

ZONING

325 Attachment 2

Town of West Bend

**Appendix B
Land Use Summary**

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**Appendix B. Land Use Summary
(Exhibit C for Ordinance 2024-06)**

Series Land Use

1 Residential

1.01 Assisted living facility

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

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

Supplemental Standards:

(A) Required green space. If an assisted living facility is not located in a commercial zoning district, at least 30 percent of the parcel must remain undeveloped (i.e., landscaped).

(B) Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

1.02 Community living arrangement, 8 or fewer residents

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

Vehicle Parking: 2 spaces

Supplemental Standards:

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

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

(C) Proximity to same use. A community living arrangement may not be established within 2,500 feet of another such facility. An agent of a facility may apply for an exception to this requirement, and the Town Board at its discretion may grant the exception. Two community living arrangements may be adjacent if allowed by the Town Board and if both facilities comprise essential components of a single program.^[2] A foster home and a foster treatment

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home that is the primary domicile of a foster parent or foster treatment parent and that is licensed under § 48.62, Wis. Stats., are exempt from this requirement.

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

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

[2] See § 59.69 (15)(a), Wis. Stats.

Advisory notes:

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

1.03 Community living arrangement, 9 to 15 residents

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

Vehicle Parking: 4 spaces

Supplemental Standards:

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

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

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

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

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

[2] See § 59.69 (15)(a), Wis. Stats.

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Advisory notes:

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

1.04 Nursing home

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

Note: See § 50.01 (3), Wis. Stats.

Vehicle Parking: 1 space for each 6 beds, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) State license. Prior to the establishment of a nursing home, the operator must obtain a license from the state as provided for in § 50.02, Wis. Stats., and maintain the license for the life of the use or until the state no longer requires the license.

(B) Required green space. If a nursing home is not located in a commercial zoning district, at least 30 percent of the lot must remain undeveloped (i.e., landscaped).

(C) Setbacks. Principal buildings must be located at least 35 feet from a property in a residential zoning district or a planned development district that allows residential uses.

1.05 Single-family dwelling

Description: A dwelling consisting of one dwelling unit designed for, converted to, and/or occupied by one household unit and not attached to another dwelling unit.



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Vehicle Parking: 2 spaces

Supplemental Standards:

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

(B) Number of principal dwellings per parcel. No more than one single-family dwelling unit may occupy any single parcel of land.

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

(D) General garage requirements. An attached or detached garage must be built concurrently with the construction of the single-family dwelling and must be at least 480 square feet.

(E) Limitation on attached garages. When located in the R-1S district and R-1S/MU, an attached garage may not be more than 70% of the living area of the dwelling unit. When located in a residential district other than R-1S or R-1S/MU, an attached garage may not be more than 100% of the living area of the dwelling unit.

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(F) Architectural design. A single-family dwelling must comply with the design standards in § 325-80A.

(G) Short-term rental. If a single-family dwelling is used as a short-term rental, the property owner must comply with Town of West Bend Ordinance No. 2019-01, as may be amended.

2 Group Accommodations

2.01 Group recreational camp

Description: 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.

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

Supplemental Standards:

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

(B) Minimum lot area. The minimum lot area for a group recreation camp is 10 gross acres.

(C) Density. If campground spaces are provided, the maximum number of individual campsites is 12 per net acre.

(D) Management plan. The owner must submit an onsite management plan to the Town Board and obtain approval of the same.

(E) Access. Campsites must be arranged to permit the safe and practical placement and removal of vehicles from a private roadway internal to the development.

(F) Separation. Each campsite must be separated from other campsites within the group recreation camp by a yard area not less than 15 feet wide.

(G) Setbacks. A campsite must be at least 50 feet from a road right-of-way and at least 40 feet from any other property boundary.

(H) Screening. A group recreation camp must be completely screened except for permitted entrances and exits by either a temporary planting of fast-growing plant material, capable of reaching a height of 10 feet or more within two years, or a permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years a dense screen will be formed. Such permanent planting must be grown or maintained to a height of not less than 10 feet.

(I) 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 must be designed, operated, and located to inhibit use by non-occupants.

[1] See ch. DHS 175, Wis. Admin. Code

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(J) Limitation on addition of features. Storage sheds, decks, patios, and similar structures, whether permanent or temporary, are prohibited within a camping space. Structural additions to a recreational vehicle, whether permanent or temporary, are also prohibited. Raised tent platforms are permitted.

(K) Solid waste collection. An off-street area for the collection of solid waste (trash) must be provided within a group recreation camp.

(L) Continuing maintenance. The owner of the group recreation camp must maintain the group recreation camp in a clean and sanitary manner.

2.02 Overnight lodging

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

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

Supplemental Standards:

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

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

[1] See ch. DHS 175, Wis. Admin. Code

2.03 Resort

Description: 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. A resort may also include a tavern and restaurant that is open to the public.

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

Supplemental Standards:

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

(B) Minimum lot area. The minimum lot area for a resort is 20 acres.

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(C) Special dimensional standards. Club houses and similar buildings, lodging facilities, and maintenance buildings with a floor area exceeding 1,200 square feet must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(D) Special provision for R-1S/MU district. A resort that has operated in a longstanding and uninterrupted manner in the R-1S/MU district is allowed subject to the restrictions in § 325-29(A).

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

3 Food and Beverage Sales

3.01 Restaurant

Description: 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.



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

Supplemental Standards:

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

(B) Alcohol license. If the establishment serves alcohol, the operator must obtain an alcohol license from the Town and maintain the license for the life of the use or until the license is no longer required.

(C) Grease trap. If the premises is connected to public sewer system, a restaurant must have a grease trap unless exempted by the wastewater treatment manager.

(D) Sampling manhole. If the premises is connected to public sewer system, a restaurant must have a sampling manhole unless exempted by the wastewater treatment manager.

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

(F) Location of entrance. A customer entrance to a restaurant that is located on the side or rear of the building must be located at least 50 feet from a parcel in a residential zoning district or a planned development district that allows residential uses.

(G) Special provision for R-1S/MU district. A restaurant that has operated in a longstanding

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and uninterrupted manner in the R-1S/MU district is allowed subject to the restrictions in § 325-29(A).

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

3.02 Tavern

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



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

Supplemental Standards:

(A) Alcohol license. Prior to the establishment of a tavern, the operator must obtain an alcohol license from the Town and maintain the license for the life of the use or until the license is no longer required.

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

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

(D) Special provision for R-1S/MU district. A tavern that has operated in a longstanding and uninterrupted manner in the R-1S/MU district is allowed subject to the restrictions in § 325-29(A).

4 Vehicle Sales and Service

4.01 Vehicle fuel station

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



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

Supplemental Standards:

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(A) Street access. A vehicle fuel station must front on and take access off of a collector road or higher classification.

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

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

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

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

(F) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 2 vehicles in front of each pump island.

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

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

4.02 Vehicle repair shop

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



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

Supplemental Standards:

(A) Work area. Motor vehicles must be repaired inside of an enclosed building.

(B) Vehicle storage. When a vehicle repair shop is located in a commercial zoning district, no more than 10 motor vehicles may be stored out-of-doors overnight. When located in an industrial zoning district, if otherwise allowed, there is no limitation on the number of motor vehicles that can be stored overnight. Storage of unlicensed vehicles is strictly prohibited.

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4.03 Vehicle sales and service

Description: A place where new and used cars, light trucks, and motorcycles are offered for rent, sale, lease, or exchange, or are taken on consignment. This use may include the repair of such vehicles as a subordinate use to the extent deemed appropriate by the Plan Commission. The display of heavy machinery, construction equipment, recreational vehicles snowmobiles, all-terrain vehicles (ATVs) and similar is not allowed.



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

Supplemental Standards:

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

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

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

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

See ch. 218, Wis. Stats.
See § TRANS 138.03 (a), Wis. Admin. Code.

4.04 Vehicle service shop

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



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

Supplemental Standards:

(A) Work area limited. Motor vehicles must be serviced inside of an enclosed building.

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(B) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 2 vehicles for each bay, although more may be required as part of the site plan review based on the nature of the service being provided.

5 Commercial

5.01 Adult-oriented establishment

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

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

Supplemental Standards:

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

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

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

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

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

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

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

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

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

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

- (1) Any business operated by or employing a licensed psychologist, licensed physical therapist, licensed masseuse, licensed vocational nurse, registered nurse, licensed athletic trainer, licensed cosmetologist, or licensed barber provided the licensed individual is only engaged in performing the normal and customary functions authorized under the license held;
- (2) Any business operated by, or employing a licensed physician or licensed chiropractor while engaged in practicing the healing arts;
- (3) Any retail establishment whose principal business is the offering of wearing apparel for sale to customers and that does not exhibit merchandise on live model(s); or
- (4) An activity sponsored by a school licensed by the State of Wisconsin or a college, junior college or university supported entirely or partly by taxation; or a private college or university that maintains or operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

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

- (1) The activity must be situated in a structure that has no sign or other advertising visible from the exterior of the structure indicating a nude person is available for viewing; and
- (2) All students participating in the class must be enrolled at least 3 days in advance of the class; and
- (3) Not more than one (1) nude model is on the premises at any one time.

