

## Article 4. Use Specific Standards

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### Sec. 17.0401. General Purpose

Use specific standards are established for those uses identified by the City of Oak Creek as having unique circumstances that warrant distinct regulation to ensure the health, safety, and welfare of the community. Use specific standards apply to permitted and conditional uses.

### Sec. 17.0402. Agricultural Use Standards

#### (a) Keeping and Raising of Domestic Stock.

- (1) No more than one (1) horse, cow, sheep, hog, or similar animal, over six (6) months of age, shall be kept for each acre; or
- (2) No more than ten (10) chickens, ducks, or similar poultry, over two (2) months of age, shall be kept for each acre; or
- (3) No more than twenty (20) rabbits or hare, over two (2) months of age, shall be kept for each acre.
- (4) No more than one (1) beehive shall be kept for each acre.
- (5) The keeping and raising of furbearing animals, except rabbits, is prohibited.

- (6) Combinations of the above shall be apportioned to the total acreage and the Community Development Director or their designee shall determine the total number of animals allowed.

**(7) Commercial slaughterhouses and animal processing facilities are prohibited.**

**(b) Solar Energy Collection, Farm.**

- (1) No solar farm shall be erected on any lot less than four (4) acres in size.
- (2) A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.
- (3) Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.
- (4) Systems, equipment, and structures shall not exceed thirty feet (30) in height when ground mounted.
- (5) Ground mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, equal to those of the governing zoning district.
- (6) Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight (8) feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.
- (7) An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter of the solar farm. The sign at the entrance to the facility shall include the facilities 911 address and a twenty-four (24) hour emergency contact number.

### Sec. 17.0403. Residential Use Standards

**(a) Community Living, all capacities.**

- (1) No community living arrangement shall be established within two-thousand and five hundred (2,500) feet of any other such facility regardless of its capacity.
- (2) Foster homes housing four (4) or fewer children and licensed under Sec. 48.62, Wis. Stats., shall not be subject to these provisions.

**(b) Dwelling, Multifamily Building.**

- (1) In the Rm-1 District, all efficiency and one (1) bedroom, two (2) bedroom, three (3) bedroom, or four (4) bedroom apartments or any combination thereof shall be allowed at a maximum density of twelve (12) dwelling units per net acre of lot area.
- (2) The main entrance to a multifamily dwelling building shall face the primary street.
- (3) All off-street parking shall be located to the side or rear of the **principal** building unless otherwise approved by the Planning Commission. Off-street parking located to the side of the **principal** building shall be set back a minimum of three (3) feet from the front elevation of the **principal** building.
- (4) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Plan Commission.
- (5) Service areas, dumpsters, and utilities shall not be visible from rights-of-way and shall not be located in any front yard or street-facing side yard.
- (6) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.
- (7) Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
  - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
  - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as **vinyl siding, EIFS**, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.

**(c) Dwelling, Multifamily Complex.**

- (1) In the Rm-1 District, all efficiency and one (1) bedroom, two (2) bedroom, and three (3) bedroom apartments, or any combination thereof shall be allowed at a maximum density of sixteen (16) dwelling units per net acre of lot area. minimums shall be met:
- (2) Buildings shall be arranged, and site circulation shall be designed to create a sense of a public realm by framing and defining open spaces, street frontages, and amenities.
- (3) Buildings and other site improvements shall be clustered to maximize contiguous areas that can be dedicated to stormwater management.
- (4) Building orientation shall reinforce site circulation patterns, open space patterns, and connections to other buildings on site.
- (5) Parking shall be integrated into the overall site design to minimize visual impact, reduce the loss of trees, and be visually concealed from public rights-of-way.
- (6) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Plan Commission.

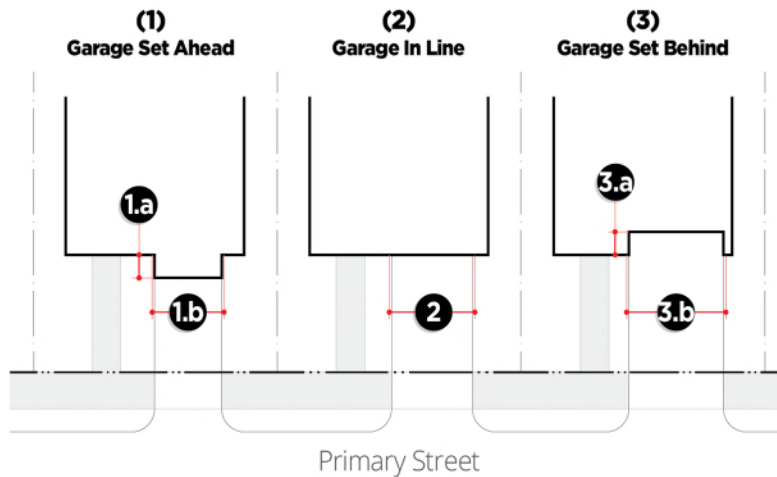
- (7) Service areas, dumpsters, and utilities shall not be visible from rights-of-way and shall not locate in any front yard or street-facing side yard.
- (8) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.
- (9) Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
  - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
  - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as vinyl siding, EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
- (10) A minimum of thirty (30) percent of the site shall be developed as usable open space and shall be sited to preserve natural site features and integrate with the buildings and site circulation to provide common outdoor amenities and gathering places.

