

Article E: Conditional Uses

Sec. 13-1-90 Statement of Purpose – Conditional Uses.

The purpose of a Conditional Use is to provide a reasonable degree of discretion in determining the suitability of certain uses of a special nature, so as to make impractical their predetermination as a principal use in a district. The development and execution of this Article is based upon the division of the City of Osseo into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses, and are those uses specifically designated as conditional uses by the zoning district or which are classified as a conditional use under the review procedures in this Article.

Sec. 13-1-91 Authority of the Plan Commission and Common Council; Requirements.

- (a) The Common Council may authorize the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Plan Commission, and Common Council, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Common Council action, and the resulting conditional use permit, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Common Council shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission and/or Common Council shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking the final action.

- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission and Common Council upon their finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (d) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Sec. 13-1-92 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-93 Application for Conditional Use.

- (a) **Application Filing Requirements.** An application for a conditional use shall be filed on a form prescribed by the Common Council. Such applications shall be forwarded to the Plan Commission upon receipt by the Zoning Administrator.
- (b) **Required Plans/Information.** The plans/information required for review of all conditional use permit applications shall generally consist of any or all of the following, as determined by the Zoning Administrator:
 - (1) **Site Development Plan.** A site development plan, which shall include and address:
 - a. Location of all buildings on lots, including both existing and proposed structures.
 - b. Location and number of existing and proposed parking spaces.
 - c. Vehicular circulation.
 - (2) **Dimension Plan.** A dimension plan, which shall include and address:
 - a. Lot dimensions and area.
 - b. Dimensions of proposed and existing structures.
 - c. Setbacks of all buildings located on property in question.
 - d. Architectural elevations.
 - (3) **Grading Plan.** A grading plan, which shall include and address:
 - a. Existing contour.
 - b. Proposed changes in contour.
 - c. Drainage configuration.
 - (4) **Landscape Plan.** A landscape plan, which shall include and address:

- a. Location of all existing major trees, and which trees are proposed to be removed.
- (c) **Additional Information.** In order to secure information upon which to base its determination, the Zoning Administrator may require the applicant to furnish, in addition to the information required for a building permit, the following information:
- (1) **Contours; Soil Types.** A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover.
 - (2) **Location of Buildings; Parking Areas.** Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting.
 - (3) **Building and Utilities Plans.** Plans for buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
 - (4) **Filling/Grading Plan.** Specifications for areas of proposed filling, grading, lagooning or dredging.
 - (5) **Other Information.** Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

Sec. 13-1-94 Hearing on Application.

Upon receipt of the application and the information required by Section 13-1-83, the request for a conditional use permit shall be placed on the agenda of the first possible Plan Commission meeting occurring after ten (10) days from the date of submission. The request shall be considered as being officially submitted when all the information requirements, including the payment of all applicable fees, are complied with. A hearing shall be conducted and a record of the proceedings shall be kept in such a manner and according to such procedures as the Plan Commission shall prescribe from time to time. The Common Council and/or Plan Commission can, on their own motion, apply conditional uses when applications for rezonings come before their bodies.

Sec. 13-1-95 Notice of Hearing on Application.

- (a) Notice of the time, place and purpose of such hearing shall be given by publication of a Class 1 Notice as prescribed by the Wisconsin Statutes at least ten (10) days prior to the public hearing in the official City newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Common Council and Plan Commission, and the owners of record as listed in the office of the City Assessor who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.
- (b) Failure to fully comply with the notice to adjacent property owners shall not, however, invalidate any previous or subsequent action on the application.

Sec. 13-1-96 Standards – Conditional Uses.

- (a) **Standards.** No application for a conditional use shall be recommended for approval by the Plan Commission, or approved by the Common Council, unless the following conditions are present:
- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the conditional use shall conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate flood plain regulations governing the site.
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Common Council and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district and the City Comprehensive Plan.
- (c) **Additional Considerations.** In addition, in passing upon a Conditional Use Permit application, the Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.
 - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (6) The location of the site with respect to existing or future access roads.
 - (7) The need of the proposed use for a shoreland location.
 - (8) Its compatibility with uses on adjacent land.

- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-97 Denial of Application for Conditional Use Permit.

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Common Council, the Plan Commission and/or Common Council shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Plan Commission and/or Common Council has used in determining that each standard was not met. Such findings may be in the form of meeting minutes.

