 Multifamily building, 3 or more units**

- (a) **Number of principal buildings per parcel.** More than one multifamily building with 3 or more dwelling units may be located on a parcel of land, provided the district standards are maintained.
- (b) **Design and construction.** A multifamily building with 3 or more dwelling units shall meet the design and construction standards set forth in the WI Commercial Building Code and the International Building Code.

#### **31.7-49 Single-family dwelling**

- (a) **Number of principal dwellings per parcel.** No more than one principal residential building shall occupy any single parcel of land.
- (b) **Occupancy.** A dwelling unit shall be occupied by no more than one family.
- (c) **Design and construction.** A single-family dwelling shall meet the following standards:
  - (1) Suitable roof coverings include clay or ceramic tiles, wood shingles or shakes, metal, or fiberglass or asphalt shingles.
  - (2) Exterior wall surfaces shall be covered with stucco, wood siding, cement-fiber siding, vinyl siding, metal horizontal lap siding, wood shingles, or a masonry veneer.
  - (3) An overhang shall extend at least 12 inches beyond the face of the exterior wall.
  - (4) The building shall be set on and anchored to a continuous permanent foundation that extends around its perimeter.

#### **31.7-50 Townhouse**

- (a) **Lot area.** No more than 70 percent of the lot area shall be occupied by a building.

- (b) **Utility service.** Each dwelling unit shall have independent service connections to all utilities, including water, sewer, and electricity.
- (c) **Subsequent divisions.** Individual Townhouses shall not be further subdivided.
- (d) **Driveways.** When more than one garage is located in the front of a Townhouse, a common driveway shall be used whenever possible.
- (e) **Vertical off-sets.** When a building includes 5 or more dwelling units, there shall be a vertical offset of at least 2 feet between each adjoining dwelling unit.
- (f) **Accessory buildings.** The floor area of accessory buildings, excluding garages and carports, shall not exceed 120 cumulative square feet.
- (g) **Front entrances.** The front entrance to each dwelling unit shall be clearly visible from the street on which it fronts and accentuated by a porch or other architectural feature.

**31.7-51 Twin home**

- (a) **Fire separation.** Each dwelling unit of a twin home shall be separated from the abutting unit by a minimum fire separation complying with SPS 321.08, Wis. Admin. Code.
- (b) **General layout.** The common wall between dwelling units in a twin home shall be approximately perpendicular to the front lot line.
- (c) **Water service.** Dwelling units in a twin home shall have a separate water service with separate curb stops, lines, and meters.
- (d) **Gas and electric service.** Dwelling units in a twin home shall have separate gas and electric meters.
- (e) **Sanitary sewer service.** Dwelling units in a twin home shall have separate sanitary sewer service laterals and lines, subject to including a provision in a joint access and maintenance agreement that addresses emergency access to, and the responsibility for, sanitary sewer building blockage.
- (f) **Written agreement required.** Dwelling units in a twin home shall be subject to a joint cross access and maintenance agreement as approved by the Zoning Administrator. Such agreement shall be recorded with each lot in the office of the register of deeds for Winnebago County.

<b>Series 4. Special Care Facilities</b>
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**31.7-52 Adult family home**

An adult family home described in s. 50.01(l)(b), Wis. Stats., shall not be established within 2,500 feet of another such facility or any community living arrangement. An agent of a proposed adult family home may apply for an exception to this requirement, and the Village board at its discretion may grant the exception. An adult family home certified under s. 50.032(1m)(b), Wis. Stats., is exempt from this provision.

**31.7-53 Community living arrangement**

A community living arrangement shall 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. 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 s. 48.62, Wis. Stats., are exempt from this provision.

**31.7-54 Foster home and treatment foster home (operated as a principal use)**

- (a) **Proximity to other such facility.** A foster home or treatment foster home that is operated by a corporation, a child welfare agency, a religious association, as defined in s. 157.061(15), Wis. Stats., an association, or a public agency, shall 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.
- (b) **State license.** Prior to the establishment of a foster home or treatment foster home, the operator shall obtain a license from the state as provided for in s. 48.75, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

**31.7-55 Group day care center**

An outdoor activity area associated with a group day care center shall not be located within 20 feet of an adjoining property in a residential zoning district.

**31.7-56 Hospice care center**

Prior to the establishment of a hospice care center, the operator shall obtain a license from the state as provided for in s. 50.92, Wis. Stats., and maintain such license for the life of the use or until the state no longer requires such license.

### 31.7-57 Nursing home

- (a) **Required green space.** A minimum of 30 percent of the gross site area shall be green space.
- (b) **Parking lot screening.** When an off-street parking lot is located within 20 feet of a property in a residential zoning district landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.
- (c) **Setbacks.** Principal buildings shall be located at least 35 feet from a property in a residential zoning district.

### 31.7-58 Retirement home

- (a) **Required green space.** A minimum of 30 percent of the gross site area shall be green space.
- (b) **Parking lot screening.** When an off-street parking lot is located within 20 feet of a property in a residential zoning district, landscaping, fencing, a berm, or any combination thereof shall be used to effectively screen the parking area from the residential property.
- (c) **Setbacks.** Principal buildings shall be located at least 35 feet from a property in a residential zoning district.

### 31.7-59 Temporary shelter

No special standards apply to temporary shelters.

<b>Series 5. Group Accommodations</b>
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### 31.7-60 Boardinghouse

The property owner or a property manager shall reside on the premises.

### 31.7-61 Campground

- (a) **Generally.** In addition to the other applicable design and improvement requirements contained in this chapter, a campground shall comply with the provisions of this section and applicable state law.
- (b) **Minimum lot area.** The minimum lot area for a campground is 5 acres.
- (c) **Continuing maintenance.** The owner of the campground shall maintain the campground in a clean and sanitary manner.
- (d) **Accessory facilities.** Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the campground but shall be designed, operated, and located to inhibit use by non-occupants.
- (e) **Density.** The density shall not exceed 25 campground spaces per acre (gross).
- (f) **Recreation area.** At least 8 percent of the gross site area or 2,500 square feet, whichever is greater, shall be dedicated for on-site recreational purposes and shall be easily accessible from all camping spaces.
- (g) **Access.** Campground spaces shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.
- (h) **Setbacks from property boundary line.** A campground space shall be no closer than 40 feet to the perimeter property boundary line of the site.
- (i) **Solid waste collection.** An off-street area for the collection of solid waste shall be provided within a campground.
- (j) **Limitation on addition of features.** Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.
- (k) **State license.** Prior to the establishment of a campground, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.
- (l) **Local license.** Prior to the establishment of a campground, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

### 31.7-62 Group recreation camp

- (a) **Generally.** In addition to the other applicable design and improvement requirements contained in this chapter, a group recreation camp shall comply with the provisions of this section and applicable state law.
- (b) **Minimum lot area.** The minimum lot area for a group recreation camp is 5 acres.
- (c) **Continuing maintenance.** The owner of the group recreation camp shall maintain the group camp in a clean and sanitary manner.
- (d) **Accessory facilities.** Accessory facilities (e.g., laundry and food sales) may be allowed as a service to the occupants of the group recreation camp but they shall be designed, operated, and located to inhibit use by non-occupants.
- (e) **Density.** If campground spaces are provided, the density shall not exceed 25 campground spaces per acre (gross).
- (f) **Access.** If campground spaces are provided, they shall be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.
- (g) **Setbacks from property boundary line.** If campground spaces are provided, they shall be no closer than 40 feet to the

perimeter property boundary line of the site.

- (h) **Solid waste collection.** An off-street area for the collection of solid waste shall be provided within a group recreation camp.
- (i) **Limitation on addition of features.** Storage sheds, decks, patios, and similar structures, whether permanent or temporary, shall not be permitted within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, shall not be permitted.
- (j) **State license.** Prior to the establishment of a group recreation camp, the operator shall obtain a license from the Wisconsin Department of Health and Family Services as required by state law and maintain such license for the life of the use or until the state no longer requires such license.
- (k) **Local license.** Prior to the establishment of a group recreation camp, the operator shall obtain a license from the Winnebago County Health Department if so required and maintain such license for the life of the use or until the department no longer requires such license.

### 31.7-63 Migrant labor camp

No special standards apply to a migrant labor camp.

### 31.7-64 Overnight lodging

- (a) **Local license.** Prior to the establishment of the use, a hotel/motel license shall be obtained from the Village Clerk per Ch. 9.13 of the Fox Crossing Municipal Code.
- (b) **Health Department license.** Prior to the establishment of the use, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.
- (c) **Location of customer entrance.** No customer entrance to the building shall be located within 100 feet of a property in a residential zoning district.
- (d) **Length of stay.** No guest may stay longer than 60 days within any six month period.

### 31.7-65 Resort

- (a) **Minimum lot area.** The minimum lot area for a resort is 5 acres.

## Series 6. Food and Beverage Sales

### 31.7-66 Brewpub

- (a) **Local license.** Prior to the establishment of a brewpub, the operator shall obtain a license from the Village, as may be required, and maintain such license for the life of the use or until the Village no longer requires such license.
- (b) **State license.** Prior to the establishment of a brewpub, the operator shall obtain a license from the state, as may be required, and maintain such license for the life of the use or until the state no longer requires such license.
- (c) **Limitation on floor area devoted to production.** No more than 40 percent of the floor area shall be devoted to the production of fermented malt beverages, including storage of raw materials and finished products.
- (d) **Limitation on production.** Not more than 10,000 barrels (310,000 gallons) of fermented malt beverages may be manufactured in a calendar year.

### 31.7-67 Restaurant

Prior to the establishment of a restaurant, the operator shall obtain a license from the Winnebago County Health Department and maintain such license for the life of the use or until the department no longer requires such license.

### 31.7-68 Tavern

- (a) **Local license.** Prior to the establishment of a tavern, the operator shall obtain a license from the Village in which the use is located and maintain such license for the life of the use or until the license is no longer required.
- (b) **Compliance with state requirements.** A tavern shall comply with requirements as may be adopted by the state of Wisconsin.