(d) **Dwelling, Single-Family Attached.**

- (1) The required interior side yard setback may be reduced to zero (0) feet to accommodate single-family attached dwellings located on two (2) or more zoning lots.
- (2) Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
  - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
  - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as vinyl siding, EIFS, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
- (3) A minimum of one (1) parking space, as required in Section 17.0501 of this Zoning Ordinance, shall be provided in an attached or detached garage.
- (4) **Attached Garages.** Single-family attached dwelling units may have attached garages if the following conditions are met.
  - a. The attached garage shall be subordinate to the principal building.
  - b. The maximum size of the attached garage shall not exceed fifty (50) percent of the livable area of the principal building.
  - c. The attached garage shall share a common wall and roof with the principal building.
  - d. The attached garage shall provide internal access to the principal building.
  - e. The height of the attached garage shall not exceed the height of the principal building.
  - f. The height of the attached garage doors shall not exceed eight (8) feet.

- g. If the garage is located on the primary façade, it shall meet the following standards:
1. **Garage Set Ahead.**
    - (a) The garage may be set ahead a maximum of five (5) feet from the front façade of the home, inclusive of porches, bay windows, or other minor projections.
    - (b) If the garage is set ahead from the front façade of the home, as detailed in (a) above, it shall not exceed forty-five (45) percent of the façade's total width.
  2. **Garage In Line.** If the garage is in line with the front façade of the home, exclusive of porches, bay windows, or other minor projections, it shall not exceed fifty (50) percent of the façade's total width.
  3. **Garage Set Behind.**
    - (a) The garage may be set behind the front façade of the home, exclusive of porches, bay windows, or other minor projections, a minimum of one (1) foot.
    - (b) If the garage is set behind the front façade of the home, as detailed in (a) above, it shall not exceed fifty-five (55) percent of the façade's total width.

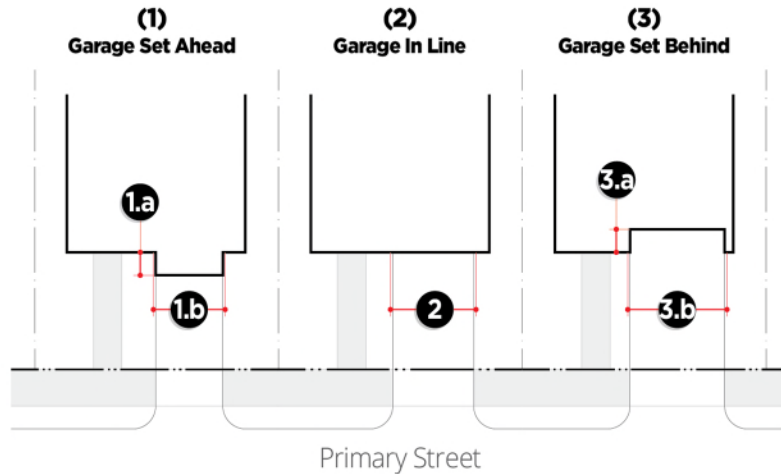
Figure 4.1: Single-Family Attached Garage Design Standards



(e) **Dwelling, Single-Family Detached.**

- (1) Exterior building materials shall be traditional, time- and weather-tested materials and techniques.
  - a. Exterior building materials utilized on the ground floor shall be limited to wood, masonry, stucco, fiber cement, or stone veneer systems. Stone veneer systems utilized on the ground floor shall have a minimum thickness of three (3) inches.
  - b. Exterior building materials utilized on upper floors may include all materials permitted on the ground floor as well as **vinyl siding, EIFS**, stone veneer systems, or precast panels with inlaid or stamped brick texture. All materials utilized on upper floors shall have a minimum thickness of one (1) inch and shall be structurally integrated into the façade of the building.
- (2) **Attached Garages.** Single-family detached dwelling units may have attached garages if the following conditions are met.
  - a. The attached garage shall be subordinate to the principal building.
  - b. The maximum size of the attached garage shall not exceed fifty (50) percent of the livable area of the principal building.
  - c. The attached garage shall share a common wall and roof with the principal building.
  - d. The attached garage shall provide internal access to the principal building.
  - e. The height of the attached garage shall not exceed the height of the principal building.
  - f. The height of the attached garage doors shall not exceed eight (8) feet.
  - g. If the garage is located on the primary façade, it shall meet the following standards:
    1. **Garage Set Ahead.**
      - (a) The garage may be set ahead a maximum of five (5) feet from the front façade of the home, inclusive of porches, bay windows, or other minor projections.
      - (b) If the garage is set ahead from the front façade of the home, as detailed in (a) above, it shall not exceed forty-five (45) percent of the façade's total width.
    2. **Garage In Line.** If the garage is in line with the front façade of the home, exclusive of porches, bay windows, or other minor projections, it shall not exceed fifty (50) percent of the façade's total width.
    3. **Garage Set Behind.**
      - (a) The garage may be set behind the front façade of the home, exclusive of porches, bay windows, or other minor projections, a minimum of one (1) foot.
      - (b) If the garage is set behind the front façade of the home, as detailed in (a) above, it shall not exceed fifty-five (55) percent of the façade's total width.