Sec. 13-1-98 Conditions and Guarantees Applicable to All Conditional Uses.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Common Council may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-86 above. In all cases in which conditional uses are granted, the Plan Commission may recommend and the Common Council shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or

- (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In reviewing each application and making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Common Council.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Common Council may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Zoning Code such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or significant potential of accidents.

Sec. 13-1-99 Plan Commission Recommendation; Council Action.

- (a) **Plan Commission Advisory Recommendation.**
- (1) Following referral of conditional use permit applications, the Plan Commission may recommend that the Common Council authorize the Zoning Administrator to issue a conditional use permit for conditional uses specified in this Chapter after review and a public hearing, provided such uses are in accordance with the purpose and intent of this Chapter, and, more specifically, the standards for conditional uses established in this Article.
- (2) The Plan Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Commission deems necessary to carry out the intent and purpose of this Chapter.

(b) **Common Council Action.**

- (1) Upon receiving the recommendation of the Plan Commission, the Common Council shall place such recommendation(s) on the agenda for the next subsequent Council regular meeting. Such recommendations, including findings of standards not met as required by **Section 13-1-281**, shall be entered in and made part of the permanent written record of the Common Council.
- (2) If, upon receiving the recommendations of the Plan Commission, the Common Council finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Common Council will differ from the advisory recommendation of the Plan Commission, the Common Council shall, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report explaining the specific reasons for referral. This referral action shall only be permitted one (1) time with each conditional use permit application.
- (3) At the Common Council's discretion, the Council shall have the option to set and hold a public hearing at the next regular Common Council meeting. Such hearing shall be noticed and conducted as prescribed in this Chapter in compliance with the requirements of this Chapter and the Wisconsin Statutes. The Common Council shall make, and record in the minutes of the Council or in a separate statement/report, findings of fact and may impose and require any conditions the Common Council considers necessary to protect the public health, safety and welfare when approving and issuing a conditional use permit.

- (c) **Reapplication.** No application for a conditional use permit which has been denied in whole or in part by the Common Council shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds that substantial new evidence or proof of changes that would result in compliance with applicable conditions is included in the resubmitted application.

Sec. 13-1-100 Validity of Conditional Use Permit.

- (a) Where the Common Council has approved or conditionally approved an application for a conditional use permit, such approval shall become null and void within twelve (12) months of the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation.
- (b) A conditional use permit shall also terminate and automatically be revoked when the permitted conditional use activity has a change of ownership.

- (c) The Common Council may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Common Council at least thirty (30) days before the expiration of said permit.

Sec. 13-1-101 Complaints Regarding Conditional Uses; Revocation of Permit.

- (a) **Continuing Jurisdiction.** The Common Council shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Zoning Code.
- (b) **Complaints.** Upon written complaint by any citizen or City official, the Common Council shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-86 above or a condition of approval or other requirement imposed hereunder.
- (c) **Hearing.** Upon staff confirmation of possible non-compliance, a hearing shall be held following notice as provided in Section 13-1-85 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney.
- (d) **Council Modification of Conditions.** The Common Council may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-86 or conditions previously imposed by the Common Council, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use.
- (e) **Revocation.** In the event that no reasonable modification of such conditional use can be made in order to assure that standards (a) and (b) in Section 13-1-86 will be met, the Common Council may revoke the subject conditional use permit and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Common Council shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-102 Bed and Breakfast Establishments.

- (a) **Bed and Breakfast Establishments as Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to the requirements of this Article governing conditional uses.

(b) **Definitions.** As used in this Section:

- (1) **Bed and Breakfast Establishment.** Any place of lodging that:
 - a. Provides ten (10) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period;
 - b. Is the owner's personal residence;
 - c. Is occupied by the owner or the owner's agent at the time of room rental; and
 - d. In which the only meal served to guests is breakfast.
- (2) **Agent.** The person designated by the property owner as the person in charge of such establishment and whose identity is filed, in writing, with the Zoning Administrator upon issuance of the conditional use permit, and is updated five (5) days prior to a designated agent, or different agent, taking over responsibilities for the bed and breakfast establishment.