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

(F) Proximity to other specified land uses. An adult-oriented establishment may not be located within 600 feet of any of the following:

- (1) public library;
- (2) public playground or park, including nature trails, pedestrian/bicycle paths, 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 used only incidentally at a school;
- (4) state licensed family day care home, group day care home, or day care center;
- (5) worship facility;
- (6) any youth-oriented establishment;
- (7) tavern; or
- (8) any commercial business, other than a tavern, holding a valid liquor license.

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

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

(H) Licensing. An adult-oriented establishment must comply with any licensing requirements established by the Town of West Bend.

5.02 Business incubator

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

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

Supplemental Standards:

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

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

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

5.03 Commercial greenhouse

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Description: 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. Plants grown on site may be sold at retail along with other related merchandise provided the sale of such merchandise is clearly subordinate to the sale of plants.



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

Supplemental Standards:

(A) Light shades. When a greenhouse uses supplemental lighting for growing purposes, shades must be used from sundown to sunrise to prevent sky glow.

(B) Reserved

5.04 Commercial stable

Description: A place where horses, donkeys, and other similar domesticated animals are kept for boarding, instructional purposes, or hire on trail rides.

Vehicle Parking: 1 space for each 4 stalls, or equivalent

Supplemental Standards:

(A) Minimum lot area. The minimum lot area for a commercial stable is 20 acres.

(B) Not in a subdivision. The parcel with this use may not be located in a platted subdivision.

(C) Number of animals. The number of livestock is based on the lot area as follows: 1 head for the first 3 acres and 1 head for each additional acre over 3.

(D) Buildings. Nonresidential buildings and other structures related to a commercial stable, such as barns, stables, riding arenas, and sheds, are allowed subject to compliance with all other requirements of the zoning regulations.

(E) Location of buildings. A building that houses livestock must be located at least 100 feet from any lot line of any adjoining lot in a district permitting a residential use.

(F) Manure management plan. The property owner must submit a manure management plan to the Plan Commission for review and obtain approval of the same.

(G) Special events. Special events related to a commercial stable, such as horse shows, exhibitions, and contests, may be allowed if otherwise permitted by the Town.



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5.05 Craft brewery, winery, distillery

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



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Vehicle Parking: 1 space for each 350 square feet for customer service, plus 1 space for each employee on the largest work shift

Supplemental Standards:

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

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

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

5.06 Equipment rental, large

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

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

Supplemental Standards:

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

(B) Reserved

5.07 Equipment rental, small

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

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

Supplemental Standards:

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

5.08 Financial service

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

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

Supplemental Standards:

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

(B) Reserved

[1] See § 59.69(4h), Wis. Stats.

5.09 Funeral home

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

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

Supplemental Standards:

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

5.10 Group day care center

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

Note: A family day care home (4-8 children) is considered an accessory use and is therefore listed in Series 13



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

Supplemental Standards:

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

(B) Reserved

5.11 Healthcare clinic

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



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

Supplemental Standards:

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

5.12 Personal and professional services

Description: An establishment within an enclosed building that provides services directly to an individual on a walk-in or on- appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, barber shops, beauty shops, and fitness studios and instructional studios (e.g., dance, art, martial arts). The term does not include any other use specifically defined in this part.

Vehicle Parking: 1 space for each 350 square feet of display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

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

5.13 Retail sales, 15,000 square feet or less

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



Vehicle Parking: 1 space for each 350 square feet of display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

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

5.14 Retail sales, more than 15,000 square feet

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

Vehicle Parking: 1 space for each 350 square feet of display area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

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

5.15 Veterinary clinic

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

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

Supplemental Standards:

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

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6 Recreation and Entertainment

6.01 Commercial recreation facility, indoor

Description: An establishment offering recreational activities entirely within an enclosed building. Such activities often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include bowling alleys, arcades, roller rinks, pool halls, and fitness studios and instructional studios (e.g., dance, art, martial arts).

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

Supplemental Standards:

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

6.02 Commercial recreation facility, outdoor

Description: An establishment providing recreational activities primarily outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples include outdoor commercial swimming pools, driving ranges, miniature golf, batting cages, amusement parks, drive-in theaters, and water parks. The term does not include golf courses and ski hills.



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

Supplemental Standards:

(A) Hours of operation. The Plan Commission may recommend and the Town Board may establish hours of operation for this use when the operation has the potential to negatively affect surrounding properties.

(B) Site design considerations. The site must be designed to minimize the effects of outdoor lighting and noise on surrounding properties.

6.03 Golf course

Description: A place where individuals, for a fee or other consideration, play golf outdoors. This use may include one or more buildings and other structures directly related to the operation of this use, such a club house and buildings for housing maintenance equipment, supplies, and related materials.



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Vehicle Parking: 36 spaces for each 9 holes of golf, or fraction thereof; plus 1 space for each employee on the largest work shift. If a tavern or restaurant is also part of the golf course facility, the parking requirements of such use is 25 percent of the

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requirement

Supplemental Standards:

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

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

6.04 Indoor entertainment

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

Vehicle Parking: 1 space per 3 patrons, plus 1 space for each employee at largest work shift

Supplemental Standards:

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

6.05 Park, community

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



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

Supplemental Standards:

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

6.06 Park, neighborhood

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



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

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Supplemental Standards:

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

6.07 Recreational trail

Description: A linear path, not otherwise part of a public park, that is dedicated to recreational uses such as hiking, biking, cross-country skiing, and horseback riding.

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

Supplemental Standards:

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



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6.08 Ski hill

Description: A site and associated facilities that has been primarily developed for alpine or Nordic skiing and other snow sports, and that has at least one ski lift. The site may be used for other off-season recreational activities such as downhill mountain biking.

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

Supplemental Standards:

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

7 Institutional

7.01 Cemetery

Description: A place where human remains may be buried or interred. Accessory uses may include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

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

Supplemental Standards:

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



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7.02 Community center

Description: A place where short-term and intermittent meetings or gatherings of individuals

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are held for purposes of sharing information, entertainment, social service, or similar activities. The term includes senior centers; neighborhood recreational centers; fraternal, social, or civic clubs; lodges; and union halls.

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

Supplemental Standards:

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

7.03 Community cultural facility

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

Vehicle Parking: 1 space for each 350 square feet of floor area or 1 space for each 3 patrons 00 at design capacity, whichever is greater, plus 1 space for each employee on the largest work shift

Supplemental Standards:

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

7.04 Government facility

Description: A facility operated by a governmental entity that provides a service to the public.

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

Supplemental Standards:

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

7.05 Place of worship

Description: A place where people can regularly assemble for religious worship and associated activities and which is operated by an entity with tax-exempt status. The term includes sanctuaries, chapels, cathedrals, churches, synagogues, and temples and other onsite accessory buildings such as 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.



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

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Supplemental Standards:

(A) Street access. The primary access for a worship facility with 600 seats or more must be off of a collector road.

(B) Floor area ratio. When located in a residential zoning district, the maximum floor area ratio for a worship facility is 35 percent.

7.06 Public safety facility

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

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

Supplemental Standards:

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

7.07 School, K-12

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



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

Supplemental Standards:

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

(B) Reserved

8 Industrial

8.01 Artisan shop

Description: A place where handmade craft items or works of art are made on a small-scale and offered for retail sale.

Examples of such items include paintings, textiles, weaving, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small furniture and other similar wooden items, candles, soaps, and lotions.



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Vehicle Parking: 1 space for each 400 square feet of display

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area, plus 1 space for each employee on the largest work shift

Supplemental Standards:

(A) Generally. When an artisan shop is located in a commercial zoning district, all materials and activities, except loading and unloading, must be conducted entirely within an enclosed building.

(B) Demonstrations and workshops. The operator may conduct demonstrations and workshops within the confines of the building provided attendance at the event or function does not create a demand for parking spaces that is greater than the number provided on site.

8.02 General repair

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



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Vehicle Parking: 1 space for each 500 square feet of floor area

Supplemental Standards:

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

(B) Reserved

8.03 Manufacturing

Description: A place where products or goods are produced within an enclosed building and any smoke, dust, noise, or odor related to such activities are confined within the building. This use may include administrative offices and storage of raw materials and finished goods as a subordinate use. The term includes a tool and die maker, furniture production, metal fabrication, apparel manufacturing, printing, and publishing.



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

Supplemental Standards:

(A) Restriction on location of manufacturing processes. All manufacturing processes must be conducted entirely within an enclosed building.