Figure 4.2: Single-Family Detached Garage Design Standards



**(f) Mobile / Manufactured Home Park.**

- (1) All mobile / manufactured home parks shall be serviced by public water, sanitary sewer, stormwater utilities.
- (2) Mobile / manufactured home park without Platted Lots.
  - a. The minimum mobile / manufactured home park size shall be five (5) acres.
  - b. The minimum mobile / manufactured home park width shall be three hundred (300) feet at the street right-of-way line.
  - c. The maximum number of mobile home sites within a mobile / manufactured home park shall be seven and two tenths (7.2) per net acre.
  - d. A minimum of ten (10) percent of the mobile / manufactured home park development area, exclusive of streets, shall be devoted to common recreational uses.
  - e. No mobile home unit shall be located closer than twenty-five (25) feet to a mobile / manufactured home park exterior lot line.
  - f. The minimum setback between a mobile home unit and a service road shall be fifteen (15) feet.
  - g. The minimum distance between mobile home units shall be twelve (12) feet.
  - h. All drives and service roads shall be a minimum of twenty (20) feet wide.
  - i. All drives, service roads, parking areas, and walkways shall be surfaced with concrete or asphalt.
  - j. There shall be a minimum of two (2) parking spaces available adjacent to each mobile home unit. Each parking area shall be at least four hundred (400) square feet in area; shall be well drained; and shall be surfaced with concrete or asphalt.

- k. Visitor parking shall be provided in the mobile park at the rate of one (1) space per mobile home site. Supplemental parking areas shall be provided in each mobile / manufactured home park for boats, camping trailers, and utility trailers. No such equipment shall be parked on any mobile home site.
- l. Each mobile home shall either be placed on a foundation or on a concrete pad. If it is to be placed on a foundation, the foundation shall be of a type recommended by the unit manufacturer and approved by the Community Development Director or their designee. If it is to be placed on a pad, the pad shall be at least four (4) inches thick over an approved gravel base, and be at least equal in width and length to the mobile home unit being placed on the pad.
- m. The space between the unit and the pad shall be enclosed, but only with the use of noncombustible materials such as aluminum or fiberglass. Such skirting materials shall be of a type compatible with the material and color scheme of the mobile home unit. No person occupying or owning a mobile home, or a licensee of a mobile / manufactured home park shall build or cause to be erected any lean-to, shed, or addition to a mobile home without the approval of the Community Development Director or their designee. Nothing herein contained shall prohibit the use of stabilization measures, nor shall this paragraph prohibit attachment to a mobile home of a shelter roof, provided that such roof does not extend more than eight (8) feet into a side yard, or extend more than twenty (20) feet in length, or extend beyond the length of the mobile home. Such roof and its supporting members shall be constructed entirely of noncombustible materials and the roof section together with its framing shall not be less than six (6) feet above the grade immediately beneath any point of the roof section.
- n. Each mobile home may have adjacent to it, a freestanding accessory building not exceeding one hundred and twenty (120) square feet in area and a garage not exceeding two hundred and eighty (280) square feet in area; provided that neither building is located closer than ten (10) feet from any other building or structure.
- o. All mobile homes shall be provided with City water, sanitary sewer, and storm sewer facilities.
- p. Where portable fuel tanks are utilized, they shall be placed at the rear or side of the mobile home in as close proximity to the rear of the unit as possible.
- q. All electric, telephone, and cable TV lines shall be installed underground; except where determined unfeasible or otherwise undesirable by the Plan Commission.
- r. Every mobile / manufactured home park shall submit a solid waste disposal plan. Garbage and rubbish shall be collected weekly and disposed of by the park owner in accordance with the approved plan.
- s. No business or commercial use, except permitted home occupations, shall be located on the mobile / manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and a manager's office are permitted.
- t. Each mobile / manufactured home park shall be completely enclosed, except for permitted entrances and exits, by either:
  - 1. A grassed earthen berm of a least six (6) feet in height.
  - 2. A fence of uniform material that is at least six (6) feet in height and provides an effective visual screen.