(c) **Bed and Breakfast Establishment Regulations.**

- (1) **Location.**
 - a. All bed and breakfast rooms/units shall be located within a principal structure only.
 - b. A bed and breakfast establishment may be located in an officially-designated local, state or national historical structure with a living space of not less than one thousand (1,000) square feet.
 - c. A bed and breakfast establishment may be located in an existing single-family dwelling with a living space area of not less than one thousand (1,000) square feet; a new single-family dwelling shall not be constructed for the purpose of establishing a bed and breakfast operation.
- (2) **Number of Rental Units.** A maximum of ten (10) bed and breakfast units may be established in a structure.
- (3) **Domicile Requirement.** The bed and breakfast structure shall be the domicile for the establishment's owner or manager.
- (4) **Employee Restriction.** The bed and breakfast establishment shall employ not more than the equivalent of two (2) full-time persons who are not domiciled in the principal structure.
- (5) **Dining and Other Facilities.** Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit.
- (6) **Compliance With State Standards.** All bed and breakfast establishments and licensees shall be subject to and comply with Ch. HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments and to any applicable provisions of Ch. HSS 195, Wis. Adm. Code, relating to hotels, motels and tourist rooming houses.
- (7) **Guest Registry.** Each bed and breakfast establishment shall provide a register and require all guests to register their legal names and addresses before being assigned quarters. The complete guest registry shall be maintained and be

available for inspection by City representatives for a minimum period of one (1) year after a guest's registration.

- (d) **Bed and Breakfast Establishment Conditional Use Permit Required.**
- (1) **Permit Required.** In addition to any permits required by Chapters HSS 195 or 197, Wis. Adm. Code, every bed and breakfast establishment, before commencing business, shall first obtain a conditional use permit from the City of Osseo.
 - (2) **Application Requirements.** In addition to the standard conditional use permit application requirements prescribed in this Article, applicants for a bed and breakfast conditional use permit shall also file the following information with the City:
 - a. Site plan showing the location and size of buildings, parking areas and proposed signage.
 - b. Number, surfacing type and size of off-street parking stalls.
 - c. Proposed number, size, design and lighting of signs.
 - d. General description of the proposed operation, including number and configuration of rooms to be let to guests.
 - (3) **Display of Permit.** Following issuance by the City, the conditional use permit shall be conspicuously displayed in the bed and breakfast establishment.
- (e) **Off-Street Parking Requirement.** Conditional use permits for bed and breakfast establishments shall only be issued to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. The design, location and setbacks for such proposed parking areas is subject to approval and possible conditions from the Common Council. Establishments otherwise qualifying under this Section regulating bed and breakfast shall not be subject to other requirements of this Zoning Code with respect to parking.
- (f) **On-site Signs.** Total signage for bed and breakfast establishments shall be limited to a total of twelve (12) square feet, and may only be lighted in such a manner and nature as to not significantly alter or detract from the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishment shall not be subject to the requirements of this Zoning Code with respect to signs.
- (g) **Termination of Permit.**
- (1) **Permit Void Upon Sale.** A bed and breakfast establishment conditional use permit shall be void upon the sale or transfer of the property's ownership. The Common Council shall review and conditionally approval or disapprove an application submitted by a person anticipating the purchase of premises for such use.
 - (2) **Voiding of Permit Upon Violation(s).** A permit issued in accordance with this Section shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, permit conditions imposed pursuant to this Article, or applicable State of Wisconsin regulations as set forth in Chapters HSS 195 or 197, Wis. Adm. Code.

State Law Reference; Chs. HSS 195 and HSS 197, Wis. Adm. Code.

Sec. 13-1-103 Home Occupations/Professional Home Offices.

(a) **Intent.**

- (1) **Intent.** The intent of this Section is to provide a means to accommodate a small home-based family or professional business home office without the necessity of rezoning from a residential to a commercial district. A home occupation or professional home office exceeding the standards for a permitted home occupation/professional home office use under this Section may possibly be maintained pursuant to Subsection (e) below as a conditional use under Article E.
- (2) **Cumulative Scope of Activity.** The total number of home occupations or professions conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations or professions conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one (1) home occupation.
- (3) **Purpose.** The regulations of this Section dealing with home occupations and professional home offices are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities may be carried on in the home. This Section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.