(B) Location of outdoor activity areas. Outdoor activity areas must be located at least 100 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(C) Material storage. Materials may be stored out of doors, provided such areas are sufficiently screened as determined by the Plan Commission.

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8.04 Recycling center

Description: A place where recoverable materials, which have been removed from the waste stream, may be stored prior to shipment to others who use those materials to manufacture new products. Typical recoverable materials include glass, paper, metal, and plastic. The term does not include salvage yard.

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

Supplemental Standards:

(A) Compliance with other requirements. In addition to meeting the requirements in this part, a recycling center must comply with all county, state, and federal regulations that may apply.

(B) Location of materials and activities. All materials and activities, including unloading of materials, must be conducted entirely inside of an enclosed building.

9 Storage

9.01 Warehouse

Description: A place where goods, merchandise, and other materials are temporarily stored for eventual shipment. The term includes moving and storage facilities. The term does not include bulk fuel storage.



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

Supplemental Standards:

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

(B) Control of fugitive dust. As part of the site plan/operation plan review process, the control of fugitive dust generated by this use, if any, should be addressed.

10 Telecommunications and Utilities

10.01 Dam

Description: An artificial barrier in or across a navigable watercourse which has the primary purpose of impounding or diverting water. A dam may include appurtenant works, such as dikes, canals, and a powerhouse.

Vehicle Parking: 1 space if needed for maintenance and inspections

Supplemental Standards:

(A) State and federal compliance. A dam must comply with all state and federal rules and

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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 must comply with the safety measures required in § NR 33.07 (3), Wis. Admin. Code.

(D) Termination of use. If the zoning administrator determines that a dam has not been operational for a continuous period of 12 months, the administrator must initiate proceedings to formally terminate the approval.

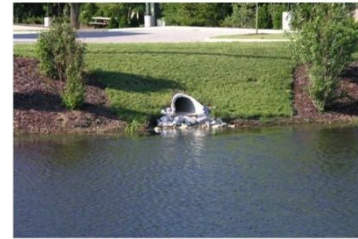
10.02 Stormwater management facilities

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

Supplemental Standards:

(A) Design. Stormwater management facilities must be designed consistent with the Town's standards in the municipal code.

(B) Maintenance. Stormwater management facilities must be maintained to ensure they continue to serve their intended purposes and design.



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10.03 Telecommunication, Class 1 collocation and new tower

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

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



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Vehicle Parking: 1 space

Supplemental Standards:

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

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

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

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

(4) The regulations in this part are intended to accomplish the following purposes, to the fullest extent permitted by law (a) protect the visual character of the Town from the potential

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adverse effects of telecommunication facilities; (b) ensure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided; (c) create and preserve telecommunication facilities that will serve as an important and effective part of the Town's emergency response network; (d) minimize the number of towers by requiring collocation; and (e) avoid damage to adjoining properties by establishing setback standards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(R) Financial guarantee. Prior to issuance of a building permit authorizing construction of a tower, the applicant must submit a financial guarantee to the Town in a form acceptable to the Town Board. The amount of the financial guarantee is based on one or more cost estimates prepared by a qualified contractor as submitted by the property owner or obtained by the Town to remove the tower, equipment compound, and related site improvements and restore the site to the satisfaction of the zoning administrator.^[6] The financial guarantee will be held until the tower, equipment compound, and related site improvements are removed and the site is restored to the satisfaction of the zoning administrator.

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

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

[1] See § 704 of the act in particular

[2] See § 66.0404(2)(g), Wis. Stats.

[3] See § 66.0404(4)(j), Wis. Stats.

[4] See § 66.0404(2)(b)6, Wis. Stats.

[5] See § 66.0404(2)(e), Wis. Stats.

[6] See § 66.0404(4)(f), Wis. Stats.

[7] See § 66.0404(4)(f), Wis. Stats.

[8] See § 66.0404(4)(f), Wis. Stats.

10.04 Telecommunication, Class 2 collocation

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

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

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

Supplemental Standards:

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



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10.05 Utility installation, major

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



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

Supplemental Standards:

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

(B) Reserved

10.06 Utility installation, minor

Description: A utility installation generally having low impact on neighboring property. The term includes public water system wells, without a tower; below ground sewer lift stations; and stormwater pumping stations.

Vehicle Parking: NA

Supplemental Standards:

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

(B) Reserved



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10.07 Wind energy system, less than one megawatt

Description: A wind energy system that has a nominal capacity less than one megawatt (1,000 kilowatts).

Supplemental Standards:

(A) Standards. A wind energy system must comply with the standards as set forth in ch. PSC 128, Wis. Admin. Code.

(B) Reserved

10.08 Wind energy system, one megawatt and more

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Description: A wind energy system that has a nominal capacity of at least one megawatt (1,000 kilowatts).

Supplemental Standards:

(A) Standards. A wind energy system must comply with the standards as set forth in ch. PSC 128, Wis. Admin. Code.

(B) Reserved

11 Agriculture, Resource Uses, and Related

11.01 Fish hatchery

Description: A place where game fish are reared and then released into a lake or stream in the area. A fish hatchery may be operated by the Wisconsin Department of Natural Resources or a recognized conservation organization.



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

Supplemental Standards:

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

11.02 General agriculture

Description: 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.



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Vehicle Parking: NA

Supplemental Standards:

(A) Prohibitions. Filling of wetlands is prohibited along with the creation of new artificial drainage systems or the extension or expansion of existing artificial drainage systems.

(B) Number of livestock. One animal unit, in any combination of animals, is allowed for each 2.5 acres on parcels that are less than 20 acres. For farm operations existing as of _insert date of adoption ____, 2024, there is no limitation on livestock when the parcel is 20 acres or larger.

(C) Livestock in subdivisions. The keeping of livestock is prohibited in a platted subdivision, except on an outlot within a residential subdivision developed as a conservation development.

11.03 Growing and sale of Christmas trees

Description: A place where Christmas trees are grown and then sold to customers at retail.

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Customers may cut their own tree or purchase one that has been precut.

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

Supplemental Standards:

(A) Minimum lot area. The minimum lot are for this use is 5 acres.

(B) Not in a subdivision. The parcel with this use may not be located in a platted subdivision.

(C) Parking areas. Parking areas must be located and configured to minimize potential conflicts with surrounding properties.

11.04 Open lands.

Description: Undeveloped land that is kept and managed in a natural state for the purpose of forest management; game management; protection of habitat, environmental features, scenic qualities, and land forms; biodiversity; and protection of flora and fauna. Such lands may include forests, woodlots, prairies, natural grasslands, and wetlands.



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Vehicle Parking: NA

Supplemental Standards:

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

12 Accessory Uses for All Principal Uses

12.01 Exterior communications device

Description: An antenna used to capture wireless telecommunication signals.

Supplemental Standards:

(A) General standards. The maximum height of a ground-mounted exterior communications device is 10 feet above the surrounding ground surface. A building-mounted exterior communications device shall not extend more than 10 feet above the roofline.

(B) Reserved



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12.02 Retaining wall

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Description: A nearly vertical wall intended to hold back earth materials.



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Supplemental Standards:

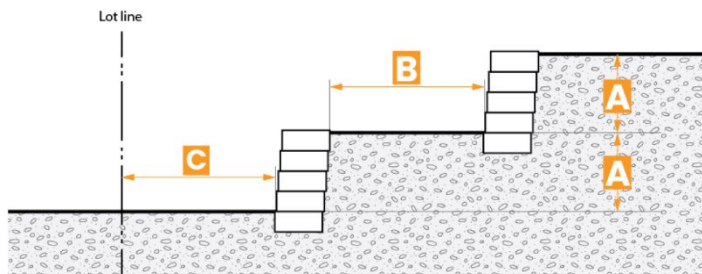
(A) Maximum height. The maximum height of a retaining wall is 6 feet, measured from the surrounding grade to the top of the wall.

(B) Terrace separation. If multiple retaining walls are used, the minimum separation for the space (i.e., terrace) between the walls is 3 feet, measured from the back of the top course to the face of the lowest course above grade.

(C) Distance to lot line. There is no minimum setback from lot lines.

(D) Engineering required on certain walls. An engineer licensed to work in Wisconsin must design the retaining wall when the overall height of the retaining wall exceeds 5 feet and when the height is more than the distance from the lot line to the back of the upper-most top course.

(E) Stormwater. A retaining wall may not obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.



12.03 Solar energy system, ground-mounted

Description: An installation that is mounted on the ground and uses sunlight to produce electricity or provide heat or hot water to an existing building on the property where it is located.

Supplemental Standards:

(A) Surface area. The surface area of a ground-mounted solar energy system must not exceed the area needed to accommodate 120 percent of the site's anticipated power demand.