## Series 7. Vehicle Rental, Sales, and Service

### 31.7-69 Heavy vehicle sales and rental

Outdoor display areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

### 31.7-70 Truck stop

- (a) **Minimum lot area and location.** A truck stop established after March 31, 2013 shall be located on a parcel containing at least 10 acres that is located within 2,000 feet of a U.S. highway or a state highway.
- (b) **Access.** Each access to the parcel with a truck stop shall be off of a road classified as an arterial or a higher classification as depicted on the zoning map or a supplemental map.
- (c) **Restroom facilities.** If a truck stop provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.
- (d) **Pump island canopies.** Pump island canopies shall not exceed 22 feet in height.
- (e) **Special setbacks.** The following setbacks shall apply to a vehicle fuel station:
  - (1) A fuel pump shall be located at least 50 feet from a property in a residential zoning district and at least 30 feet from a property in a nonresidential zoning district.
  - (2) A pump island canopy shall be located at least 18 feet from all property boundary lines.
- (f) **Location of parking areas.** Areas designated or used for truck parking and other similar activity areas shall be designed and located so that noise levels at the property boundary line of a property in a residential zoning district do not exceed 60 decibels as measured on a dB(A) scale between the hours of 10:00 p.m. and 7:00 a.m.

#### 31.7-71 Vehicle fuel station

- (a) **Restroom facilities.** If a vehicle fuel station provides restroom facilities, the door to each restroom shall be accessed from within the interior of the building in which they are located.
- (b) **Pump island canopies.** Pump island canopies shall not exceed 22 feet in height.
- (c) **Special setbacks.** The following setbacks shall apply to a vehicle fuel station:
  - (1) A fuel pump shall be located at least 50 feet from a property in a residential zoning district and at least 30 feet from a property in a nonresidential zoning district.
  - (2) A pump island canopy shall be located at least 18 feet from all property boundary lines.

#### 31.7-72 Vehicle repair shop

- (a) **Work area.** Motor vehicles shall be not serviced or repaired outside of the principal structure intended for such use, except when located in an industrial zoning district.
- (b) **Vehicle storage.** When a vehicle repair shop is located in a commercial zoning district, no more than 10 motor vehicles shall be stored out-of-doors overnight. When located in an industrial zoning district, there is no limitation on the number of motor vehicles that can be stored out-of-doors overnight. Storage of unlicensed vehicles is prohibited.

#### 31.7-73 Vehicle sales and rental

- (a) **Show room.** An indoor vehicle display area shall be provided that is at least 12 feet by 20 feet. If only motorcycles are sold, the indoor vehicle display area shall be large enough to display at least 3 motorcycles.
- (b) **State license.** Prior to the establishment of this use, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license.
- (c) **Setback for display area.** Display areas and other activity areas shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.

#### 31.7-74 Vehicle service shop

No special standards apply to vehicle service shops.

#### 31.7-75 Vehicle storage yard

- (a) **Buffer yard.** In addition to the buffer yard requirements in article 8 of this chapter, the reviewing authority may, as part of the site plan review process, require additional buffer yard requirements deemed necessary to provide adequate screening between this use and adjoining properties.
- (b) **Setback requirements.** Outdoor storage areas and other activity areas shall be located at least 40 feet from a property in a residential zoning district and 20 feet from a property in a commercial or mixed-use zoning district.
- (c) **Fence.** A 6-foot solid fence, subject to approval by the reviewing authority, shall 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 shall submit a fence plan which specifies construction materials and specifications.

<b>Series 8. General Sales</b>
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#### 31.7-76 Convenience retail sales

No special standards apply to convenience retail sales.



### 31.7-77 General retail sales

No special standards apply to general retail sales.

### 31.7-78 General retail sales, large format

- (a) **Legislative findings.** The Village Board of Trustees makes the following legislative finding relating to large-format retail sales: Abandoned buildings are a blighting influence on the community and large vacant stores are especially detrimental.
- (b) **Purpose.** The provisions of this section are intended to prevent urban blight due to large vacant stores.
- (c) **Development agreement.** Prior to issuance of a building permit for a large-format retail store, the property owner shall enter into a development agreement with the Village, to run with the land, that includes all of the following:
  - (1) a provision that prevents the owner from prohibiting or otherwise limiting, through contract or other legal device, the reuse of the building for retail or other legitimate purpose;
  - (2) a provision requiring long-term maintenance of the property including landscaping if the building is vacated;
  - (3) a provision requiring the preparation of an adaptive reuse plan or a demolition plan by the property owner acceptable to the Planning Commission within 12 months of vacation;
  - (4) a provision stating that the property owner, within 24 months of vacation, shall either begin demolishing the building and restoring the site consistent with the approved demolition plan and continue in good faith to completion or begin implementing the approved adaptive reuse plan and continue in good faith to completion;
  - (5) other provisions deemed necessary by the committee to address the particular circumstances related to the project.
- (d) **Vacation of existing buildings.** When a large-format store is proposed as a replacement for another retail store already located in the Village, the applicant shall not prohibit or otherwise limit, through contract or other legal device, the reuse of its former building.

### 31.7-79 Outdoor sales

Items offered for sale shall not be located within the setbacks established for the zoning district in which the use is located.

<b>Series 9. General Services</b>
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### 31.7-80 Administrative services

No special standards apply to administrative services.

### 31.7-81 Adult-oriented establishment

- (a) **Legislative Findings.** The Village Board of Trustees makes the following legislative findings regarding Sexually Oriented Businesses:
  - (1) The Village Board of Trustees has become aware, based upon its own observations, studies and experiences, as well as testimony before the Board by legal counsel for the Village, and also the experiences of other communities, that Sexually Oriented Businesses may and do generate deleterious secondary adverse effects which the governing body believes are detrimental to the public health, safety, welfare and morals of Fox Crossing.
  - (2) Specifically, the Village Board has reviewed evidence concerning adverse secondary effects on other communities found in, but not limited to, the cases of *Ben's Bar, Inc. v. Village of Somerset*, 316 F3d 702 (2003), *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *City of Newport, KY v. Iacobucci*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F3d 403 (6<sup>th</sup> Cir. 1997); *Kev, Inc. v. Kitsap County*, 793 F2d 1053 (9<sup>th</sup> Cir. 1986); *Hang On, Inc. v. City of Arlington*, 65 F3d 1248 (5<sup>th</sup> Cir. 1995); *South Florida Free Beaches, Inc. v. City of Miami*, 734 F2d 608 (11<sup>th</sup> Cir. 1984); *New York State Liquor Auth. v. Bellanca*, 452 US 714 (1981); *Blue Canary Corp. v. City of Milwaukee*, 251 F3d 1121; *MDK, Inc. v. Village of Grafton*, 345 F. Supp 2d 952 at page 957; *Daytona Grand, Inc. v. City of Daytona Beach, Florida*, 490 F3d 860 (11<sup>th</sup> Cir. 2007); and a compilation of studies on various municipalities regarding the impact of adult oriented business, and reports of harmful secondary effects occurring in and around Sexually Oriented Businesses, including a publication of the American Planning Association compiled by Eric Damian Kelly and Connie Cooper entitled, "Everything you always wanted to know about regulating sex businesses xxx," Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, June 6, 1989, reports from studies in Phoenix, Arizona-1984 and 1995-1998; Minneapolis, Minnesota-1980; Houston, Texas-1997; Indianapolis, Indiana-1984; Amarillo, Texas-1977; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio-1977; Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue, Washington-1998; Newport News, Virginia-1996; and New York Times Square study-1994.
  - (3) As a result of the Board's own experiences, observations, studies, experiences of other communities and testimony, the Board finds that Sexually Oriented Businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a causal nature, which may have a deleterious secondary effect on the existing and planned

commercial and residential uses in the surrounding areas and result in downgrading of property values as well as causing an increase in criminal activity. Further, the service or presence of alcohol within a Sexually Oriented Business is likely to heighten the potential occurrence of such deleterious secondary effects on the surrounding areas.

- (4) The establishment of Sexually Oriented Businesses within 600 feet of each other can create especially deleterious secondary effects on existing and planned commercial and residential uses in the surrounding area.
- (5) The establishment of a Sexually Oriented Business within 600 feet of certain land uses, including schools, worship facilities, libraries, parks, and other places where the public and children congregate, can conflict with those uses.
- (6) Concern over sexually transmitted diseases is a legitimate health concern of Fox Crossing, which demands reasonable regulation of Sexually Oriented Businesses in order to protect the health, safety and welfare of its citizens.
- (7) Fox Crossing desires to minimize and control these adverse secondary effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of blight.

(b) **Purpose.**

- (1) It is the intent and purpose of this ordinance to be passed pursuant to legitimate regulatory authority of the Village under its police powers and zoning powers, pursuant to Wisconsin Statutes, to promote the health, safety, welfare and morals of the citizens of Fox Crossing by establishing reasonable and uniform regulations to prevent the deleterious secondary effects associated with Sexually Oriented Businesses.
- (2) The provisions of this ordinance have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative or expressive materials or acts, including sexually oriented materials or acts. Similarly, it is not the intent or effect of this ordinance to restrict or deny access by adults to sexually oriented materials or acts protected by the First Amendment or to deny access by the distributors and exhibitors of sexual oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene materials as regulated by state law.
- (3) The regulations of this ordinance are not aimed at the content of any speech. Rather, this ordinance has the purpose and effect of controlling the deleterious secondary effects of Sexually Oriented Businesses while avoiding the regulation of content.
- (4) This ordinance is not intended to prohibit Sexually Oriented Businesses from operating in Fox Crossing, but rather this ordinance is intended to regulate their location and manner of operation while providing reasonable opportunity for such Sexually Oriented Businesses to exist. This ordinance is also intended to regulate the proximity of Sexually Oriented Businesses to certain sensitive land uses.

(c) **Applicability.** Upon any of the following events, a Sexually Oriented Business shall comply with the provisions of this ordinance:

- (1) The opening, commencement, or operation of a Sexually Oriented Business;
- (2) The conversion of an existing business, whether or not a Sexually Oriented Business, to a Sexually Oriented Business;
- (3) The addition of a Sexually Oriented Business to a Sexually Oriented Business;
- (4) The relocation of a Sexually Oriented Business;
- (5) The sale, lease, or sublease of a Sexually Oriented Business;
- (6) The transfer of securities which constitute a controlling interest in a Sexually Oriented Business, whether by sale, exchange or other means of transfer; or
- (7) The establishment of a trust, gift or some other legal instrument that transfers ownership or control of a Sexually Oriented Business.