3. A densely planted line of coniferous plants that will grow to a height of at least six (6) feet within three years of planting.
  4. Any combination of the aforementioned that provides a visual screen and is at least six (6) feet in height.
  - u. The total minimum floor area of the mobile home shall be nine hundred and eighty (980) square feet.
  - v. All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.
  - w. A site plan for the entire mobile / manufactured home park shall be submitted to the Plan Commission for review and approval prior to any construction within the park.
- (3) Mobile / manufactured home park with Platted Lots.
- a. The minimum mobile / manufactured home park size shall be five (5) acres.
  - b. The minimum mobile / manufactured home park width shall be three hundred (300) feet at the street right-of-way line.
  - c. The maximum number of mobile home sites within a mobile / manufactured home park shall be seven and one-fifth (7.2) per net acre.
  - d. A minimum of ten (10) percent of the mobile / manufactured home park development area, exclusive of streets, shall be devoted to common recreational uses.
  - e. The minimum lot area for a mobile home shall be six thousand (6,000) square feet. The minimum lot width shall be fifty (50) feet with corner lots being not less than sixty (60) feet.
  - f. No mobile home unit shall be located closer than twenty-five (25) feet to a mobile / manufactured home park exterior lot line.
  - g. The minimum setback between a mobile home unit and a service road shall be fifteen (15) feet.
  - h. The minimum distance between mobile home units shall be twelve (12) feet.
  - i. All drives and service roads shall be a minimum of twenty (20) feet wide.
  - j. The minimum rear setback for mobile homes is twenty (20) feet.
  - k. All drives, service roads, parking areas, and walkways shall be surfaced with concrete or asphalt.
  - l. There shall be a minimum of two (2) parking spaces per mobile home unit located on each lot. Each parking area on each lot shall be at least four hundred (400) square feet in area; shall be well drained; and shall be surfaced with concrete or asphalt.
  - m. Visitor parking shall be provided in the mobile park at the rate of one (1) space per mobile home site. Supplemental parking areas shall be provided in each mobile / manufactured home park for boats, camping trailers, and utility trailers. No such equipment shall be parked on any mobile home site.
  - n. Each mobile home shall either be placed on a foundation or on a concrete pad. If it is to be placed on a foundation, the foundation shall be of a type recommended by the unit manufacturer and approved by the Community Development Director or their designee. If it is to be placed on a pad,

the pad shall be at least four (4) inches thick over an approved gravel base and be at least equal in width and length to the mobile home unit being placed on the pad.

- o. The space between the unit and the pad shall be enclosed, but only with the use of noncombustible materials such as aluminum or fiberglass. Such skirting materials shall be of a type compatible with the material and color scheme of the mobile home unit. No person occupying or owning a mobile home or a licensee of a mobile / manufactured home park shall build or cause to be erected any lean-to, shed, or addition to a mobile home without the approval of the Community Development Director or their designee. Nothing herein contained shall prohibit the use of stabilization measures, nor shall this paragraph prohibit attachment to a mobile home of a shelter roof, provided that such roof does not extend more than eight (8) feet into a side yard, or extend more than twenty (20) feet in length, or extend beyond the length of the mobile home. Such roof and its supporting members shall be constructed entirely of noncombustible materials and the roof section together with its framing shall not be less than six (6) feet above the grade immediately beneath any point of the roof section.
- p. Each mobile home site may contain a freestanding accessory building not exceeding one hundred and twenty (120) square feet in area and a garage not exceeding two hundred and eighty (280) square feet in area; provided that neither accessory building is located closer than five (5) feet to a side or rear lot line, or ten (10) feet from any other structure.
- q. All mobile homes shall be provided with City water, sanitary sewer, and storm sewer facilities.
- r. Where portable fuel tanks are utilized, they shall be placed at the rear or side of the mobile home in as close proximity to the rear of the unit as possible.
- s. All electric, telephone, and cable TV lines shall be installed underground, except where determined unfeasible or otherwise undesirable by the Plan Commission.
- t. Every mobile / manufactured home park shall submit a solid waste disposal plan. Garbage and rubbish shall be collected weekly and disposed of by the park owner in accordance with the approved plan. **Receptacles shall be located within a designated area or areas interior to the park outside of all travel ways and easements, and shall not be located in any street yard setbacks. Receptacles shall be screened per Sec. 17.0506.**
- u. No business or commercial use, except permitted home occupations, shall be located on the mobile / manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and a manager's office are permitted.
- v. Each mobile / manufactured home park shall be completely enclosed, except for permitted entrances and exits, by either:
  - 1. A grassed earthen berm of a least six (6) feet in height.
  - 2. A fence of uniform material that is at least six (6) feet in height and provides an effective visual screen.
  - 3. A densely planted line of coniferous plants that will grow to a height of at least six (6) feet within three years of planting.
  - 4. Any combination of the aforementioned that provides a visual screen and is at least six (6) feet in height.
- w. The total minimum floor area of the mobile home shall be nine hundred and eighty (980) square feet.

- x. All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.
- y. A site plan for the entire mobile / manufactured home park shall be submitted to the Plan Commission for review and approval prior to any construction within the park.