(B) Maximum height. A ground-mounted solar energy system in any position must not exceed 15 feet in height as measured from the surrounding grade.

(C) Setback. A ground-mounted solar energy system in any position must not extend into the setback of a street yard, side yard, shore yard, or rear yard as established for the zoning district in which the parcel is located. The Plan Commission may allow a ground-mounted solar energy system to extend into a setback when no other location on the parcel is



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acceptable and the encroachment is the least necessary to allow the system to operate.

(D) Placement in yards. A ground-mounted solar energy system located in a residential or business zoning district can only be located in the rear or side yard. The Plan Commission may approve a ground-mounted solar energy system in the street yard when no other location on the parcel is acceptable and the encroachment is the least necessary to allow the system to operate. A solar panel in an agricultural or industrial zoning district may be located in any yard area.

(E) Certification. A ground-mounted solar energy system must be certified by (1) Underwriters Laboratories, (2) National Renewable Energy Laboratory, (3) Solar Rating and Certification Corporation, or (4) other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(F) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(G) Termination of use. If the zoning administrator determines that a ground-mounted solar energy system has not been operational for a continuous period of 12 months, the administrator must initiate proceedings to formally terminate the approval.

(H) Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401 (1m), Wis. Stats. On a case-by-case basis, if the restrictions in this part are found not to comply with the authority of § 66.0401 (1m), Wis. Stats., they are not required. The Plan Commission has the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the Town pursuant to § 66.0401 (1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

12.04 Solar energy system, roof-mounted

Description: An installation that is attached to the roof of a building that uses sunlight to produce electricity or provide heat or hot water to a building.

Supplemental Standards:

(A) Maximum surface area. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.

(B) Maximum height. A building-mounted solar energy system must comply with the maximum height requirements of the zoning district in which the building is located.

(C) Placement on a flat roof. The panels of a solar energy system that are mounted on a flat roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.

(D) Placement on a pitched roof. A solar energy system mounted on a pitched roof must be designed and installed to match the shape, proportion, and slope of the roof.

(E) Certification. A solar panel must be certified by (1) Underwriters Laboratories, (2)



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National Renewable Energy Laboratory, (3) Solar Rating and Certification Corporation, or (4) other recognized body as approved by the zoning administrator. The building inspector may approve the use of a homemade panel.

(F) Approval by electric utility company. If the solar energy system is designed to produce electricity, the property owner must submit documentation acceptable to the building inspector indicating that the system meets all applicable regulations and requirements of the affected electric utility company.

(G) Termination of use. If the zoning administrator determines that more than 50 percent of the panels (measured by total area) have not been operational for a continuous period of 12 months, the administrator must initiate proceedings to formally terminate the approval.

(H) Compliance with state law. The provisions in this part are intended to satisfy the requirements of § 66.0401 (1m), Wis. Stats. On a case-by-case basis, if the restrictions of this part are found not to comply with the authority of § 66.0401 (1m), Wis. Stats., they shall not be required. The Plan Commission has the ability to add additional restrictions on a case-by-case basis, provided they are within the authority of the Town pursuant to § 66.0401 (1m), Wis. Stats., and in particular the restriction must satisfy one of the following conditions:

- (1) Serves to preserve or protect the public health or safety.
- (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (3) Allows for alternative system of comparable cost and efficiency.

13 Accessory Uses for Residential Uses

13.01 Accessory building, residential

Description: A detached building customarily found with a residential use as an accessory use. The term includes greenhouses, detached garages, sheds, gazebos, pool cabanas, saunas, and the like.

Supplemental Standards:

(A) Number and floor area. The number of residential accessory buildings and the floor area must comply with standards in Appendix C.

(B) Standards for lake lots. For lake lots, a residential accessory building may be located in the street yard or side yard. One open-sided gazebos, not to exceed 300 square feet, and one boathouse are the only residential accessory buildings allowed in the shore yard.

(C) Standards for non-lake lots. For non-lake lots, a residential accessory building may be located in the side- and rear-yards. A residential accessory building may be located in the street-yard provided (1) the property owner clearly shows that environmental constraints and limitations (e.g., steep slopes) preclude the placement in the side- and rear-yards; (2) the proposed building is located within 100 feet of the principal building; (3) the proposed building complies with the setback requirements for a principal building; and (4) the building is located and, if necessary, screened to ensure, to the greatest degree practicable, the building does not detract from the appearance of the lot in general or the principal building in particular, or negatively affect the property values and quality of life of adjoining property owners. A residential accessory building may be located in the secondary street yard, provided it complies



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with the setback requirements for a principal building.

(D) Exterior materials. Exterior materials for a residential accessory building with a floor area of more than 128 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(E) Prohibition on specific materials. Soft-sided structures and canopies are prohibited. Shipping containers, portable on demand storage containers, buses, heavy-duty trucks and their bodies, semi-trailers, freight containers, mobile homes, and similar items which are no longer in use for their designated purpose are prohibited.

(F) Rooflines. The roof lines of a residential accessory building with a floor area of more than 128 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(G) Plumbing fixtures. Plumbing in a residential accessory building is prohibited.

(H) Habitation. A residential accessory building may not be used for habitation.

13.02 Amateur radio tower

Description: An antenna and related support structure used to send and receive telecommunications for noncommercial purposes.

Supplemental Standards:

(A) Legislative findings. The purpose of this section is to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including: (1) minimizing the unnecessary detriment to the aesthetic quality of the Town and its landscape; (2) preserving the character of various neighborhoods within the Town; (3) preserving the values of properties within the Town; (4) providing for adequate review of designs and installation of facilities that may pose substantial risk of collapse if improperly designed, installed, or maintained; (5) protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities; and (6) assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.

(B) FCC compliance. The amateur radio tower and the operation of the amateur radio service using such antenna shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission (FCC).

(C) Number. Not more than one support structure for licensed amateur radio operator shall be allowable on the parcel.

(D) Height. The antenna may not exceed 70 feet in height above grade measured at the center point of the highest part of the antenna or mast. An amateur radio tower and its antenna exceeding 70 feet in height above grade measured at the center point of the highest part of the antenna or mast is reviewed as a conditional use.

(E) Location. An amateur radio tower, including its antenna and support structure, that is designed, engineered, and constructed to fall within the boundaries of the parcel upon which it is sited, including those attached to the principal building, shall comply with the side yard and rear yard setbacks for the zoning district within which it is located. All other amateur radio towers, including associated antenna and support structures, must be setback a distance equal to 100 percent of its total height from: (1) any public road right-of-way, unless written permission

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is granted by the governmental entity with jurisdiction over the road; (2) any overhead utility lines, unless written permission is granted by the affected utility; and (3) any property lines, unless written permission is granted from the affected landowner. The amateur radio tower, including its antenna and support structure, must be located within the rear yard or secondary street yard on a double-frontage lot and shall not be located within any required setback.

(F) Ground equipment. Ground mounted electrical and control equipment must be labeled or secured to prevent unauthorized access.

(G) Wiring. All electrical wires associated with the amateur radio tower and its antenna and support structure must be located underground.

(H) Anti-climbing. Anti-climbing measures must be incorporated into the amateur radio tower and its antenna and support structure as needed, to reduce potential for trespass and injury.

(I) Lighting. The amateur radio tower and its antenna and support structure may not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(J) Appearance, color, and finish. The amateur radio tower and its antenna and support structure shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. The support structure shall comply with the same requirements as accessory structures in the zoning district.

(K) Waiver of standards. Upon petition, the zoning administrator may waive the height and location requirements of this part if effective communications cannot be obtained due to compliance with these standards. Such determination must be based on a report from a licensed professional engineer familiar with amateur radio operations, or an Extra Class licensed amateur radio operator, other than the owner, that effective communications cannot be obtained by facilities in compliance with the standards. The zoning administrator must keep a record of all waiver requests.

13.03 Backyard chickens

Description: A place where chickens are kept for the use and enjoyment of those living on the premises.

Note: Also see household livestock, which is considered a separate and distinct accessory use.



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Supplemental Standards:

(A) Number. The maximum number of chickens that may be kept is based on the lot area of the subject property as follows:

- less than 1 acre: 4
- 1.0 to 1.99 acres: 8
- 2.0 to 3.49 acres: 12
- 3.5 to 4.99 acres: 16

(B) Roosters. The keeping of roosters and crowing hens is prohibited.

(C) Enclosure requirements. Chickens must be kept in a chicken coop which consists of an open-air pen with (at least 7 cubic feet for each chicken) and an enclosure with roosting boxes (at least 3 square feet for each chicken). The re-use of storage containers, vehicles or parts thereof, and similar objects for a chicken coop is prohibited. The use of dilapidated corrugated metal, dilapidated sheet metal, plastic, polymer or tarp-type material, pallets, scrap materials, and/or similar materials is prohibited.