(d) **Exclusions.** This ordinance does not apply to theatres, performing arts centers, civic centers, and dinner theaters where (1) live dance, ballet, music or dramatic performances of serious artistic merit are offered on a regular basis; (2) the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers; and (3) the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances.

(e) **License.**

- (1) Except as provided in subsection (5) below, from and after the effective date of this ordinance, no Sexually Oriented Business shall be operated or maintained in any area subject to Fox Crossing zoning without first obtaining a license to operate issued by the Fox Crossing Village Board.
- (2) A license may be issued for only one (1) Sexually Oriented Business located at a fixed and certain location per application filed. Any person, partnership, corporation or other entity or organization which desires to operate more than one (1) Sexually Oriented Business must have a license for each.
- (3) No license or interest in a license may be sold, assigned, or otherwise transferred to any person, partnership, corporation or other entity or organization.
- (4) It shall be unlawful for any entertainer, employee or operator of a Sexually Oriented Business to knowingly work in or to knowingly perform any service directly related to the operation of any Sexually Oriented Business that does not have a valid license pursuant to this ordinance.

(5) Nothing in this ordinance shall be construed so as to permit material or performances prohibited by s. 944.21, Wis. Stats.

**(f) Application for license.**

- (1) Any person, partnership, corporation or other entity or organization desiring to secure a license shall submit an application for such license to the Fox Crossing Village Board. The application shall be filed with the Village Clerk.
- (2) The application for a license shall be submitted upon a form provided by Fox Crossing. An applicant for a license shall furnish the following information under oath:
  - i. The full name and date of birth of the applicant and any partner or limited partner in a partnership applicant, and any shareholder holding more than ten percent (10%) of the stock of a corporate applicant and each corporate officer and director.
  - ii. Written proof that any person required to be named under paragraph (2)i. is at least eighteen (18) years of age.
  - iii. A detailed description of the activities to be conducted on the premises. If any booth, room or cubicle for private viewing of any Sexually Oriented entertainment is intended, a sketch or other description of the premises, which is acceptable to Fox Crossing, is required.
  - iv. The address of the Sexually Oriented Business to be operated by the applicant.
  - v. Whether any person required to be named under (2)i. of this section is currently operating, or, has previously operated, in this or any other town, village, city, county or state under a Sexually Oriented Business license or similar business license or permit.
  - vi. Whether the applicant or any person required to be named under (2)i. has ever had a Sexually Oriented Business license, or similar business license or permit, revoked or suspended. If so, the applicant must provide reasons therefore and the business entity or trade name under which the applicant or any person required to be named under (2)i. operated that was subject to revocation or suspension.
  - vii. If the applicant is a corporation, the application shall specify, without limitation, the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.
- (3) Within twenty-one (21) days of receiving an application for a license, the Fox Crossing Village Clerk shall notify the applicant whether the application has been approved or denied.
- (4) If an application is denied, the Fox Crossing Village Board shall advise the applicant in writing of the reason or reasons for the denial. The applicant may request a review of a denial pursuant to Chapter 68, Wis. Stats, as amended from time to time.
- (5) Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's refusal to submit to or cooperate with any investigation required by this ordinance shall be grounds for denial of an application.

**(g) Standards for issuance of license.**

- (1) To be eligible to receive a license to operate a Sexually Oriented Business, an applicant must meet the following standards:
  - i. If the applicant is an individual:
    1. The applicant shall be at least eighteen (18) years old.
    2. The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of application.
    3. The applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity, or any other offense of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of application, unless the person has been duly pardoned.
  - ii. If the applicant is a partnership, joint venture or any other type of organization:
    1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
    2. Neither the applicant nor any person having a financial interest in the organization shall be have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of application.
    3. No applicant or person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person or applicant has been duly pardoned.
  - iii. If the applicant is a corporation:
    1. All officers, directors, shareholders and agents required to be named under this ordinance are at least eighteen (18) years of age.

2. Neither the corporate applicant nor any officer, director, or shareholder required to be named under this ordinance shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of application.
  3. No officer, director, shareholder or agent required to be named under this ordinance, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
- (2) Prior to granting the license, the Fox Crossing Village Board shall determine whether the applicant complies with all applicable restrictions on location, this ordinance, and has complied with all building, zoning, plumbing, electrical, fire, health and other codes and regulations.
- (h) **Fees.** A license fee shall be submitted with the application for the license in the amount specified in the Town of Menasha Fee Schedule Ordinance.
- (i) **Display of license.** The license shall be displayed in a conspicuous and public place in the Sexually Oriented Business.
- (j) **Renewal of license.**
- (1) Every license issued pursuant to this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked or suspended, and must be renewed before operation is allowed in the following year. Any applicant or operator of a Sexually Oriented Business desiring to renew a license shall make application to the Fox Crossing Village Board and file said renewal at least sixty (60) days prior to the license expiration date. The application for renewal shall be filed in duplicate with the Fox Crossing Village Clerk. The application for renewal shall be on a form provided by the Town of Menasha and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
  - (2) A license renewal fee in the amount specified in the Fox Crossing Fee Schedule Ordinance shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty in an amount specified in the Fox Crossing Fee Schedule Ordinance shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires.
- (k) **Revocation, suspension, and non-renewal of license.**
- (1) In addition to other reasons provided by Fox Crossing, a license issued under this ordinance may be suspended or revoked by Fox Crossing for any of the following reasons:
    - i. Discovery that false or misleading information or data was provided on any application or material facts were omitted from any application.
    - ii. The applicant, operator, entertainer, or any employee of the Sexually Oriented Business violates any provision of this ordinance or any rule or regulation adopted by the Fox Crossing Village Board pursuant to this ordinance; provided, however, that in the case of a first offense by an applicant where the conduct was solely that of an employee or customer, the Fox Crossing Village Board may choose to suspend the license for thirty (30) days if the Fox Crossing Village Board finds that the applicant or operator of the Sexually Oriented Business had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
    - iii. The applicant or operator of the Sexually Oriented Business becomes ineligible to obtain a license under this ordinance.
    - iv. Any cost or fee or penalty required to be paid under this ordinance is not paid.
    - v. Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the Sexually Oriented Business.
    - vi. The applicant, operator of the Sexually Oriented Business, any employee or entertainer sells, furnishes, gives, or displays, or causes to be sold, furnished, given or displayed to any minor any Sexually Oriented entertainment or Sexually Oriented material.
- (l) **Proximity to another establishment of the same kind.** A Sexually Oriented Business shall not be located within 600 feet of another Sexually Oriented Business.
- (m) **Proximity to specified zoning districts.** A Sexually Oriented Business shall not be located within 600 feet of a parcel of land in a residential zoning district or a planned development district that allows residential uses.
- (n) **Proximity to other specified land uses.** A Sexually Oriented Business shall not be located within 600 feet of any of the following:
- (1) Public library;
  - (2) Public playground or park, including nature trails, pedestrian/bicycle paths, wilderness areas, or other public lands open for recreational activities;
  - (3) Educational facility, including K-12 and post-secondary, but not including facilities used primarily for another purpose and only incidentally at school;
  - (4) State licensed family day care home, group day care home, or day care center;
  - (5) Church, synagogue or other worship facility;

- (6) Any youth-oriented establishment;
- (7) Tavern;
- (8) Any commercial business holding a valid liquor license;
- (9) Residential uses; or
- (10) Farm dwellings;

If one of these specified uses located within this area of separation after the Sexually Oriented Business has been granted a building permit or occupancy permit, the Sexually Oriented Business shall not be required to relocate.

- (o) **Measurement of distances.** For purposes of this ordinance, 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 Sexually Oriented Business, to the nearest property boundary line of the parcel with the specified use or to the specified zoning district. If a Sexually Oriented Business is located in a multi-tenant building (e.g., shopping center), the measurement shall be 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 city village, county, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this ordinance.
- (p) **Sale of alcohol.** A Sexually Oriented Business must abide by ch. 9.015, Regulation of Alcohol Licenses for Sexually Oriented Businesses, of the Fox Crossing Municipal Code.
- (q) **Building standards.** All building openings, entries and windows of Sexually Oriented Businesses shall be located, covered, or screened in such a manner so as to prevent the interior of such premise from being viewed from outside the establishment. There shall be no display windows in Sexually Oriented Businesses.
- (r) **Special provisions.** Sexually Oriented Businesses shall close no later than the closing time established for taverns and shall not be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, and 2:30 a.m. and 8 a.m. on Saturdays and Sundays.
- (s) **Special provisions for adult motion picture theatres.** The viewing screen of an adult motion picture theatre shall not be visible from a public park, road, street, highway, or residence. The premises shall be surrounded by a solid fence at least 8 feet in height. All adult motion picture theatres shall comply with s. 134.46, Wis. Stats.
- (t) **Prohibitions.** The property owner and the operator of a Sexually Oriented Business shall ensure that minors, as defined by s. 990.01(2), Wis. Stats., are not permitted on the premises of the Sexually Oriented Business. Solicitation for purposes of prostitution shall be strictly prohibited on the premises of Sexually Oriented Businesses.
- (u) **Physical contact with an entertainer.** During a performance, an entertainer shall not have physical contact with another individual. To prevent such physical contact, performances shall occur on a stage or on a table that is elevated at least 18 inches above the immediate floor level and shall not be less than 3 feet from any areas occupied by any patron. Patrons shall not be closer than 5 feet to an entertainer during a performance, including, but not limited to, during the payment of a tip or gratuity. A Sexually Oriented Business existing on the effective date of this ordinance shall not have to reconstruct existing stages and tables to meet this requirement, but shall adhere to the prohibition against physical contact.
- (v) **Signage.** Signs advertising a Sexually Oriented Business shall conform with Article 10 of this chapter with the exception that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will not depict Specified Sexual Activities, Specific Anatomical Areas, or both, and provided further that there shall be no flashing or traveling lights located outside of the building of the Sexually Oriented Business.
- (w) **Special provisions related to review of application.** As part of the review of a conditional use application for a Sexually Oriented Business, the Zoning Administrator shall conduct an inventory of the surrounding area and population along with a study of the proposed development and plans for the area so as to enable the Plan Commission to make appropriate findings relating to the effect of the establishment of a Sexually Oriented Business.
- (x) **Penalties and prosecution.**
  - (1) Any applicant found to have violated this ordinance shall have any license obtained hereunder revoked.
  - (2) In addition to the revocation of a license issued under this ordinance, any applicant in violation of this ordinance or any application who fails to obtain a license as required hereunder shall upon conviction of such violation be subject to a penalty of a civil forfeiture of not less than fifty (\$50.00) dollars and no more than five hundred (\$500.00) dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense and violation. Nothing in this ordinance shall preclude the Fox Crossing Village Board from maintaining any appropriate action to enforce, prosecute, prevent or remove a violation of any provision of this ordinance.
- (y) **Severability.** If a court of competent jurisdiction deems any provision of this ordinance invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.
- (z) **Enforcement.** Officers and other personnel of the town police department in which the Sexually Oriented Business is located shall be the authority to enter any Sexually Oriented Business to inspect the premises and enforce this ordinance.
- (aa) **Discontinuance of operation.** Any discontinuance in the operation of a Sexually Oriented Business for a period of twelve (12) months or more shall cause the license to lapse and become void. A license holder whose license has lapsed in this manner shall thereafter be subject to the procedures applicable to the issuance of a new license.