#### Sec. 17.0404. Recreational Use Standards

##### (a) **Clubhouse.**

- (1) All off-street parking shall be located on the side or rear of the clubhouse building unless otherwise approved by the plan commission.
- (2) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Plan Commission.
- (3) Service areas, dumpsters, and utilities shall not be visible from rights-of-way and shall not be located in any front yard or street-facing side yard.
- (4) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.
- (5) Clubhouse buildings shall not exceed thirty-five (35) feet in height.
- (6) Clubhouse buildings shall provide 360-degree architecture for all sides visible to the public. 360-degree architecture incorporates facade elements, including doors, windows, exterior cladding, and all other exterior decorative elements and finishes on all front, side, and rear elevations of the building.

#### Sec. 17.0405. Retail Uses

##### (a) **Adult Entertainment.**

- (1) Pursuant to the City of Oak Creek's authority, it is the intent of the Common Council to adopt by ordinance regulations restricting the location of adult entertainment businesses as defined herein to promote the City of Oak Creek's interest in protecting and preserving the quality of its neighborhoods, commercial districts, and quality of urban life through effective land-use planning.
  - a. It has been the experience of other cities including Seattle and Renton, Washington and Detroit, Michigan that adult entertainment businesses can contribute to the impairment of the character and quality of a surrounding residential neighborhood; and contribute to a decline in the value of surrounding properties.
  - b. Adult entertainment businesses in proximity to residential areas, religious institutions, parks, schools and day care centers may lead to an increase in criminal activities in the surrounding areas and the City desires to protect the youth of the community from the deleterious effects such businesses can have on adjacent areas by restricting their close proximity to places of worship, schools and residential areas.
  - c. The Common Council has reviewed studies distributed by the National Obscenity Law Center in a three volume set that documents the secondary effects of adult entertainment businesses that affect property values, contribute to physical deterioration and blight, have a deleterious effect on both existing business around them and surrounding areas, including increased transiency, increased levels of criminal activities including prostitution, rape, assaults and other sex related crimes. The Common Council is also aware that similar studies have been conducted in other communities across the

United States such as St. Paul and Minneapolis, MN; Indianapolis, IN; Hilton Head, SC; Austin, TX; Phoenix, AZ and Los Angeles, CA.

- d. The Common Council believes that the experiences and studies from other communities set forth herein are relevant in addressing the secondary effects adult entertainment businesses can have upon areas surrounding such establishments in the City of Oak Creek. A reasonable regulation of the location of adult entertainment businesses will provide for the protection of the image of the community and its property values and protect the residents of the community from the adverse secondary effects of an adult entertainment business, while providing to those who desire to patronize adult entertainment businesses, such an opportunity in areas within the City which are appropriate for the location of adult entertainment businesses.
- e. The United States Supreme Court in the case of *City of Renton vs. Playtime Theaters, Inc.*, 475 US 41, 106 S. Ct., 925, 89 L. Ed., 2d, 29 (1986) and *Young vs. American Mini Theaters*, 427 US 50, 96 S. Ct., 2440, 49 L. Ed., 2d, 310 (1976) have approved efforts by local government to regulate the location of adult entertainment businesses through land-use plans. The Common Council of the City of Oak Creek conducted a public hearing and heard testimony from proponents and opponents of the proposed ordinance. The Plan Commission has the adoption of the proposed ordinance as an amendment to our existing zoning code. The proposed ordinance serves a substantial government interest and does not unreasonably limit alternative avenue of communication. The Common Council of the City of Oak Creek, Milwaukee County, Wisconsin do ordain as follows:

(2) Adult entertainment businesses, subject to the following restrictions and regulations:

- a. Definitions. The following words, terms and phases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - 1. Adult entertainment means any dance, amusement, show, display, merchandise, material, exhibition, pantomime, modeling or any other like performance of any type for the use or benefit of a member or members of the public or advertised for the use or benefit of a member of the public where such is characterized by an emphasis on the depiction, description or simulation of "specified anatomical areas" as defined herein, or the exhibition of "specified sexual activities," also defined herein, or in the case of live adult entertainment performances, which emphasizes and seeks to arouse or excite the patrons' sexual desires. For the purposes of this chapter, any patron of an adult entertainment business, as defined in this section, shall be deemed a member of the public.
  - 2. Adult entertainment business means any establishment providing adult entertainment as defined herein, including, but not limited to, adult arcade, adult bookstore, adult novelty store, adult video store, adult motion picture theater, and exotic dance studio, more specifically defined as follows:
    - (a) Adult arcade means a commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, computer-generated or enhanced pornography, panorama, peep show, or similar machines, or other image producing machines, for personal viewing, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which provide material for individual viewing by patrons on the premises of the business which are characterized by an emphasis

on the depiction, description or simulation of “specified anatomical areas” or “specified sexual activities.”