(b) **Definitions.** The following definitions are applicable in this Section:

- (1) **Home Occupation.** A business or trade conducted within a structure primarily zoned or used for residential purpose, conducted primarily by a resident of the premises. Common Features of a residential home occupation (or professional home office) are whether business-related materials or stock-in-trade are stored on the residential premises, vehicles with a business or delivery purpose are regularly parked on or make deliveries at the residence, the home is advertised as a place of business, and/or there is a business deduction taken for tax purposes for the residential premises.
- (2) **Professional Home Office.** Residences of telemarketers, computer programmers, typists, clergy, architects, engineers, land surveyors, lawyers, artists, teachers, tradesmen, authors, accountants, musicians or other recognized professions used to conduct their professions; also included are professions listed in Subsection (d) below. Tradesmen are limited to maintaining a business office and small convenience shop as part of their residential premises. "Tradesmen" are defined as a person or persons who hold themselves out to the public as offering a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers and others involved in the building trades.

(c) **Home Occupations/Professional Home Office Limited Permitted Use; Restrictions.**

Except as provided in Subsection (c) below, home occupations and professional home offices are a limited permitted use in all Residential Districts, provided the requirements of the District in which the use is located and the following are complied with:

- (1) **Location; Size.** The occupation or profession shall be carried on wholly within the enclosed areas of the principal building or an attached garage, but it shall utilize no more than thirty percent (30%) of the gross floor area of the building.
- (2) **Exterior Alterations.** There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- (3) **Storage.** No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation/profession shall be visible outside any structure located on the premises. There shall not be outside storage of any kind related to the home occupation/profession. The area in which products, materials and goods are kept shall be considered to be part of the thirty percent (30%) of the gross combined floor area permitted for a home occupation.
- (4) **Nuisances.** No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district. A home occupation shall not be detrimental to the health, safety, welfare, peace and quiet or enjoyment of the surrounding property or neighborhood.
- (5) **Signage.** Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed four (4) square feet.
- (6) **Commercial Vehicles.** The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises. This shall not be interpreted to include delivery and/or pickup services such as United Parcel Service, DHL, Federal Express, etc., in the conduct of their normal operations.
- (7) **Off-Site Delivery of Goods.** To the extent that there is any sale of any item related to a home occupation, delivery of that item to the buyer should occur off the premises.
- (8) **Traffic.** No traffic shall be generated by such home occupation/profession in greater volumes than would normally be associated with a residential neighborhood use.
- (9) **Parking.** There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two (2) additional vehicles to be parked on or near the premises.
- (10) **Types of Businesses.** Home occupations are restricted to service-oriented, professional or clerical business or office uses; the manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
- (11) **Equipment Limits.** The types and number of equipment used on the premises may be restricted by the Common Council.
- (12) **Non-Resident Employees.**

- a. No more than one (1) non-resident employee may work on the premises. The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one (1) nonresident assistant or employee employed on the premises at any one time.
 - b. Persons engaged in building trades, similar fields and other activities using their dwelling units or residential premises as an office for business activities carried on off the premises may have more employees than the limitations set forth herein if they are not employed on the premises. The home office location shall not be used as a place for employees/workers to regularly come to receive off premises work assignments.
- (13) **Hours of Operation.** Home occupations may only operate on the premises between 7:30 a.m. and 9:00 p.m.
- (14) **Retail Sales.** Retail sales on premises shall be prohibited including the retail sales of merchandise, products, supplies or goods not produced or fabricated on the premises, provided that minor incidental retail sales may be made in connection with the permitted home occupation. (Example: a dressmaker would be permitted to sell only clothing produced or fabricated onsite and would not be allowed to purchase stocks of dresses for sale to the general public onsite.) The residence shall not be modified to accommodate retail sales activities (example: addition of a display window) and any retail activity shall be a minor use secondary to the primary occupation.
- (15) **Prohibited Home Occupations.** Mechanical repair for hire (including automobile, boat, recreational vehicle, small engine and body shop repair/work), equipment rental businesses, and businesses that involve the storage of heavy equipment on the premises (such as snow removal, excavating or landscaping businesses) are not permitted as home occupations.
- (16) **Inspections.** Any party maintaining a permitted home occupation or professional home office business under this Section may be subject to a compliance inspection(s) by a City Building Inspector, Zoning Inspector, law enforcement officer, or health official if there is a reason to suspect that violations or improper activity may exist.
- (d) **Permitted Home Occupations/Professions Described.** Permitted home occupations/professions consistent with Subsection (c) not requiring a conditional use permit include, but are not necessarily limited to, the following examples:
- (1) Artists, sculptors, authors or composers.
 - (2) Home crafts such as model making, and rug weaving.
 - (3) Office facility of a minister, rabbi, or priest.
 - (4) Office facility of an attorney, architect, professional engineer, surveyor, author, interior decorator, photographer, income tax preparer, accountant, landscape architect, insurance agent or real estate agent, or similar profession which serves several clients onsite per day.
 - (5) Private tutoring limited to three (3) pupils at any one time.