(D) Size restrictions. A chicken coop may not exceed 100 square feet and 6 feet in height as

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measured from the surrounding grade to the highest point.

(E) Location. A chicken coop may not be located in the street yard or primary street yard on a corner lot or double frontage lot. A chicken coop must be located at least 25 feet from any residential building on an adjacent lot and at least 15 feet from any side or rear lot line. Further, a chicken coop may not obstruct an existing drainage course or create a drainage problem for the property on which it is situated or for any neighboring property.

(F) Level of care. Chickens must be kept in a sanitary condition and have fresh water and adequate amounts of food at all times. Chickens must be secured within a chicken coop from sunset to sunrise. Chickens may not roam free outside of a chicken coop, or roam off of the subject property. A dog, cat, or other domesticated animal that kills a chicken off of the permitted property shall not, for that reason alone, be considered a dangerous or aggressive animal.

(G) Predators. The chicken coop must be a predator-proof and rodent-resistant.

(H) Slaughter of chickens. Chickens raised and kept on the subject property for food shall not be slaughtered in view of adjoining properties.

(I) Sale of eggs. Eggs laid by the chickens may be sold on site, provided all applicable rules and regulations are met. For the purposes of the Town's zoning regulations, such sales are not considered a commercial use or a home occupation.

(J) DATCP registration. The property owner must register the premise where chickens are kept with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) as required by state law and maintain registration for so long as may be required.

(K) Waste management. Chicken waste must be properly disposed of in a timely manner.

(L) Discontinuance. A chicken coop that is abandoned or its use discontinued for the keeping of chickens for a period of 365 consecutive days must be removed from the premises by the property owner. Modifications of a chicken coop for some other use is prohibited.

13.04 Boathouse

Description: A building placed above or near a waterbody that is used for the noncommercial storage of one or more watercraft and related equipment.



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Supplemental Standards:

(A) Floor area counted. The floor area of a boathouse is counted in terms of the allowable floor area on a given lot.

(B) Compliance with shoreland regulations. A boathouse must comply with the standards in the county's shoreland regulations as they apply, including § 275-5(C).

13.05 Family day care home

Description: A private residence licensed as a day care center by the state where care is provided for 4 to 8 children.

Note: See § 66.1017, Wis. Stats. A group day care (9 or more children) is considered a principal use and is therefore listed in Series 5.

Vehicle Parking: NA

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Supplemental Standards:

(A) State license. Prior to the establishment of a family day care home, the operator must obtain a license from the state as may be required by state law and maintain the license for the life of the use or until the state no longer requires the license.

(B) Reserved

13.06 Garage, off-site residential

Description: A free-standing garage located on a garage lot that is intended for motor vehicles, boats, yard equipment, and household items belonging to the property owner.

Supplemental Standards:

(A) Ownership of lots. The garage lot and the lake lot must be, and remain, in the same ownership.

(B) Location of lots. The garage lot must fully front on the road providing access to the lake lot and must be generally opposite the lake lot but not more than 5 feet off of the lake lot side lot line.

(C) Number. The lake lot is limited to one garage lot.

(D) Special construction standards. The garage must be fully enclosed (i.e., walled). Roof eaves may not extend more than 2 feet beyond the face of the wall.

(E) Floor area. The maximum floor area of the garage is limited as follows: 864 square feet for a lot that is less than 21,000 square feet and 1,200 square feet for a lot that is 21,000 square feet or more.

(F) Special setbacks. In the event, a garage, no larger than 432 square feet, cannot be constructed on a garage lot because of the established setbacks for accessory buildings, the Plan Commission can establish a lesser setback on a case-by-case basis, but not less than 5 feet for side and rear yards and 15 feet for street yard. In making its determination, the Plan Commission must obtain a recommendation from the Town's engineer that the reduced street yard setback will not interfere with the Town's ability to provide appropriate road access, road maintenance, and/or stormwater management. If the Plan Commission approves a lesser setback as allowed in this part, the property owner must adopt a deed restriction, as approved by the zoning administrator, which prohibits the parking of any vehicle between the edge of the road and the front face of the garage from November 1 through April 15.

(G) Outside storage. Motor vehicles may only be kept on the hard surfaced area in front of the garage, subject to any potential restrictions in subsection F of this part. No items or materials of any kind may be stored out-of-doors on the garage lot.

(H) Deed restriction. Prior to issuance of a building permit for an off-site residential garage, the property owner must record a deed restriction with the Washington County register of deeds office, as approved by the zoning administrator, that (1) prohibits the sale of the garage lot separately from the lake lot to which it is associated (i.e., both lots must be sold together) and (2) stipulates that the Town Board is a party to the deed restriction and has the right to enforce the terms of the deed restriction.

13.07 Home occupation

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Description: An occupation, profession, enterprise, or similar commercial activity that is conducted by a person residing on the premises, and which by their nature, appearance, and inherent operational activities and characteristics, are compatible in a residential setting. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations or uses as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.



Supplemental Standards:

- (A) **Validity of use.** The individual primarily responsible for operating the home occupation must reside in the dwelling unit on the parcel.
- (B) **Location and space limitation.** The home occupation shall not exceed 25 percent of the area of any floor.
- (C) **Exterior character of building.** The exterior character of the building housing the home occupation must not be altered to accommodate such use.
- (D) **Storage of materials.** Exterior storage of materials or equipment is prohibited. Flammable, combustible, or explosive materials that exceed levels normally found on a residential property are strictly prohibited.
- (E) **Limitation on number of on-site workers.** The number of individuals working on-site is limited to those individuals living in the dwelling unit.
- (F) **Retail sales.** Retail sale of merchandise is prohibited.
- (G) **Limitation on customer traffic.** A home occupation may not generate more than 10 customer trips per business day, which is determined to be an acceptable level of non-residential traffic in residential neighborhoods.
- (H) **Nuisance.** A home occupation may not create any smoke, odor, glare, noise, dust, vibration, fire hazard, or small electrical interference not normally associated with typical residential uses in the zoning district.
- (I) **Multiple home occupations.** More than one home occupation may be permitted on a single lot provided all of the general requirements set forth in this part can be met based on an accumulation of activities.

13.08 Hot tub

Description: A large container for holding heated water for the purpose of relaxation, hydrotherapy, or socialization. They are equipped with built-in heating systems, jets, and filtration systems to maintain water temperature, cleanliness, and hygiene.

Supplemental Standards:

- (A) **Location.** A hot tub must comply with the yard requirements for principal buildings in the zoning district in which they are located.
- (B) **Fencing.** A hot tub must be surrounded by a fence not less than 4 feet or more than 6 feet in height with a self-latching gate. A tightly closed cover may be provided in lieu of fencing with a gate.
- (C) **Draining of water.** No water drained from a hot tub shall be discharged onto or into any on-site sanitary sewerage system, public sewerage system, or directly into a navigable body of

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water or wetland.

(D) Outdoor lighting. No lighting installed around a hot tub shall throw any rays onto adjacent properties.

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13.09 Household livestock

Description: A place where livestock are kept primarily for the use and enjoyment of those living on the premises and occasional commercial purposes.

Note: Also see backyard chickens, which is considered a separate and distinct accessory use.



Supplemental Standards:

(A) Minimum lot area. The minimum lot area for household livestock is 5 acres.

(B) Not in a subdivision. Household livestock are not allowed in a platted subdivision, with the exception of conservation developments as set forth in the Town's zoning code.

(C) Number. The number of livestock is limited to one animal unit for each 2.5 acres of land. Livestock on existing farms, 20 acres or more in area shall not be subject to the 1 animal unit per 2.5-acre limitation. For the purposes of this part, one animal unit is defined as:

- One horse, cow, or similar large animal in size, over six months of age.
- One sheep, goats, or similar animal over six months of age.
- 10 rabbits or hares over two months of age.
- 10 chickens, ducks, geese, or similar fowl over two months of age.

Combinations of the above are permitted provided that they do not exceed one animal unit per 2.5 acres.

13.10 Household pets

Description: The keeping of no more than 4 household pets (4 months of age or older) such as dogs and cats.



Supplemental Standards:

(A) Licensing. Dogs must be licensed with the Town of West Bend.

(B) Status as a building. A free-standing dog enclosure with a roof not exceeding 48 square feet does not count as a building with regard to the maximum number of or floor area of accessory buildings allowed on a parcel.

(C) Location. A free-standing dog enclosure must be at least 15 feet from the rear or side lot line. A dog enclosure, run, or housing is not permitted in either the street yard, the primary street yard on a corner lot or double frontage lot, or the shore yard.

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13.11 Keeping of bees

Description: The keeping of bees for production of honey and pollination of plants.



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Supplemental Standards:

(A) Generally. No bees shall be intentionally kept and maintained other than Mason bees or Honeybees.