- (b) Adult bookstore means an establishment which has a facility or facilities, including, but not limited to, booths, cubicles, rooms or stalls, for the presentation of adult entertainment, including adult oriented films, movies or live performances for observation by patrons therein; or an establishment having as a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities as defined below.
  - (c) Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by an emphasis on the depiction, description or simulation of “specified anatomical areas” or “specified sexual activities” are regularly shown for any form of consideration.
  - (d) Adult retail establishment means any bookstore, adult novelty store, adult video store, or other similar commercial establishment, business, service, or portion thereof which, for money or any other form of consideration, provides as a significant or substantial portion of its stock-in-trade the sale, exchange, rental, loan, trade, transfer, and/or provision for viewing or use off the premises of the business adult entertainment material as defined in this section. For purposes of this provision, it shall be a rebuttable presumption that thirty (30) percent or more of a business’ stock-in-trade in adult retail material, based on either the dollar value (wholesale or retail) or the number of titles of such material, is significant or substantial.
3. In determining whether or not the presumption is rebutted, the Common Council may consider the following factors, which are not conclusive:
- (a) Whether minors are prohibited from access to the premises of the establishment due to the adult entertainment nature of the inventory;
  - (b) Whether the establishment is advertised, marketed, or held out to be an adult merchandising facility;
  - (c) Whether adult entertainment material is an establishment’s primary or one of its principal business purposes; or
  - (d) Whether thirty (30) percent or more of an establishment’s revenue is derived from adult entertainment material.
4. An establishment may have other principal business purposes that do not involve the offering for sale or rental of adult entertainment materials and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishments from being categorized as an adult retail establishment so long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified adult entertainment materials.
5. The Common Council shall have full discretion to give appropriate weight to the factors set forth above as well as other factors considered depending on the particular facts and circumstances of each application.

6. Adult entertainment material means any books, magazines, cards, pictures, periodicals, or other printed matter, or photographs, films, motion pictures, video tapes, slides, or other photographic reproductions, or visual representations, CD-ROMs, DVDs, disks, electronic media, or other such media, or instruments, devices, equipment, paraphernalia, toys, novelties, games, clothing or other merchandise or material, which are characterized, by an emphasis on the depiction, description or simulation of "specified anatomical areas" or "specified sexual activities."
  7. Booths, cubicles, rooms, compartments or stalls means enclosures as are specifically offered to the public or members of an adult entertainment business for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth", "cubicle", "room", "compartment" or "stall" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee.
  8. City means the City of Oak Creek, Wisconsin.
  9. Specified anatomical areas means:
    - (a) Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, or female breast below a point immediately above the top of areolae; or
    - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
  10. Specified sexual activities means:
    - (a) The caressing, touching, fondling or other intentional or erotic touching of male genitals, female genitals, pubic region, buttocks, anus, or female breasts of oneself or of one person by another; or
    - (b) Sex acts, normal or perverted, actual or simulated, including masturbation, intercourse, oral copulation, flagellation, sodomy, bestiality, or any sexual acts which are prohibited by law; or
    - (c) Human genitals in a state of sexual stimulation, arousal or tumescence or visual state of sexual stimulation, arousal or tumescence, even if completely and opaquely covered.
- (b) Location of Adult Entertainment Businesses. Adult entertainment businesses as defined in paragraph (1) are prohibited in all zones except the M-1 Manufacturing District, subject to the following restrictions:
- (1) No adult entertainment business shall be permitted within one thousand (1,000) feet of another adult entertainment business.
  - (2) No adult entertainment business shall be permitted with one thousand (1,000) feet of any hospital, religious institution, school, library, park, museum, playground, day care center, restaurant or any other public or private building or premises likely to be utilized by persons under the age of eighteen (18) years.
  - (3) No adult entertainment business shall be permitted within one thousand (1,000) feet of any area zoned residential.

(c) Standards of Measurement. The distances provided in this section shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult entertainment business to the nearest point of the parcel of property or land use district boundary relined from which the proposed land use is to be separated.

(d) **Neighborhood Retail.**

- (1) A neighborhood retail use shall be limited to two-thousand five hundred (2,500) square feet of gross floor area.
- (2) Neighborhood retail uses shall front and be accessed from arterial or collector streets only.
- (3) The main entrance of a neighborhood retail use shall be oriented towards the primary street.
- (4) The off-street parking and loading of a neighborhood retail use that fronts onto an existing or proposed arterial or collector roadway, as identified in the Oak Creek Comprehensive Plan or as determined by the City Engineer, may be located in the front, side, or rear of the **principal** building. The off-street parking and loading of a neighborhood retail use that fronts onto any other roadway type shall be located on the side or rear of the **principal** building.
- (5) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Plan Commission.
- (6) Service areas, dumpsters, and utilities shall not be visible from rights-of-way and shall not be located in any front yard or street-facing side yard.
- (7) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.
  - a.
- (8) In residential districts, the architecture of a neighborhood retail use shall be similar in character to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

(e) **Outlot Retail Building.**

- (1) Outlot retail buildings shall be setback a minimum of fifteen (15) feet from any right-of-way.
- (2) All off-street parking shall be shared with the principal building of the lot and shall not be located between the outlot retail building and the public right-of-way unless otherwise approved by the Plan Commission.
- (3) Curb cuts and site vehicular access shall be shared with the **principal** building.
- (4) Service areas, dumpsters, and utilities shall not be visible from rights-of-way and shall not be located in any front yard or street-facing side yard.
- (5) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.