(bb) **Effective date.** This ordinance shall take effect and be in force upon its passage and publication as required by law.

### **31.7-82 Body-piercing establishment**

- (a) **Vocational standards.** A body-piercing establishment shall not be located within 600 feet of another body-piercing establishment or a tattoo establishment. For the purpose of this section, such distance shall be 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 shall be 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 city, village, County, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.
- (b) **Sale of alcohol.** A body-piercing establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.
- (c) **Building standards.** A patron who is being pierced shall not be visible from the exterior of the building through a window or entrance to the building.
- (d) **State license.** Prior to the establishment of a body-piercing establishment, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license. In addition, each practitioner shall obtain a license from the state as required by state law and maintain such license while at the establishment or until the state no longer requires such license.

### **31.7-83 Commercial kennel**

No special standards apply to a commercial kennel.

### **31.7-84 Commercial stable**

- (a) **Minimum lot area.** The minimum lot area for a commercial stable is 5 acres.
- (b) **Review materials.** As part of the building, site, and operation plan review process, the handling and disposal of animal waste generated by this use shall be addressed, along with required setbacks from adjoining properties and the maximum number of livestock that may be kept on the premise.

### **31.7-85 Equipment rental, large**

Outdoor display and storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.

### **31.7-86 Equipment rental, small**

No special standards apply to small equipment rental.

### **31.7-87 Financial services**

A payday loan business or auto title loan business shall not be located within 5,000 feet of another payday loan business or auto title loan business or within 150 feet of a single-family or two-family residential zoning district. For the purpose of this section, such distance shall be 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 property boundary line of a parcel in the specified zoning district. The presence of a city, village, County, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section. If a payday loan business or auto title loan business is operating on March 31, 2013 and does not comply with the vocational standards in this section, such business may continue to operate at that location.

### **31.7-88 Funeral home**

No special standards apply to funeral homes.

### **31.7-89 General repair**

All activities related to this use shall occur within a building, except when the parcel of land is located in an industrial zoning district.

### **31.7-90 General services**

No special standards apply to general services.

### **31.7-91 Health care clinic**

No special standards apply to health care clinics.

**31.7-92 Health care center**

- (a) **Access requirements.** The primary access to a health care center shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
- (b) **Transition when allowed as a conditional use.** When a health care center is allowed as a conditional use, an appropriate transition shall be required between this use and an adjoining use.

**31.7-93 Instructional services**

No special standards apply to instructional services.

**31.7-94 Landscape business**

Outdoor work areas, parking areas, and storage of equipment and materials related to a landscape business shall not be located within the setbacks established for the zoning district in which the use is located.

**31.7-95 Professional services**

No special standards apply to professional services.

**31.7-96 Tattoo establishment**

- (a) **Vocational standards.** A tattoo establishment shall not be located within 600 feet of another tattoo establishment or a body-piercing establishment. For the purpose of this section, such distance shall be 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 shall be 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 city, village, County, or other political subdivision boundary shall be irrelevant for purposes of applying the separation requirements of this section.
- (b) **Sale of alcohol.** A tattoo establishment shall not also sell, distribute, or allow consumption of alcoholic beverages on the premises.
- (c) **Building standards.** A patron who is being tattooed shall not be visible from the exterior of the building through any window or entrance to the building.
- (d) **State license.** Prior to the establishment of a tattoo establishment, the operator shall obtain a license from the state as required by state law and maintain such license for the life of the use or until the state no longer requires such license. In addition, each practitioner shall obtain a license from the state as required by state law and maintain such license while at the establishment or until the state no longer requires such license.

**31.7-97 Veterinary clinic, general**

The standards applicable to animal shelters apply to general veterinary clinics.

**31.7-98 Veterinary clinic, small animal**

The standards applicable to animal shelters apply to small animal veterinary clinics.

**Series 10. Recreation and Entertainment**

**31.7-99 Driving range**

No special standards apply to driving ranges.

**31.7-100 Golf course**

Club houses and maintenance buildings shall be located at least 300 feet from a property in a residential zoning district.

**31.7-101 Indoor entertainment**

No special standards apply to indoor entertainment.

**31.7-102 Indoor recreation**

No special standards apply to indoor recreation.

**31.7-103 Outdoor entertainment**

- (a) **Hours of operation.** The reviewing authority may establish hours of operation for this use when the operation may negatively affect surrounding properties.
- (b) **Site design considerations.** The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding

properties.

#### **31.7-104 Outdoor recreation**

- (a) **Hours of operation.** The reviewing authority may establish hours of operation for this use when the operation may negatively affect surrounding properties.
- (b) **Site design considerations.** The site shall be designed to minimize the effects of outdoor lighting and noise on surrounding properties.

#### **31.7-105 Outdoor shooting range**

- (a) **Hours of operation.** An existing or new outdoor shooting range shall not operate between the hours of 11:00 p.m. and 6:00 a.m., except that this use restriction shall not apply to (1) a law enforcement officer as defined in s. 165.85(2), Wis. Stats.; (2) a member of the U.S. armed forces; or (3) a private security person as defined in s. 440.26(1m), Wis. Stats. who meets all of the requirements under s. 167.31(4)(a)4, Wis. Stats.
- (b) **Incidental sales.** An outdoor shooting range may offer items for sale or rental as listed in this subsection provided the totality of such sales and/or rental activity is clearly incidental to the overall operation of the shooting range. The following may be offered for retail sale:
  - (1) targets,
  - (2) ammunition,
  - (3) devices for hearing and eye protection,
  - (4) other items directly related to the shooting of firearms on the premises, and
  - (5) pre-packaged food and drink items.
- (c) **Rentals.** The following may be offered for rental for use on the premises:
  - (1) devices for hearing and eye protection,
  - (2) guns, and
  - (3) other items directly related to the shooting of firearms on the premises.

### **Series 11. Government and Community Services**

#### **31.7-106 Administrative government center**

No special standards apply to administrative government centers.

#### **31.7-107 Animal shelter**

**Noise control.** The building shall be designed and operated so that, to the greatest extent practicable, noise from the animals at the facility cannot be heard beyond the property boundary line of the parcel of land on which it is located.

#### **31.7-108 Cemetery**

- (a) **Minimum size.** A cemetery shall be at least 3 acres.
- (b) **Location of burial plots.** Burial plots shall not be located within 50 feet of a public street right-of-way, in a designated floodplain, or in a wetland area, nor shall internment occur below the groundwater table.
- (c) **Marker required.** A permanent marker stating the name of the deceased and the birth and death dates, if known, shall identify the location of each occupied burial plot.
- (d) **Casket required.** The deceased shall be enclosed in a casket or other durable container.
- (e) **Name required.** The cemetery shall have a formal name, which shall be placed on a permanent sign located by the main entrance to the cemetery.
- (f) **Financial guarantee.** Prior to the establishment of this use, the property owner shall submit a financial guarantee to the Village, consistent with any requirement the Village Board may adopt. This financial guarantee shall relate to the long-term upkeep and maintenance of the cemetery.

#### **31.7-109 Civic use facility**

The primary access to a civic use facility with a capacity of 600 people or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

#### **31.7-110 Community center**

The primary access to a community center with a capacity of 600 people or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

#### **31.7-111 Community cultural facility**

The primary access to a community cultural facility with a capacity of 600 people or more shall be off of a road classified as a



collector or a higher classification as depicted on the zoning map or a supplemental map.

**31.7-112 Community garden**

No special standards apply to community gardens.

**31.7-113 Correctional facility**

No special standards apply to correctional facilities.

**31.7-114 Educational facility, pre-K through 12**

No special standards apply to pre-K through 12 educational facilities.

**31.7-115 Educational facility, post-secondary**

No special standards apply to post-secondary educational facilities. The primary access to a post-secondary educational facility shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**31.7-116 Maintenance garage**

Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

**31.7-117 Park**

No special standards apply to parks.

**31.7-118 Public safety facility**

No special standards apply to public safety facilities.

**31.7-119 Recreation trail**

No special standards apply to recreation trails.

**31.7-120 Unspecified public use**

No special standards apply to unspecified public uses.

**31.7-121 Worship facility**

The primary access to a worship facility with 600 seats or more shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**12. Telecommunications and Utilities**

**31.7-122 Solar energy system**

No special standards apply.

**31.7-123 Stormwater facility**

No special provisions apply to a stormwater facility.

**31.7-124 Telecommunication facility**

- (a) **Applicability.** The provisions of this section apply to all telecommunication facilities, except for the following:
- (1) supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater facilities, pump stations, and similar facilities with heights not exceeding 35 feet;
  - (2) antennas or towers located on property owned, leased or otherwise controlled by the governing authority, provided a license or lease authorizing such antenna or tower has been approved by the governing authority;
  - (3) Structures for the support of amateur radio antennas that are owned and/or operated by a federally licensed amateur radio operator, provided that the antenna use constitutes ancillary or secondary use, not primary use, of the property;
  - (4) an antenna or tower that is installed on an existing structure (such as a tower, building, sign, light pole, water tower, electric transmission and distribution structure, or other free-standing nonresidential structure), and provided the antenna or tower adds no more than 20 feet to the height of the structure;
  - (5) portable antennas that are used in broadcasting public information coverage of news events of a temporary nature (Exhibit 7-3); and
  - (6) hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door

openers, and similar devices.