(B) Water supply. An ever-present supply of water must be provided for all hives.

(C) Swarming. The Town Clerk shall be notified immediately if a hive swarms. The owner is responsible for tracking and managing the swarm and notifying affected landowners.

(D) Special requirements for residential lots. On residential lots:

1. No more than two colonies may be kept on a residential zoning lot.^[1]
2. Hives shall not be located on vacant lots.
3. Hives shall be located in the back or rear yard in a sunny location.
4. No hive shall be located closer than 10 feet from any property line of a residential district lot.
5. No hive shall be located closer than 10 feet from a public sidewalk or 25 feet from a principal structure on an abutting lot in different ownership.
6. The area around the hive(s) shall be kept clean of hive scrapings to avoid attracting wasps, nuisance insects, and animals.
7. Signage shall be posted informing that bees are kept on the property. Such signage shall (a) be no smaller than seven inches by 10 inches and printed in a font size clearly legible to the general public; (b) be placed at locations visible to all adjoining parcels; (c) be posted to a fence or semi-permanent post at a height no lower than 4 feet and no higher than 6 feet; (d) be made of aluminum, heavy-duty plastic, or vinyl laminate; (e) be composed of black writing on a yellow background; and (f) include the words 'Caution' or 'Warning' in large block letters at the top and 'Bees', 'Honeybees', 'Beehives', or similar below.
8. A flyway barrier at least 6 feet in height shall shield any part of a property line of a lot in different ownership that is within 25 feet of a hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation, or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

[1] One colony can produce 50 to 100 lbs. of honey per year.

13.12 Mechanical lift

Description: A motor-powered carriage that travels along parallel rails to transport persons up and down a slope.

Supplemental Standards:

(A) Location. A mechanical lift is only allowed in the shore yard where (1) the slope has a ratio of at least two feet horizontal to one foot vertical, (2) the slope is unstable, or (3) there are

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naturally-occurring rock outcroppings or boulders.

(B) Setbacks. A mechanical lift must be at least 3 feet from the lot line.

(C) Width. The maximum width of the carriage is 4 feet.

(D) Height. A mechanical lift must be placed as close to the ground surface as possible in order to minimize their height and visibility.

(E) Landings. A landing may be located at the top and bottom of the mechanical lift, provided the landing does not exceed 25 square feet in area and there are no attached benches, chairs, seats, tables, or similar amenities.

(F) Coverings. A mechanical lift may not have a canopy or roof of any kind.

(G) Compliance with shoreland regulations. A mechanical lift must comply with the standards in the county's shoreland regulations as they apply.

13.13 Outdoor fireplace

Description: A free-standing fireplace (with a chimney) that is located out of doors. An outdoor fireplace may be located within or next to a deck or patio.

Supplemental Standards:

(A) Location. An outdoor fireplace is not allowed in the street yard or closer than 10 feet to a side or rear lot line.

(B) Reserved



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13.14 Patio

Description: A hard-surfaced area used for outdoor living such as dining and lounging.

Supplemental Standards:

(A) Location. A patio must be at least 3 feet from a lot line.

(B) Reserved



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13.15 Pergola

Description: A structure with columns that support a grid of beams and perpendicular rafters (i.e., dimensional lumber placed on edge). A pergola may be free-standing or attached to an exterior wall of a building. By definition, a pergola does not have a roof and is therefore not a building.

Supplemental Standards:

(A) Location for free-standing pergola. A free-standing pergola is not allowed in the street yard or any closer than 6 feet to the side and rear lot lines for lots less than 90 feet in width at the proposed location or 16 feet to the side and rear lot lines for lots that are 90 feet in width or more at the proposed location.

(B) Location for attached pergola. An attached pergola must comply with the building



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setback standards for the zoning district where the lot is located.

(C) Height. A free-standing pergola may not be more than 12 feet above the surrounding grade.

13.16 Play structure

Description: A playhouse and recreational equipment, such as swings, slides, basketball hoops, and jungle gyms, normally found in a residential setting.



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Supplemental Standards:

(A) Location. A play structure must comply with the setback standards for accessory buildings for the zoning district where the lot is located.

(B) Status as a building. A play structure with a roofed area not exceeding 64 square feet does not count as a building with regard to the maximum number of buildings allowed on a parcel.

13.17 Residential fence, perimeter

Description: A fence placed around the perimeter of a residential lot.



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Supplemental Standards:

(A) Height for side and rear yards. The maximum height of a fence or wall within required side and rear setbacks is 6 feet.

(B) Height for street yard or primary street yards. The maximum height of a solid fence or wall within a required street yard or primary street yard setback is 3 feet. A fence located in a required street yard or primary street yard setback may be increased to a maximum height of 4 feet if open, decorative, ornamental fencing materials that are less than 50 percent opaque are used or to a maximum height of 5 feet if open, decorative, ornamental fencing materials that are less than 20 percent opaque are used.

(C) Measurement. The height of fences and walls are measured at grade.

(D) Distance to property lines. A fence in a residential district must be at least 5 feet from a road right-of-way. Fences may be placed up to the side and rear lot lines.

(E) Materials. Fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to the provisions of this chapter. Fences and walls located in the street yard or primary street yard must be made of materials such as wood, brick, vinyl, or stone.

(F) Prohibited materials. Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on farms existing at the time of adoption of this part.

(G) Orientation. All non-decorative posts, horizontal supports, cross-members, and the like must be oriented inward to the lot on which the fence is located.

(H) Placement in utility easement. A perimeter fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority (1) may remove such fence at the property owner's expense, (2) is not liable for any damage to the fence, and (3) is not responsible for the reconstruction of the fence.

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(I) Placement in drainage easement. A perimeter fence may not be located within a drainage easement unless the zoning administrator determines that the fence will not restrict the flow of stormwater and the easement holder does not object.

(J) Fencing as a private nuisance. Nothing in this part may be construed to permit a fence that constitutes a private nuisance under § 844.10, Wis. Stats.

(K) Farms. Fences on farms adjoining residential parcels must be screened by a non-electric fence with no less than 2 feet of space separating the fences. The owners of any adjoining residential parcel must be notified in writing prior to the construction or installation of an electric fence.

(L) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.

13.18 Residential fence, privacy

Description: A solid or partially solid fence placed around an outdoor patio or other private area on a residential property.

Supplemental Standards:

(A) Size. The maximum area to be enclosed by a privacy fence is 250 square feet.

(B) Location. A privacy fence is only allowed in the side and rear yard and must be at least 10 feet from the lot line.

(C) Height. A privacy fence may not exceed 8 feet in height as measured from the surrounding grade to the top of the fence material (i.e., not the fence post, pole, or column). In this regard, the surrounding grade may not be altered so as to raise the overall height of a fence above the grade.

(D) Materials. A privacy fence may be solid.

(E) Orientation. All non-decorative posts, horizontal supports, cross-members, and the like must be oriented inward to the lot on which the fence is located.

(F) Placement in utility easement. A privacy fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority (1) may remove such fence at the property owner's expense, (2) is not liable for any damage to the fence, and (3) is not responsible for the reconstruction of the fence.

(G) Placement in drainage easement. A privacy fence may not be located within a drainage easement unless the zoning administrator determines that the fence will not restrict the flow of stormwater and the easement holder does not object.

(H) Fencing as a private nuisance. Nothing in this part may be construed to permit a fence that constitutes a private nuisance under § 844.10, Wis. Stats.

13.19 Residential fence, sport court

Description: A fence placed on one or more sides of a sport court on a residential property.

Supplemental Standards:

(A) Location. A fence for a sport court may not be placed in the street yard or the side- or rear-yard building setback.

(B) Height. A sport court fence may not exceed 12 feet in height as measured from the surrounding grade to the top of the fence material (i.e., not the fence post, pole, or column). In this regard, the surrounding grade may not be altered so as to raise the overall height of a fence

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above the grade.

(C) Materials. Fence materials above 6 feet in height must be an open woven wire (e.g., chainlink).

(D) Orientation. All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.

(E) Placement in utility easement. A sport court fence may be placed within a utility easement, unless prohibited by the easement holder, with the understanding that the utility authority (1) may remove such fence at the property owner's expense, (2) is not liable for any damage to the fence, and (3) is not responsible for the reconstruction of the fence.

(F) Placement in drainage easement. A sport court fence may not be located within a drainage easement. Upon written petition, the zoning administrator may allow a fence in a drainage easement when it can be shown that the fence will not restrict the flow of stormwater and the easement holder does not object.

(G) Fencing as a private nuisance. Nothing in this part may be construed to permit a fence that constitutes a private nuisance under § 844.10, Wis. Stats.

13.20 Sport court (residential)

Description: A hard-surfaced area located out of doors used exclusively for basketball, tennis, volleyball, pickleball, or other similar sports-related activity. This term does not include any portion of a private driveway that is also used for a sport-related use.