- (6) Musical instruction limited to three (3) pupils at a time; this requirement limiting class size shall not be construed to prohibit occasional exceptions for events such as recitals, demonstrations and other similar gatherings.
- (7) Dressmaking and millinery work.
- (8) Computer-oriented support services, such as consulting, clerical services, claims processing, internet-related businesses, etc.
- (9) Day care of not more than eight (8) nonresident children.
- (10) Office for sales representative or manufacturer's agent when no retail or wholesale goods transactions occur on the premises.
- (11) Telemarketing and telephone answering service.

(e) **Conditional Use Home Occupations/Professional Home Offices.**

- (1) **Conditional Use Permit Requirement.** A home occupation or professional home office exceeding the standards prescribed in Subsection (c) above for a limited permitted home occupation/professional home office use may apply for a standard conditional use permit under Article E of this Chapter. City approval of an expansion of a home occupation or professional home office as a conditional use is not automatic.
- (2) **Application Procedures.**
 - a. The Common Council, upon the recommendation of the Plan Commission, may approve home occupations or professional home offices in residential district which do not meet the standards in Subsection (c) above as conditional uses.
 - b. The procedures for conditional use permits prescribed in this Article shall be followed, and the standards in Sections 13-1-96 and 13-1-98 shall be applicable.
 - c. The Common Council may place conditions on the continuation or expansion of such home occupations/professional home offices, or the Common Council may require the relocation of the business to an area that is appropriately zoned.
 - d. Conditional use permits issued for home occupations/professional home offices under this Subsection are valid for a term of three (3) years. Upon the expiration of such term, the conditional use permit must be reapplied for.
- (3) **Sale of Property.** Sale, transfer of the property, expansion of the use beyond permitted levels, or other significant changes shall cause the conditional use permit for the home occupation/professional home office to be void. A new owner may apply for a new conditional use permit under the procedures of this Article.
- (4) **In-Home Day Care.** In-home day care for children exceeding eight (8) non-resident children and community-based residential facilities (adult residential day care) exceeding more than eight (8) residents shall be required to obtain a conditional use permit under the requirements of this Subsection.

- (f) **Home Occupations/Professions Permitted With Conditional Use Permit.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations/professions and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations are permitted only after issuance of a conditional use permit, and such occupations include, but are not necessarily limited to, the following:
- (1) Barber shops, beauty salons or hair stylist.
 - (2) Antique shops.
 - (3) Stables and kennels.
 - (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, acupuncturists, massage therapists, psychiatrists, psychologists, psychotherapists, or optometrists for the general practice of the profession, except for consultation or emergency treatment.
 - (5) Bakeries.
 - (6) Taxidermy shops.
 - (7) Uses that involve primarily catalog sales or order processing and which does not involve volumes of stock or merchandising being distributed at the site may be deemed a home occupation, subject to the provisions hereof, provided that such use meets the intent of all standards set forth herein.
 - (8) Cabinet-making or woodworking for profit (conducted inside a building only).

Sec. 13-1-104 Town Houses Conditional Uses.

The following standards and not the standards contained in the schedules of regulations shall be applied to the construction of town houses:

- (a) The overall density shall not exceed fifteen (15) dwelling units per acre.
- (b) The average lot width shall be at least twenty (20) feet; however, no individual lot shall be narrower than eighteen (18) feet.
- (c) The average maximum lot coverage of principal and accessory buildings shall not exceed fifty percent (50%), and no individual lot shall be covered more than sixty percent (60%).
- (d) The average front yard setback shall be twenty (20) feet, but no building shall be located closer to the front property line than fifteen (15) feet.
- (e) Side yards of not less than twenty (20) feet in width shall be provided at least every one hundred sixty (160) feet and for every corner lot.
- (f) The rear yard shall be not less than twenty percent (20%) of the depth of the lot.
- (g) No structure shall be higher than three (3) stories or thirty-five (35) feet.

- (h) One (1) off-street parking space of not less than one hundred eighty (180) square feet in area, exclusive of access drive or aisle, shall be provided for each dwelling unit.