- (b) **Federal requirements.** A telecommunication facility shall comply with all applicable requirements of the Federal Communications Commission, the Federal Aviation Administration, and other federal agencies with authority to regulate telecommunication facilities. In the event of a conflict between federal law and this section, federal law shall prevail.
- (c) **Equipment buildings.** The exterior of equipment buildings, shelters, and cabinets exceeding 200 cubic feet shall be covered with building materials typically used on buildings found in the area.

### 31.7-125 Telecommunication facility, Mobile Service and Collocation

- (a) **Purpose.** This section is to regulate the siting and construction of any new mobile service support structure and facilities and class 1 and 2 collocation.
  - (1) Class 1 collocation includes a substantial modification of existing support structures and mobile service facilities;
  - (2) Class 2 collocation does not include the substantial modification of existing support structures and facilities;
- (b) **Application Process**
  - (1) A Village zoning permit is required for the siting and construction of any new mobile service support structure and facility.
  - (2) A permit application must be completed by the applicant and submitted to the Village Zoning Administrator containing the following information:
    - a. Name, business address and contact information for the applicant.
    - b. Location of the proposed or affected support structure.
    - c. Location of the proposed mobile service facility.
    - d. Construction of new mobile service support structure shall include a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile service support structure and shall include an explanation of why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over placement of the mobile service support structure attesting that the collocation with the applicants 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.
    - e. A class 1 collocation of an existing support structure shall include a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.
    - f. A class 2 collocation is a permitted use but requires the issuance of a permit application which shall include only a. b. and c. as shown above.
  - (3) A permit application will be provided by the village upon request to any applicant.
  - (4) If an applicant submits to the village an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the village shall consider the application complete. If the village does not believe that the application is complete, the village shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - (5) Within 90 days of its receipt of a complete application, the village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the village may agree in writing to an extension of the 90 day period:
    - a. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
    - b. Make a final decision whether to approve or disapprove the application.
    - c. Notify the applicant, in writing, of its final decision.
    - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - (6) The village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.f.
  - (7) If an applicant provides the village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
  - (8) The fees for permits are specified in the Village's adopted Appendix B fee schedule and may not exceed the amount allowed by Wisconsin State Statutes.
- (c) **Unsafe conditions.** If the Zoning Administrator determines that a tower is unsafe or otherwise defective, the Administrator

shall follow the procedure outlined in article 6 of this chapter relating to unsafe conditions.

- (d) **Termination of approval.** If the Zoning Administrator determines that all of the antennas on a tower have not been operated for a continuous period of 12 months, the Administrator shall follow the procedure outlined in article 6 of this chapter relating to termination of the approval.
- (e) **Nonconformity.** Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute an expansion of a nonconforming use or structure.

**31.7-126 Utility installation, major**

No special standards apply to major utility installations.

**31.7-127 Utility installation, minor**

A minor utility installation that also includes a security fence is considered a major utility installation.

**31.7-128 Utility installation, major sanitary**

**(a) Distance to specified features.** Sewage treatment plants, sewage storage tanks or any other above ground sewage collection or treatment facilities shall be isolated from properties used for residential, commercial or mixed-use purposes. The following separation distances shall be maintained:

- (i) 500 ft. for mechanical treatment facilities, effluent holding and polishing ponds, seepage cells, ridge and furrow systems, and overland flow systems;
- (ii) 750 ft. for aerated lagoons;
- (iii) 1,000 ft. for off-site sludge holding facilities, spray irrigation systems, wastewater storage tanks with a capacity greater than 25,000 gallons; and
- (iv) 1,500 ft. for stabilization lagoons.

**31.7-129 Utility installation, minor sanitary**

No special standards apply to minor sanitary sewer utility installations.

**31.7-130 Utility maintenance yard**

Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district and 50 feet from a property in a commercial or mixed-use zoning district.

**Series 13. Transportation Facilities**

**31.7-129 Airport**

All buildings, outdoor airplane or helicopter storage areas, and other activity areas shall be located at least 100 feet from the perimeter of the airport property.

**31.7-130 Bus storage facility**

Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

**31.7-131 Marina**

No special standards apply to marinas.

**31.7-132 Mass transit terminal**

The primary access to a mass transit terminal shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**31.7-133 Off-site parking lot**

- (a) **Access requirements.** The primary access to an off-site parking lot shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.
- (b) **Cut-through traffic.** Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

**31.7-134 Parking structure**

Snow chutes shall be placed in a location causing the least amount of impact on surrounding properties.

**31.7-135 Park-and-ride lot**

The primary access to a park-and-ride lot shall be located in close proximity to a road classified as a collector or a higher

classification as depicted on the zoning map or a supplemental map.

**31.7-136 Railroad line**

No special standards apply to railroad lines.

**31.7-137 Street**

No special standards apply to streets.

**Series 14. General Storage**

**31.7-138 Boat yard**

Outdoor storage areas and other activity areas shall not be located within a yard setback for the zoning district in which the use is located.

**31.7-139 Bulk fuel storage**

No special standards apply to bulk fuel storage.

**31.7-140 Personal storage facility**

- (a) **Minimum lot size.** The lot on which a personal storage facility is located shall be at least one acre in size.
- (b) **Access.** The access to a cubicle shall not open directly onto a public road right-of-way.
- (c) **Surfacing of travelways.** Driveways, interior aisles, and walkways shall be concrete or asphaltic concrete, except as may be allowed in this subsection. Consistent with the procedures and requirements of article 6 of this chapter, the Planning Commission may allow gravel surfaces as a special exception and require, as a condition of approval, additional buffer yard and landscaping requirements deemed necessary to provide adequate screening between this use and adjoining properties.
- (d) **Storage of prohibited substances.** No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.
- (e) **Uses.** Only uses that are accessory to storage shall occur. No portion of the site shall be used for fabrication, repair, or any similar use or for human habitation.
- (f) **Design.** The personal storage facility shall be designed so as to minimize adverse visual impacts on nearby properties. The color, exterior materials, and orientation of proposed buildings and structures shall complement existing and anticipated development in the surrounding area. A personal storage facility in a commercial zoning district shall meet the special architectural requirements in division 8 of this article.
- (g) **Fencing of outdoor storage area.** An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence.
- (h) **Setback of outdoor storage area.** Outdoor storage areas shall comply with the building setback standards for the zoning district in which the use is located.

**31.7-141 Truck terminal**

- (a) **Setback of outdoor storage area.** Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.
- (b) **Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use shall be addressed.

**31.7-142 Warehouse**

- (a) **Setback of outdoor storage area.** Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.
- (b) **Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use shall be addressed.

**Series 15. Industrial Uses**

**31.7-143 Artisan shop**

When an artisan shop is located in a commercial or mixed-use zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

**31.7-144 Batching plant associated with a nonmetallic mine**

- (a) **Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust

generated by this use, if any, shall be addressed.

- (b) **Prerequisite use.** A batching plant in this instance shall only be allowed as an ancillary use to a nonmetallic mine that was previously approved under this chapter.
- (c) **Setback requirements.** A batching plant shall be located at least 300 feet from a property in a residential zoning district and 200 feet from a property in a commercial or mixed-use zoning district.
- (d) **Termination of approval.** If the Zoning Administrator determines that the nonmetallic mine with which the batching plant is associated is permanently closed, the Administrator shall follow the procedure outlined in article 6 of this chapter relating to termination of the approval.
- (e) **Restoration plan.** As part of the review process, the applicant shall prepare and submit a restoration plan and obtain the approval of the same. Such restoration plan shall identify those areas of the property that will be disturbed and how those areas will be restored following the cessation of the batching plant.
- (f) **Financial guarantee.** Prior to the establishment of a batching plant, the property owner shall submit a financial guarantee in a form acceptable to the Zoning Administrator and in an amount equal to 110 percent of the estimated cost of site restoration identified in the restoration plan that is approved for the project. If the Village exercises its right to use the financial guarantee to restore the property and the amount of the financial guarantee does not cover such costs, the difference between the amount of the guarantee and the actual cost shall constitute a lien against the property as authorized by state law. Temporary batch plants which are not operated for longer than 6 months shall be exempt from (e) and (f) above.

#### **31.7-145 Biofuels production plant**

- (a) **Access.** The primary point of access to the subject property with a biofuels production plant shall be off of a public road classified as an arterial or a higher classification.
- (b) **Fugitive dust.** Primary internal roads, as determined by the reviewing authority, shall be paved. Secondary internal roads, as determined by the reviewing authority, shall be treated to minimize the amount of fugitive dust generated on site.
- (c) **Fuel storage tanks.** All fuel storage tanks shall be located within an impermeable containment levee system as may be required by state or federal rule or regulation.

#### **31.7-146 Construction equipment repair**

Outdoor storage areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district. When allowed in a commercial zoning district, all repair work shall occur within an enclosed building. When allowed in an industrial zoning district, repair work may be conducted out-of-doors.

#### **31.7-147 Construction equipment sales and rental**

Display areas and other activity areas related to this use shall be located at least 30 feet from a property in a residential zoning district and 10 feet from a property in a commercial or mixed-use zoning district.

#### **31.7-148 Contractor yard**

- (a) **Lot size requirements.** There are no minimum lot size requirements for a contractor yard.
- (b) **Limitations on equipment.** There are no limitations on the number of trucks, trailers, or other heavy equipment.
- (c) **Storage of material.** When a contractor yard is located next to a property in a residential, mixed-use, or commercial zoning district, exterior storage of construction materials, wastes, and the like shall be screened with a solid, 6-foot fence and such materials shall not be placed higher than the height of the fence.

#### **31.7-149 Industrial, heavy**

- (a) **Distance to specified features.** Outdoor storage areas and other activity areas related to this use shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.
- (b) **Material storage.** No materials shall be stacked or otherwise stored so as to be visible over buffer yard screening elements from a property in a residential zoning district.

#### **31.7-150 Industrial, light**

- (a) **Location of materials and activities.** All materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.
- (b) **Material storage.** No materials shall be stacked or otherwise stored so as to be visible over buffer yard screening elements from a property in a residential or mixed-use zoning district.