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Supplemental Standards:

(A) Use. Those using the sport court are limited to the occupants of the subject property and their invited guests. In this regard, advertising the use of the sport court by others is strictly prohibited.

(B) Location. A sport court may not be located in a street yard or shore yard. A sport court must be at least 7 feet from a side or rear lot line.

(C) Fence. A sport court may include a fence on one or more sides as specified in Appendix A and B.

(D) Outdoor lighting. Outdoor lighting for a sport court must comply with any standards established by the Town.

13.21 Swimming pool

Description: Any structure, portable or permanent, containing a body of water 36 inches or more in depth, intended for recreational purposes, but not including a wading pool, an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming.



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Supplemental Standards:

(A) Location. A swimming pool must comply with the yard requirements for principal buildings in the zoning district in which they are located.

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(B) Fencing required. A swimming pool must be surrounded by a fence not less than 4 feet or more than 6 feet in height with a self-latching gate. Sidewalls of an above-ground pool 4 feet high may be used in lieu of a fence. For an above-ground pool, a tip-up ladder may be provided in lieu of a gate.

(C) Pool cover. A pool cover may be used, but does not satisfy the fencing requirement.

(D) Draining of water. No water drained from a swimming pool shall be discharged onto or into any on-site sanitary sewerage system, public sewerage system, or directly into a navigable body of water or wetland.

(E) Outdoor lighting. Outdoor lighting installed around a swimming pool may not throw any rays onto adjacent properties.

13.22 Gated access driveway

Description: A private driveway, controlled by a gate, barrier, or similar device, that restricts vehicular access to the subject property.

Supplemental Standards:

(A) Setback. The gate must be at least 28 feet from the edge of the road, but no closer than 8 feet to the front lot line. The gate, in any position, may not be any closer than 8 feet to any lot line.

(B) Width of gate. The width of the gate must be at least 12 feet but not more than 16 feet.

(C) Emergency access. The gate must include a Knox Box or an emergency override system as approved by the local fire department.

(B) Nighttime visibility. The gate must include reflective strips or signage for nighttime visibility. Outdoor lighting may also be used for this purpose.

(D) Power. If a gated access drive includes an electrically powered gate, the power supply for the gate must be on a separate metered service (i.e., independent of the principal building) to ensure continuous operation in the event of a building power failure.

(F) Package drop-off. A gated access driveway may include a package drop-off structure not to exceed a floor area of 25 square feet or 10 feet in height. The package drop-off structure must be an integral part of the gate support. The package drop-off structure does not count as a building or to the maximum floor area of detached accessory buildings.

14 Accessory Uses for Other Principal Uses

14.01 Accessory building, non-residential

Description: An accessory building intended to house motor vehicles, yard equipment, and/or items related to the principal use of the premises. The term includes detached garages, storage sheds, greenhouses, and the like.

Supplemental Standards:

(A) Number and floor area. The number of non-residential accessory buildings and the floor area must comply with standards in Appendix C.

(B) Exterior materials. Exterior materials for a non-residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must be the same as, substantially the same as, or complement those materials used on the principal building.

(C) Prohibition on specific materials. Soft-sided structures and canopies are specifically prohibited, except a greenhouse may be covered with exterior materials typically used for

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greenhouses.

(D) Rooflines. The roof lines of a non-residential accessory building with a floor area of more than 192 square feet (but not greenhouses) must match the roof lines of the principal building to the greatest practical extent.

(E) Plumbing fixtures. Plumbing in a non-residential accessory building is prohibited.

14.02 Drive-through window

Description: An opening in a building through which patrons are served while remaining in a motor vehicle.



Supplemental Standards:

(A) Location. A drive-up service window shall only be located to the side or rear of the building in which it is located and at least 60 feet from a property in a residential zoning district or a planned development district that allows residential uses.

(B) Crosswalks. A pedestrian crosswalk must be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.

(C) Vehicle stacking. The approved site plan must show a stacking area to accommodate at least 4 vehicles per lane for a pharmacy, 2 vehicles per lane for a financial institution, and 6 vehicles per order box for a restaurant although more may be required as part of the site plan review based on the nature of the service being provided.

(D) Noise. Noise associated with an intercom or speaker shall not be audible at any lot line.

(E) Menu board. A restaurant may incorporate a menu board consistent with the sign regulations.

14.03 Fence, non-residential

Supplemental Standards:

(A) Height for side and rear yards. The maximum height of a fence or wall shall not exceed eight feet except in required street yard and primary street yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.

(B) Height for street yard or primary street yards. A fence located in a required street yard or primary street yard setback may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50 percent opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20 percent opaque are used.

(C) Boundary fence. A boundary fence or wall shall not be more than 6 feet in height in residential districts and not more than 12 feet in commercial and industrial districts, except that hedges, shrubbery, trees lines, and other such natural barriers may grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of 3 feet in height between the street yard or primary street yard setback line and the abutting lot lines.

(D) Sound barrier/privacy fence or wall on a roadway. A sound barrier/privacy fence or wall constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a

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residential property abutting an arterial or collector street that has access restrictions and that is posted at no more than 45 miles per hour, shall not exceed eight feet in height.

(E) Height for schools. There is no height restriction for fences around schools.

(F) Measurement. The height of fences and walls are measured at grade. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

(G) Distance to property lines. Fences in non-residential districts shall be set back no less than 2 feet from the property line.

(H) Materials. Fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to the provisions of this part. Fences and walls located in the street yard or primary street yard must be made of materials such as wood, brick, vinyl or stone. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.

(I) Prohibited materials. Barbed wire fences, electrical fences, and single, double, and triple strand fences are prohibited except on farms existing at the time of adoption of this Chapter.

(J) Farms. Fences on farms adjoining residential parcels must be screened by a non-electric fence with no less than two feet of space separating the fences. The owners of any adjoining residential parcel shall be notified in writing prior to the construction or installation of an electric fence.

(K) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.

(L) Exceptions. Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions in this part, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than 7 feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.

14.04 Outdoor food and beverage service

Description: An outdoor area with tables and chairs located on the same lot as a brewpub, restaurant, or tavern where customers can eat and drink.

Supplemental Standards:

(A) Maximum size of service area. The size of the outdoor service area must not be more than 50 percent of the service area of the brewpub, restaurant, or tavern.

(B) Location of service area. The outdoor service area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor service area must not be located in a public right-of-way, a required landscape area, or the building setback for a street yard, side yard, shore yard, or rear yard.

(C) Consistency with alcohol license. Alcohol may not be served or consumed within the outdoor service area unless the alcohol license issued by the Town, explicitly states that consumption is permitted within the outdoor service area.



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(D) Entrance to service area if alcohol is served. If alcohol is served, and upon recommendation of the police chief, the entrance or entrances to the outdoor service area must be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence must be erected to prevent entry to the outdoor service area by any other means. An emergency access gate may be provided if required by state law.

(E) Restroom requirements. The restroom facilities in the brewpub, restaurant, or tavern must be of sufficient capacity to serve both the indoor and outdoor patrons. Temporary toilet facilities are not permitted.

(F) Hours of operation. The outdoor service area may not remain open after the close of the brewpub, restaurant, or tavern.

(G) Outdoor lighting. Festoon lighting (i.e., lamps wired to a flexible cable) may be placed above the approved outdoor service area, provided (1) the lighting is only used when the outdoor service area can be used, (2) each bulb does not produce more than 200 lumens, and (3) the lighting levels at the property boundary line complies with the standards as may be adopted by the Town.

14.05 Outdoor play area

Description: An outdoor area on the same lot as a brewpub, restaurant, or tavern where customers can participate in outdoor games including cornhole, horseshoes, basketball, volleyball, dodgeball, and the like, but not pickleball. The outdoor play area may be used for pickup games, league play, and tournaments.

Supplemental Standards:

(A) Nature of use. The outdoor play area may be used for pickup games, league play, and tournaments.

(B) Location of play area. The outdoor play area must be located on the same parcel of land as the brewpub, restaurant, or tavern or on an adjoining parcel. The outdoor play area must not be located in a required landscape area or the building setback area of the side yard, shore yard, or rear yard.

(C) Consistency with alcohol license. Alcohol may not be served or consumed within the outdoor play area unless the alcohol license issued by the Town, explicitly states that consumption is permitted within the outdoor play area.

(D) Entrance to play area if alcohol is served. If alcohol is served, and upon recommendation of the police chief, the entrance or entrances to the outdoor play area must be exclusively through the brewpub, restaurant, or tavern, and a barrier such as a rope or fence must be erected to prevent entry to the outdoor play area by any other means. An emergency access gate may be provided if required by state law.