## Sec. 17.0406. Service Uses

### (a) **Kennel and Boarding Facility.**

#### (1) **Kennel.**

1. Kennels shall be limited to the raising, breeding, boarding, and grooming of domestic dogs and cats.
2. The minimum lot size for a kennel shall be two (2) acres.
3. Dogs kept on premises will not equal more than fifteen (15) per acre of land.
4. Cats kept on premises will not equal more than twenty-five (25) per acre of land.
5. All dog runs shall be hard-surfaced, compacted fine stone or grassed. Hard-surfaced dog runs shall meet all stormwater disposal requirements of Section 15.66 of the City's Building Code.
6. Dog runs shall be setback fifty (50) feet from any lot line or as determined by the Plan Commission. All other buildings and structures shall follow the setbacks of the governing zoning district.
7. Dog runs shall not be used between the hours of 8:00 p.m. and 8:00 a.m.
8. Methods shall be used to reduce the impact of noise on adjacent properties, which may include the use of sound-barrier material such as "bark-block" and/or other approved insulation.

#### (2) **Boarding Facility.**

1. Dog runs shall be set back as far as possible from all residential properties. In no case shall the minimum setback be less than one hundred and fifty (150) feet from a residential lot line.
2. Methods shall be used to reduce the impact of noise on adjacent properties, which may include the use of sound-barrier material such as "bark-block" and/or other approved insulation.
3. The animals shall be boarded in appropriate kennel units with insulation to further abate noise.
4. The facility shall have appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.
5. The boarding area shall be air-conditioned and heated so that any windows, doors, or other openings can be closed at all times, with the exception of ingress and egress into the area.
6. The total area designated for boarding within the building shall not exceed seventy-five (75) percent of the gross floor area of the facility.



**(b) Neighborhood Service.**

- (1) A neighborhood service use shall be limited to two-thousand five hundred (2,500) square feet of gross floor area.
- (2) Neighborhood service uses shall front and be accessed from arterial or collector streets only.
- (3) The main entrance of a neighborhood service use shall be oriented towards the primary street.
- (4) The off-street parking and loading of a neighborhood service use that fronts onto an existing or proposed arterial or collector roadway, as identified in the Oak Creek Comprehensive Plan, may be located in the front, side, or rear of the **principal** building. The off-street parking and loading of a neighborhood service use that fronts onto any other roadway type shall be located on the side or rear of the **principal** building.
- (5) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Plan Commission.
- (6) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way and shall not be located in any front yard or street-facing side yards.
- (7) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.
- (8) In residential districts, the architecture of a neighborhood service use shall be similar in character to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

**(c) Veterinary Clinic / Animal Hospital.**

- (1) Veterinary clinics or animal hospitals shall be permitted to establish accessory kennel or boarding facilities pursuant to the regulations of Section 17.0406(a).
- (2) Methods shall be used to reduce the impact of noise on adjacent properties, which may include the use of sound-barrier material such as "bark-block" and/or other approved insulation.

**Sec. 17.0407. Lodging Uses**

**(a) Bed and Breakfast.**

- (1) All bed and breakfast establishments shall be subject to the City of Oak Creek's local hotel room tax as established in Chapter 3.40(d) of the Municipal Code.
- (2) Bed and breakfast establishments shall meet all standards provided for in Section 50.51(b) of the Wisconsin Statutes and Chapter HSS 197 of the Wisconsin Administrative Code.
- (3) Lodging may be provided in a maximum of four (4) rooms.
- (4) Rooms may be rented for more than ten (10) nights in a twelve (12) month period.
- (5) The bed and breakfast establishment shall be the primary residence of the property owner.

**(b) Short Term Rental.**

- (1) All short term rentals shall be subject to the City of Oak Creek's local hotel room tax as established in Chapter 3.40(d) of the Municipal Code.

- (2) The residential dwelling in which short term rental is offered shall be the primary residence of the property owner.
- (3) The short term rental period shall be a minimum of three (3) consecutive days and a maximum of one hundred twenty (120) consecutive days.

### Sec. 17.0408. Eating and Drinking Use Standards

(a) **Café.** The following standards shall apply to café uses in residential zoning districts only.