#### **31.7-150 Nonmetallic mine**

Table 7-1. Land use matrix		Review	Special Standards	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
<b>1 Agriculture-related use</b>															
1.01	Agriculture-related use	ZP, SP, PO	31.7-36	P	-	-	-	-	-	-	-	-	-	P	C
1.02	Agriculture, crop	-	31.7-37	P	P	P	P	P	P	P	P	P	P	P	P
1.03	Agricultural, general, fewer than 500 animal units	-	31.7-38	P	-	-	-	-	-	-	-	-	-	-	-
1.04	Agriculture, general, 500 animal units or more	ZP	31.7-38	C	-	-	-	-	-	-	-	-	-	-	-
<b>2 Resource-Based Uses</b>															
2.01	Dam	ZP, SP, PO	31.7-40	C	C	C	C	C	C	C	C	C	C	C	C
2.02	Forestry	-	31.7-41	P	P	P	P	P	P	P	P	P	P	P	P
2.03	Hunting preserve	ZP, SP, PO	31.7-42	C	-	-	-	-	-	-	-	-	-	C	C
2.04	Sewage sludge disposal	ZP, SP, PO	31.7-43	C	-	-	-	-	-	-	-	-	-	-	-
2.05	Wildlife park	ZP, SP, PO	31.7-44	C	-	-	-	-	-	-	-	-	-	C	C
<b>3 Residential</b>															
3.01	Mixed-use housing	ZP, BP, SP	31.7-45	-	-	-	-	-	-	-	-	C	P	P	-
3.02	Manufactured/Mobile home park	ZP, SP, PO	31.7-46	-	-	-	-	-	P	-	-	-	-	-	-
3.03	Multifamily building, 2 units	ZP	31.7-47	-	-	-	P	P	-	-	-	C	C	-	-
3.04	Multifamily building, 3 or more units	ZP, SP, PO	31.7-48	-	-	-	-	P	-	-	-	C	C	-	-
3.05	Single-family dwelling	ZP	31.7-49	P	P	P	P	P	-	-	-	-	C	-	-
3.06	Townhouse, 3 or more units	ZP	31.7-50	-	-	-	-	P	-	-	-	C	C	-	-
3.07	Twin home	ZP	31.7-51	-	-	-	P	P	-	-	-	-	C	-	-
<b>4 Special Care Facilities</b>															
4.01	Adult family home	ZP	31.7-52	-	P	P	P	P	-	-	-	-	-	-	-
4.02	Community living arrangement	ZP	31.7-53	-	P	P	P	P	-	-	-	-	-	-	-
4.03	Foster home and treatment foster home	ZP	31.7-54	-	P	P	P	P	-	-	-	-	-	-	-
4.04	Group day care center	ZP, BP, SP	31.7-55	-	-	-	C	C	-	P	P	P	P	C	C
4.05	Hospice care center	ZP, BP, SP	31.7-56	C	C	C	C	P	-	C	C	P	C	-	-
4.06	Nursing home	ZP, BP, SP	31.7-57	-	C	C	C	P	-	-	C	P	C	-	-
4.07	Retirement home	ZP, BP, SP	31.7-58	-	C	C	C	P	-	-	C	P	C	-	-
4.08	Temporary shelter	ZP, BP, SP, PO	31.7-59	-	-	-	-	-	-	C	C	C	C	-	-
<b>5 Group Accommodations</b>															
5.01	Boardinghouse	ZP, BP, SP, PO	31.7-60	-	-	-	-	C	-	-	-	C	P	C	-
5.02	Campground	ZP, SP, PO	31.7-61	C	-	-	-	-	-	-	-	C	-	-	-
5.03	Group recreation camp	ZP, SP, PO	31.7-62	C	-	-	-	-	-	-	-	C	-	-	-
5.04	Migrant labor camp	ZP, SP, PO	31.7-63	C	-	-	-	-	-	-	-	-	-	-	-
5.05	Overnight lodging	ZP, BP, SP, PO	31.7-64	-	-	-	-	-	-	-	-	C	P	P	P
5.07	Resort	ZP, BP, SP, PO	31.7-66	C	-	-	-	-	-	-	-	C	P	C	P
<b>6 Food and Beverage Sales</b>															
6.01	Brewpub	BP, SP, PO	31.7-66	-	-	-	-	-	-	C	P	P	P	P	C
6.02	Restaurant	BP, SP, PO	31.7-67	-	-	-	-	-	-	C	P	P	P	P	C
6.03	Tavern	BP, SP, PO	31.7-68	-	-	-	-	-	-	C	P	P	P	P	C
<b>7 Vehicle Rental, Sales, and Service</b>															
7.01	Heavy vehicle sales and rental	ZP, BP, SP, PO	31.7-69	-	-	-	-	-	-	-	-	-	C	-	P
7.02	Truck stop	ZP, BP, SP, PO	31.7-70	-	-	-	-	-	-	-	-	-	C	-	C
7.03	Vehicle fuel station	ZP, BP, SP, PO	31.7-71	-	-	-	-	-	-	-	-	C	P	C	P
7.04	Vehicle repair shop	ZP, BP, SP, PO	31.7-72	-	-	-	-	-	-	-	-	C	P	-	P
7.05	Vehicle sales and rental	ZP, BP, SP, PO	31.7-73	-	-	-	-	-	-	-	-	C	P	-	P
7.06	Vehicle service shop	ZP, BP, SP, PO	31.7-74	-	-	-	-	-	-	-	-	C	P	-	P
7.07	Vehicle storage yard	ZP, BP, SP, PO	31.7-75	-	-	-	-	-	-	-	-	-	-	C	C
<b>8 General Sales</b>															
8.01	Convenience retail sales	ZP, BP, SP, PO	31.7-76	-	-	-	-	-	-	P	P	P	P	P	C
8.02	General retail sales	ZP, BP, SP, PO	31.7-77	-	-	-	-	-	-	C	P	P	C	P	C









Table 7-1. Land use matrix		Review	Special Standards	A-2	R-1	R-2	R-3	R-4	R-8	B-1	B-2	B-3	M-1	I-1	I-2
18.19	Yard sale	-	31.7-215	P	P	P	P	P	P	P	P	P	P	-	-

**Table 7-1 Key:**

**Zoning Districts:** **A-2** General agriculture; **R-1** Rural residential; **R-2** Suburban residential; **R-3** Two-family residential; **R-4** Multi-family residential; **R-8** Manufactured/mobile home community; **B-1** Local service; **B-2** Community business; **B-3** General business; **M-1** Mixed use; **I-1** Light industrial; **I-2** Heavy industrial

A "P" indicates that the use is permitted in the zoning district by right, provided that all other provisions of this chapter are met. These uses generally do not undergo public review, but are reviewed at the administrative level to ensure compliance.

A "C" indicates that the use is permitted in the zoning district as a conditional use provided that all other provisions of this chapter are met.

A "--" indicates that the use is not permitted in the zoning district.

"ZP" indicates zoning permit; "BP" indicates building plan; "SP" indicates site plan, "PO" indicates plan of operation

# MEMO

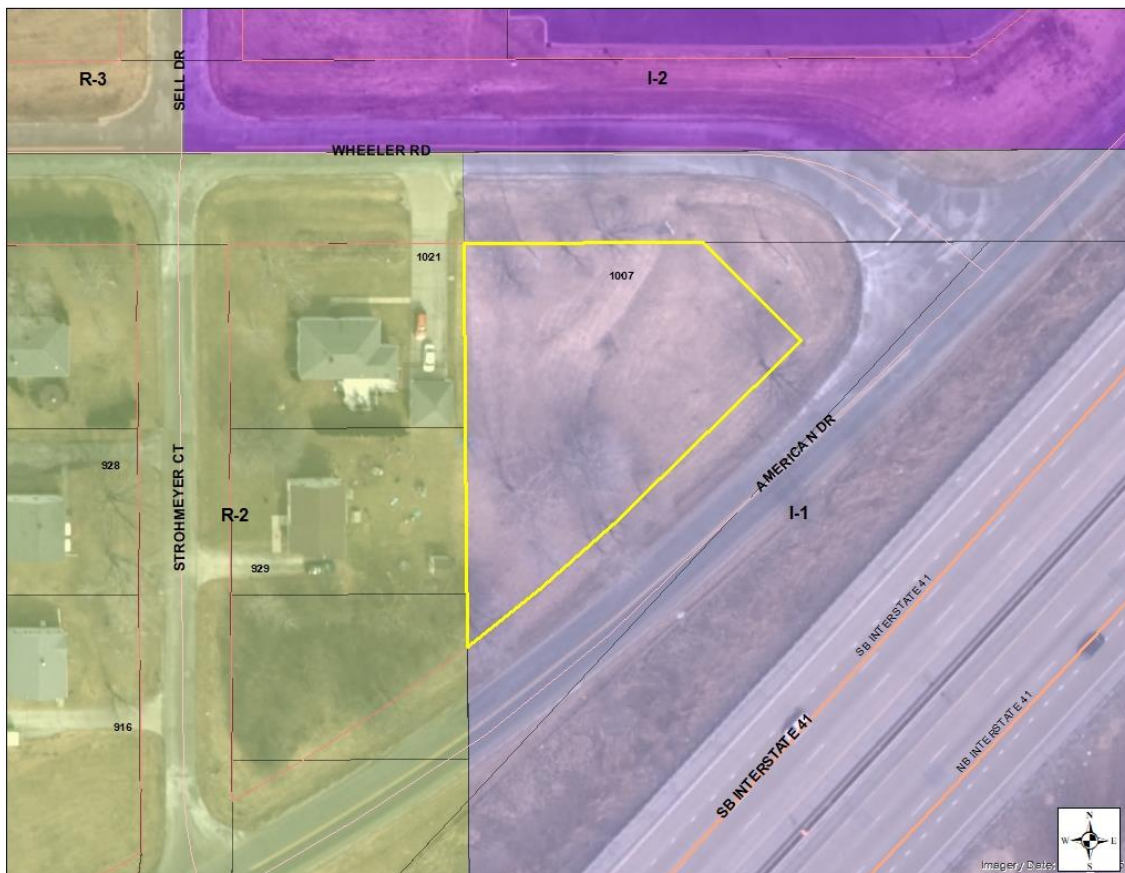
**Date:** February 13, 2019  
**To:** Village Planning Commission Members  
**From:** Community Development Department Staff  
**RE:** New Business Item 2 – Rezoning – 1007 Wheeler Rd. – I-1 to M-1