(E) Hours of operation. The outdoor play area may not remain open after the close of the brewpub, restaurant, or tavern or 9:00 pm, whichever is earlier, unless the Plan Commission determines a later time is acceptable given the nature of the use and the potential effects on surrounding properties.

(F) Fence. An outdoor play area may include a (sport court) fence on one or more sides as specified in Appendix A and B.

(G) Outdoor lighting. Outdoor lighting for an outdoor play area must comply with any standards adopted by the Town.

(H) Parking for league play and tournaments. The outdoor play area may not be used for league play or tournaments when demand for parking is greater than what can be

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accommodated on site or with on-street parking in front of the subject property, if otherwise allowed.

14.06 Outside storage, as an accessory use

Description: The storage of materials and equipment out-of-doors as an accessory use.

Supplemental Standards:

(A) Required landscaping in B-1 district. When located in the B-1 zoning district, the application must include a landscaping plan showing the proposed landscaping around the perimeter of the outdoor storage area. Such landscaping must consist of 120 landscape points for every 100 feet or fraction thereof. Plant species can be selected from the table in § 325-95(G). At least 60 percent of the landscape points must consist of evergreen trees and shrubs. The Plan Commission as part of this review may allow a lesser standard but not less than half of what is otherwise required upon a determination that such screening is not needed given the nature of the adjoining use or when a solid fence is proposed. In granting such consideration, the Plan Commission can require the planting of those plants elsewhere around the perimeter in addition to what is otherwise required in those areas.

(B) Stacking height in B-1 district. When located in the B-1 zoning district, the maximum height of any object within the outdoor storage area is 16 feet.

(C) Location in B-1 district. When located in the B-1 zoning district, the outdoor storage area can only be located in the side yard or rear yard.

(D) Maximum area in B-1 district. When located in the B-1 zoning district, the area for outdoor storage may not exceed 7 times the size of enclosed buildings on the subject property.

(E) Limitation on stored materials in B-1 district. When located in the B-1 zoning district, the items kept in the outdoor storage area are strictly limited to inventory for retail or wholesale trade.

14.07 Parking lot (on-site)

Description: A hard-surfaced area use for parking of vehicles associated with the principal use together with driveways and travel aisles.

Supplemental Standards:

(A) General design requirements. A parking lot must comply with the design standards in the zoning regulations as applicable.

(B) Location. A surface parking lot is not be subject to the setback and other yard requirements of a structure.



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14.08 Tasting room

Description: A place within a brewery, winery, or distillery where customers may sample, purchase and consume wine, beer or spirits on the premises as an accessory use.
Vehicle Parking: 1 space for each 250 square feet of floor area devoted to this use

Supplemental Standards:

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(A) Limitation on floor area. The tasting room may not occupy more than 25 percent of the floor area of the building.

(B) Reserved

15 Temporary Uses

15.01 Livestock for vegetation management

Description: Keeping of sheep and/or goats on a temporary basis for controlling undesirable plant species such as buckthorn, honeysuckle, invasive rose, garlic mustard, and reed canary grass.



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Supplemental Standards:

(A) Vegetation management plan. A vegetation management plan must be submitted that describes (1) the areas to be treated; (2) the nature and extent of the plant species to be controlled; (3) the number of livestock being used; (4) the time periods when livestock will be used, not to exceed 30 days in a calendar year; (5) the type of fencing used, and (6) other operating characteristics. The Town reserves the right to request a third-party review of the proposed management plan.

(B) Buildings. No permanent buildings may be erected or installed on the subject property for housing the livestock.

(C) Fencing. Fencing may be temporarily installed while livestock are kept on the subject property.

15.02 Model home

Description: A residential dwelling in a residential development temporarily used as a sales office for other on-site and off-site residential dwellings and properties.



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

Supplemental Standards:

(A) Duration. A model home must be closed out when all of the houses or units in the development are sold and/or leased.

(B) Parking for special promotions. The property owner may not hold a special promotion when demand for parking is greater than what can be accommodated on site or with on-street parking in front of the subject property if otherwise allowed.

15.03 Off-premises display of vehicles and equipment

Description: The display of vehicles and equipment that is intended for marketing purposes.

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Supplemental Standards:

(A) **Location.** Any items offered for sale must be located at least 5 feet from any lot line.

(B) Reserved

15.04 Party tent

Description: A nonpermanent tent that is associated with a temporary event that is permitted under the zoning code.

Supplemental Standards:

(A) **Duration.** A party tent may not be erected for more than 7 continuous days.

(B) **General standards.** A party tent must be properly anchored and meet all building and fire code requirements.

(C) **Status as a building.** A party tent does not count as a building with regard to the maximum number of accessory buildings and/or floor area allowed on a parcel.



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15.05 Portable storage container

Description: An enclosed metal container that is used to temporarily store household items and similar goods.

Supplemental Standards:

(A) **Number.** No more than one portable storage structure is allowed.

(B) **Size limitation.** The portable storage structure may not be more than 10 feet wide, 20 feet long, and 10 feet high.

(C) **Duration.** The portable storage structure may not remain at a property for more than 90 days.

(D) **Setback.** The portable storage structure must be setback a minimum of 5 feet from all lot lines.

(E) **Separation to building.** The portable storage structure must be setback a minimum of 5 feet from the nearest wall of a building.

(F) **Pad required.** The portable storage structure must be placed on a paved or gravel surface.



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15.06 Rummage sale

Description: A temporary event where used household items are offered for retail sale. A flea market is not a yard sale.

Note: Also known as garage sale or yard sale.

Supplemental Standards:

(A) **Duration.** A yard sale may not exceed 4 consecutive days in length or be conducted more often than three times per calendar year.

(B) Reserved



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15.07 Sale of vehicles and recreational equipment

Description: The intermittent sale of automobiles, trucks, vans, motorcycles, boats, snowmobiles, personal watercraft, self-contained motorized campers, and camping trailers as an accessory use to a principal use. The sale of such items is limited to those that have been titled and registered to an individual living on the property and had been operated for personal use.



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Supplemental Standards:

(A) Limits on what can be offered. All items posted for sale must be operable and owned and, where applicable, licensed or titled to one or more of the members of the household owning and/or occupying the property from which such items are for sale.

(B) Number of items. No more than 2 items may be available and advertised for sale at any one time.

(C) Placement. All items that are available and advertised for sale must be located outside of all public street or highway rights-of-way and not closer than 10 feet from the side lot lines.

(D) Time limits. The time period during which a particular item is available and advertised for sale may not exceed 20 consecutive days and not more than 3 such periods per year.

Advisory notes:

1. Individuals may sell up to 5 of their own vehicles each year without a dealer license from the Wisconsin Department of Transportation.

15.08 Seasonal retail sales

Description: Retail sales of products, including but not limited to Christmas trees, nursery products, or agricultural produce, or special event celebrations.

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

Supplemental Standards:

(A) Duration. The retail sales must not exceed the number of days specified in the temporary use permit.

(B) Location. The display of products need not comply with the setback standards for the zoning district, provided that no display is located within a right-of-way or restrict the vision clearance requirements.



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15.09 Temporary dwelling unit

Description: A dwelling unit situated on a lot, parcel, or tract, along with a primary dwelling unit, that provides a temporary residence for the residents of the associated primary dwelling unit that has been deemed uninhabitable due to fire, flood, or other disaster, or is under construction or undergoing substantial repairs or reconstruction. The temporary residence is

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only allowed while the primary residence is undergoing new construction or repair.

Supplemental Standards:

(A) Occupancy. The person who will occupy the new residence must occupy the temporary residence during the construction period.

(B) Duration. The temporary residence must be removed from the property within 4 months of final occupancy of the new residence, or within 2 years from the date of issuance of the building permit for the new residence, whichever occurs earlier.

(C) Financial guarantee and agreement. Prior to issuance of the building permit for the new residence, the Town Board must enter into a written agreement with the property owner which gives the town the right to access the property and remove the temporary residence using funds from a financial guarantee provided by the property owner, if the temporary residence is not removed as required in this part. The agreement and financial guarantee must be in a form acceptable to the Town Board and the financial guarantee must be in an amount that is equal to 120 percent of the cost to remove the temporary residence and restore the site to a condition acceptable to the building inspector.

(D) Types of temporary residences not allowed. A mobile home, camper, or RV may not be used as a temporary residence.

15.10 Topsoil removal and sale

Description: A place where topsoil is removed and temporarily stored for no more than 3 years. The topsoil must be derived from an on-site land development project and/or be used on site.



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Supplemental Standards:

(A) Hours of operation. When the topsoil stockpile is located in a residential zoning district, equipment used to load, move, or process materials may only be used between 8:00 a.m. and 5:00 p.m.

(B) Term of use. The Plan Commission may grant a special exception to allow the use to operate an additional 2 years (i.e., beyond the initial term) if the operation has complied with all applicable terms of the approval, the zoning code, and any other rule or regulation.