Sec. 13-1-105 Public and Semipublic Uses.

The following public and semipublic uses shall be conditional uses and may be permitted as specified:

- (a) Airports, airstrips and landing fields in the A-1 District, providing that these facilities meet the regulations contained in the Wisconsin Statutes.
- (b) Governmental and cultural uses, such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums in all Residential, Agricultural, Business and Industrial Districts.
- (c) Utilities in all districts, provided all principal structures and uses are not less than fifty (50) feet from any Residential District lot line.
- (d) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips and landing fields, in all Business and Industrial Districts, provided all principal structures and uses are not less than one hundred (100) feet from any Residential District boundary.
- (e) Public, parochial and private preschool, elementary and secondary schools and churches in the R-1, R-2 and R-3 Residential and Agricultural Districts, provided the lot area is not less than one (1) acre and all principal structures and uses are not less than fifty (50) feet from any lot line.
- (f) Colleges, universities, hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories in the A and R Districts, provided all principal structures and uses are not less than fifty (50) feet from any lot line.

Sec. 13-1-106 Junk and Salvage Yards.

- (a) **License Required.** No person shall use any building or premises for the buying, selling, gathering, delivery, shipping, storing or salvaging of old iron, bottles, paper, rags, farm machinery, vehicles or other materials commonly included in the term “junk” without obtaining a license for the operation of a junk and salvage yard. Storage of three (3) or more unlicensed vehicles on the same premises shall be prima facie evidence of operation of a junk or salvage yard. Junk and salvage yards are only allowed in the I-1 Industrial District.
- (b) **Application.** Application for a license hereunder shall be made in writing to the Zoning Administrator stating:
 - (1) The location and description of the premises to be licensed.
 - (2) The nature of the business to be conducted on the premises.
 - (3) The type of construction of any buildings to be used in connection with the business.
 - (4) The applicant’s name and address and, if a firm or corporation, the names and addresses of all officers thereof.

- (c) **Fee, Term.** The fee for a license issued hereunder shall be Five Hundred Dollars (\$500.00) per year. Licenses shall expire twelve (12) months after issue but may be renewed by the Council if it is satisfied that the license and the premises comply with this Section.
- (d) **Hearing.** The Zoning Administrator shall refer an application for a license hereunder to the Common Council which shall conduct a hearing of such application within a reasonable time, notice of which shall be given by publication in a newspaper having general circulation in the county at least once during the ten (10) days preceding the hearing. If the Common Council is satisfied from the evidence produced at the hearing that the applicant is a fit person to conduct the business and that the premises are suitable therefor, the Common Council shall authorize issuance of the license.
- (e) **Location.** No junk or salvage yard shall be located within five hundred (500) feet of any residence other than the owner of the premises or any residential or business district or one hundred fifty (150) feet from a lake, river or stream. No junk or salvage operations shall be carried on within one hundred fifty (150) feet of any highway right-of-way.
- (f) **Screening Requirements.** See Section 13-1-25.
- (g) **Operation.** The operation of the yard shall comply with all applicable standards of this Chapter.

Sec. 13-1-107 Recreational Uses.

- (a) The following public recreational facilities shall be conditional uses and may be permitted as specified by the Plan Commission and Common Council. Archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, hunting, ice boating, marinas, riding academies, skating rinks, sport fields, swimming pools, snowmobile courses, resort lodges and zoological and botanical gardens in the districts as allowed by the Commission and Common Council, provided that the lot area is not less than one-half (.5) acres and all structures are not less than twenty-five (25) feet from any district boundary.
- (b) Commercial recreational facilities such as arcades, bowling alleys, clubs, dance/banquet halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, turkish baths, skating rinks and theaters are conditional uses and may be permitted in the Business and Industrial Districts.

Sec. 13-1-108 Campgrounds and Camping Resorts.

Private camping areas shall have a minimum size of one (1) acre and shall comply with the Wisconsin Administrative Code.

Sec. 13-1-109 Appeals of Actions On Conditional Use Permit Requests.

Any action of the Common Council in granting or denying a conditional use permit request may be appealed to the Zoning Board of Appeals by filing a written request for an appeal within ten (10) days after the date of the Common Council's action in granting or denying the permit. Such

request for appeal shall be filed and reviewed pursuant to the procedures in Article N of this Chapter.

Sec. 13-1-110 through Sec. 13-1-115 Reserved for Future Use.