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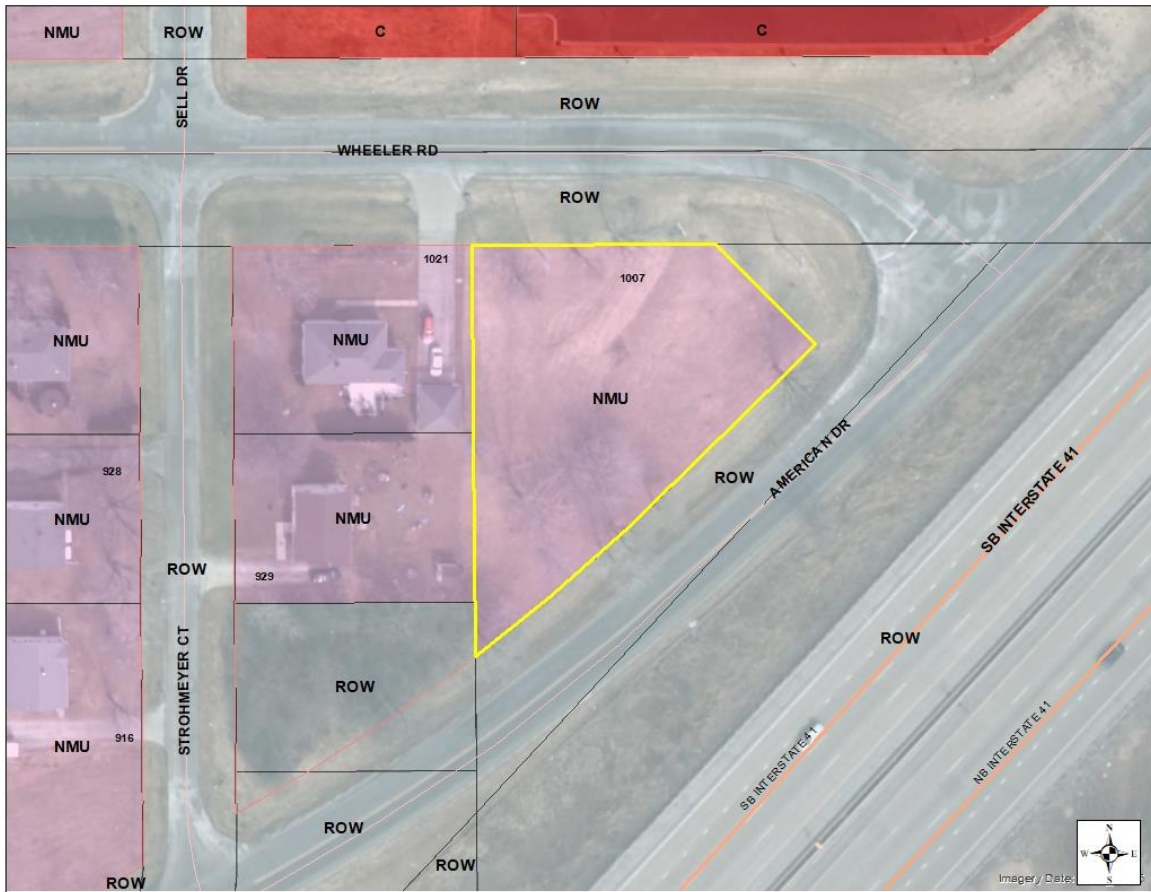
## Overview

The petitioner, Ralph Buss, is requesting approval of a rezoning from I-1 (Light Industrial) to M-1 (Mixed-Use) for 1007 Wheeler Rd. The lot is currently zoned Light Industrial, but the lot is much too small for an industrial development. Rather than attempting to fit an industrial development on this 1.15 acre parcel, the owner has talked with us about building a duplex. A duplex is not allowed in industrial zoning, so staff advised the petitioner to rezone it to Mixed-Use. Rezoning it to residential was discussed, but that would require a Future Land Use Map amendment since the property is designated Neighborhood Mixed Use on the Future Land Use Map (following page). By rezoning it to Mixed-Use, however, a duplex is permitted with a conditional use permit.

### Current Zoning



## Future Land Use



### Staff Recommendation

As you can see above, this rezoning request is consistent with the Comprehensive Plan Future Land Use Map's industrial designation. Staff recommend approval of the rezoning for 1007 Wheeler Road from I-1 to M-1.

# MEMO

**Date:** February 13, 2019  
**To:** Village Planning Commission Members  
**From:** Community Development Department Staff  
**RE:** New Business Item 3 – Final Plat – Jacobsen Meadows 3

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## Overview

Davel Engineering has prepared a 14 lot preliminary plat for a third phase of the Jacobsen Meadows subdivision. This preliminary plat is on land currently zoned for a Planned Development District (see aerial on next page). PDDs allow for more flexible standards. Lots range from 7,771 sq. ft. to 16,850 sq. ft. as you can see on the final plat on page three. The minimum lot size in our R-2 zoning district is 9,000 sq. ft., but since this is a PDD we allow smaller lot sizes. There are also variations in setbacks from what we normally enforce on residential lots. Staff feel these standards are reasonable. Reduced setbacks and varying lot sizes allow for more diversity of housing opportunities, which is a goal of our Comprehensive Plan. All of these standards were approved with the preliminary plat last year.

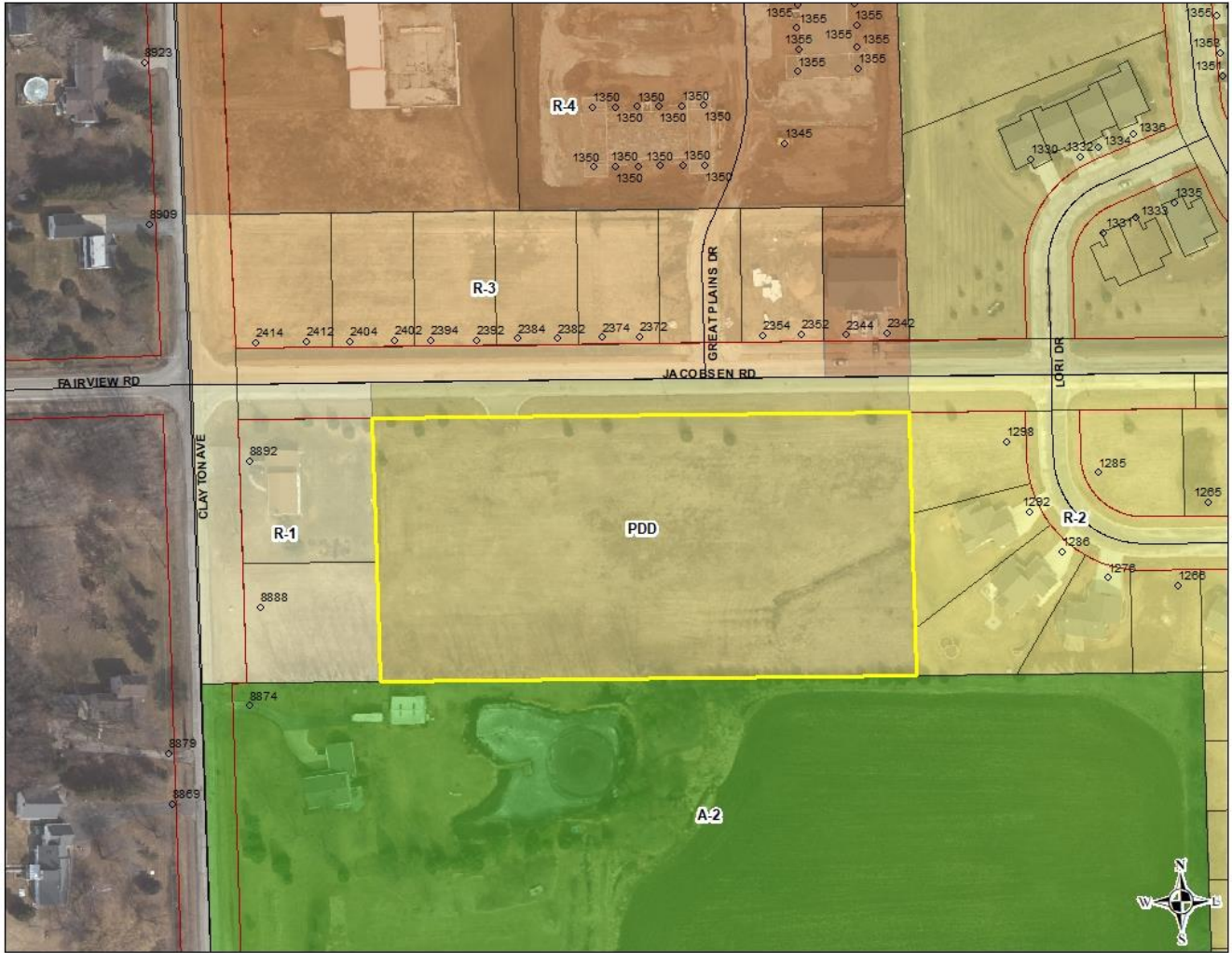
One condition of the preliminary plat approval was that a temporary cul-de-sac easement be included at the end of Brenda Lane for snow plowing and for emergency vehicle access. The developer complied and the cul-de-sac is indicated on the final plat. Another condition was that a Developer's Agreement be executed and that has also been done. It was approved at a Village Board meeting in December.

## Staff Recommendation

Staff find that this final plat complies with the Village of Fox Crossing's Chapter 6 Land Division Ordinance and recommend approval with the following conditions:

1. All taxes and assessments shall be paid prior to the Village affixing signatures on the final plat.
2. The applicant shall provide the Village with a copy of the recorded final plat.







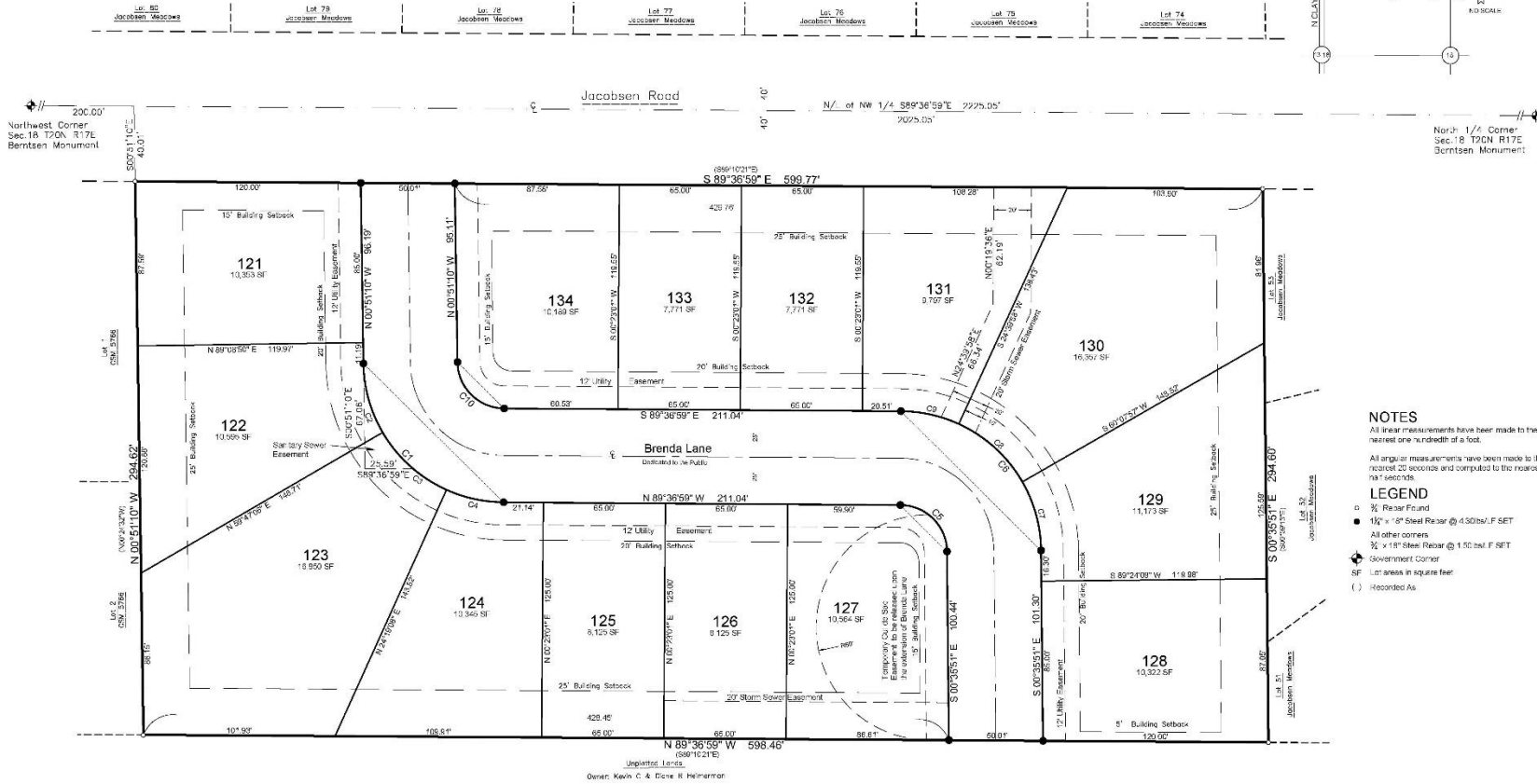
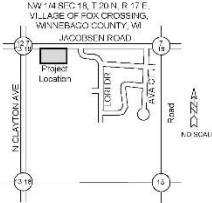
# Jacobsen Meadows 3

All of Lot 3, Certified Survey Map 5766 being part of the Northwest 1/4 of the fractional Northwest 1/4 of Section 18, Township 20 North, Range 17 East, Village of Fox Crossing, Winnebago County, Wisconsin.



Bearings are referenced to the north line of the Northwest 1/4, Section 18, T20N, R17E, assumed to bear S89°36'59"E, based on the Winnebago County Coordinate System.

## LOCATION MAP



## NOTES

All linear measurements have been made to the nearest one-hundredth of a foot.

All angular measurements have been made to the nearest 30 seconds and computed to the nearest 1/10 seconds.

## LEGEND

- Rear Found
- 4" x 6" Steel Rebar @ 4.30 bsf F SET
- All other corners
- 1/2" x 1/8" Steel Rebar @ 1.50 bsf F SET
- ⊕ Government Corner
- SF Lot areas in square feet
- ( ) Rounded As

There are no objections to this plat with respect to Secs. 226.15, 226.16, 226.20 and 226.21(1) and (2), Wis. Stat. as provided by s. 226.12, Wis. Stat.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration

Revision Date: Jan 15, 2019  
 File: 40027.nls.dwg  
 Date: 01/15/2019  
 Drawn by: jrcy  
 Sheet 1 of 2

**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
 CIVIL ENGINEERING CONSULTANTS  
 181 Racine Street, Winnebago, WI 54982  
 Ph: 920.601.1888 Fax: 920.633.6995  
 www.davel.biz

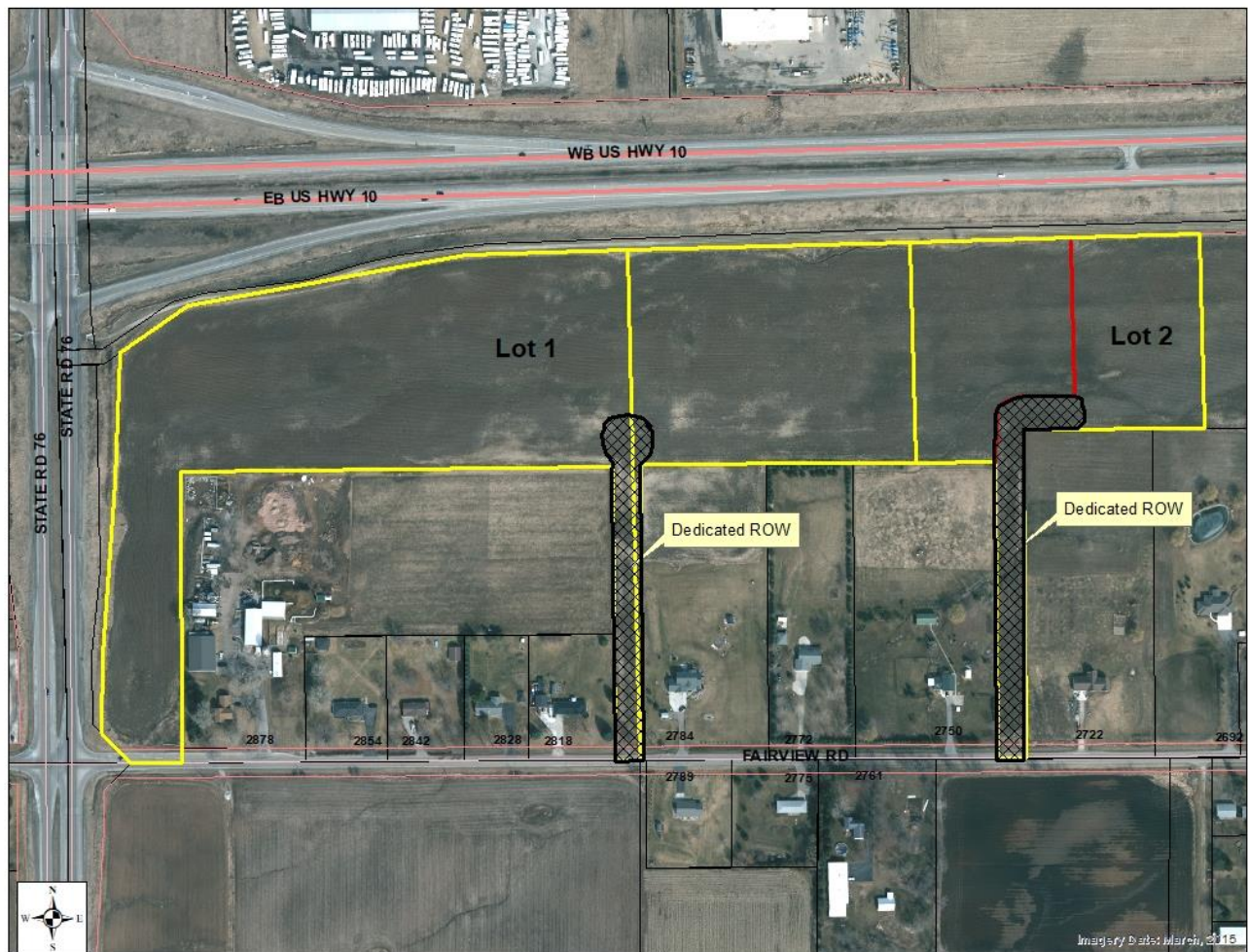
# MEMO

**Date:** February 13, 2019  
**To:** Village Planning Commission Members  
**From:** Community Development Department Staff  
**RE:** New Business Item 4 – Extraterritorial Certified Survey Map – Fairview Rd. – Town of Clayton

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## Overview

This Certified Survey Map is an extraterritorial review of a land division by the Village. The properties are located in the Town of Clayton on Fairview Rd. on this side of State Hwy 76. The purpose of the CSM is to consolidate three lots into two and to dedicate public right-of-way into Lots 1 and 2 for access. The current parcel lines are in yellow on the aerial below and the approximate split is in red. The proposed rights-of-way are crosshatched. The CSM is on the next page.



# Staff Recommendation

Land divisions in extraterritorial areas are reviewed in the same fashion as the Village would review a land division within the Village limits. Staff are concerned about the design of the right-of-way dedications. There need to be cul-de-sacs at the dead ends, which meet Village specifications. Village specifications dictate that all cul-de-sacs must have at least a 60' radius. Lot 1 does have a cul-de-sac, but it is unclear what the radius is, and Lot 2 does not have a cul-de-sac at all. Both of these lots need a cul-de-sac that has the 60' standard radius. This standard ensures that emergency vehicles will be able to access the properties.

Staff are willing to approve this Extraterritorial Certified Survey Map for Fairview Rd., but only if the following conditions are met:

1. The two right-of-way dedications from Fairview Rd. to Lots 1 and 2 shall include cul-de-sacs, which have at minimum a 60' radius.
2. The applicant shall submit the amended CSM to the Village.
3. The applicant shall provide the Village with a copy of the final recorded CSM.