- (1) A café use shall be limited to two-thousand five hundred (2,500) square feet of gross floor area.
- (2) Cafés shall front and be accessed from arterial or collector streets only.
- (3) The main entrance of a café use shall be oriented towards the primary street.
- (4) The off-street parking and loading of a café use that fronts onto an existing or proposed arterial or collector roadway, as identified in the Oak Creek Comprehensive Plan, may be located in the front, side, or rear of the **principal** building. The off-street parking and loading of a café use that fronts onto any other roadway type shall be located on the side or rear of the **principal** building.
- (5) A maximum of one (1) curb cut shall be permitted per street frontage unless otherwise approved by the Plan Commission.
- (6) Service areas, dumpsters, utilities, and the required screening thereof shall not be visible from a right-of-way and shall not be located in any front yard or street-facing side yard.
- (7) Pedestrian access shall be provided to the building entries and parking areas connecting to the sidewalk at the street frontage.
- (8) The architecture of a café use shall be similar in character to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

(b) **Mobile Retail Food Establishment / Food Truck Park.**

- (1) The maximum number of food trucks allowed on site will be dependent on the size of the lot and sites ability to provide required electrical access and parking. Site plans shall be provided to the City for review before permitting.
- (2) A minimum of ten (10) feet of clearance shall be provided between all individual food trucks.
- (3) The area for a food truck park shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck park from parking shall provide visibility into the site and shall not exceed four (4) feet in height.
- (4) Food truck parks are encouraged to create an inviting and attractive aesthetic environment and shall include seating and shade elements.
- (5) A minimum of (2) permanent restrooms that meet ADA standards within two hundred (200) feet of the food truck area shall be made accessible to patrons during hours of operation.
- (6) Food truck parks shall be located a minimum of five hundred (500) feet away from any brick-and-mortar restaurant unless said restaurant is operating a truck within the food truck park, as measured from the facility property line.

- (7) Any food truck park shall not be located less than one-thousand five hundred (1,500) feet from any other food truck park, as measured from the facility property line.
- (8) Electrical service shall be provided to each food truck.
- (9) A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per food truck. The food truck park shall also provide a commercial dumpster outside of the designated patron area for waste disposal. This dumpster shall be screened in accordance with Section 17.0506(a).
- (10) Food trucks shall be inspected in accordance with the State of Wisconsin.

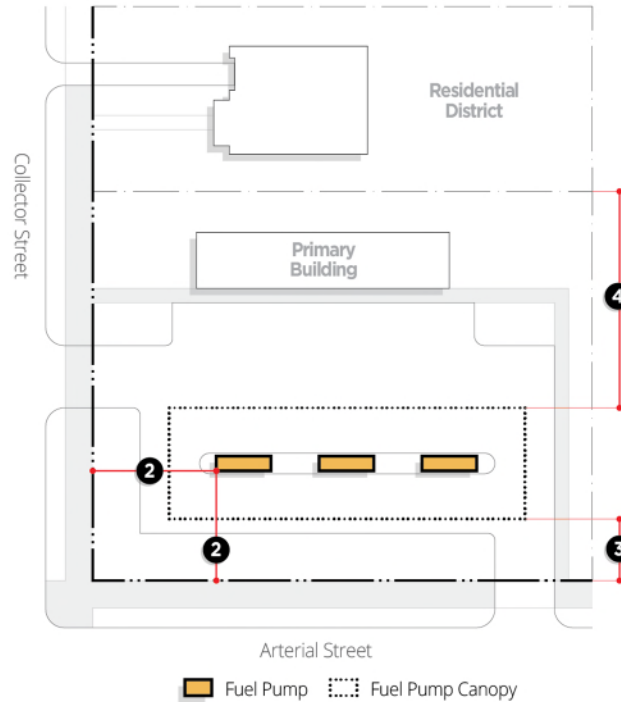
## Sec. 17.0409. Vehicle Related Use Standards

### (a) Fuel Sales and Fueling Plaza.

- (1) Fuel sale and fueling plaza uses shall front and be accessed from arterial or collector streets only.
- (2) All fuel pumps shall be set back a minimum of twenty-five (25) feet from the street right-of-way and side and/or rear lot lines.
- (3) All fuel pump canopies shall be located a minimum of twenty (20) feet from the street right-of-way and side and/or rear lot lines.
- (4) All fuel pumps and fuel pump canopies shall be located a minimum of fifty (50) feet from any residential district boundary line.
- (5) Fuel pump canopies shall maintain a uniform and consistent roofline with the building to which the fuel pump canopy is associated. The Plan Commission may approve additional fuel pump canopy height to accommodate fuel pump canopies that serve commercial vehicles.
- (6) Fuel pump canopies shall be lit with only non-surface mounted or recessed lighting.
- (7) Signs displayed on fuel pump canopies shall:
  - a. Be located only on faces of the canopy fronting a public right-of-way.
  - b. Not exceed twenty-five (25) percent of the face of the canopy on which the sign is to be located.
  - c. Not protrude above the highest point of the canopy.
  - d. Not extend more than six (6) inches from the face of the canopy on which the sign is attached.
  - e. Feature sign copy that is individually affixed letters or appear to be individually affixed letters only.

- (8) The exterior of the base of any column supporting a fuel pump canopy shall be consistent with the materials used for the exterior of the principal building up to a height of four (4) feet.
- (9) Any outdoor display or sale of merchandise shall be pursuant to Section 17.0414(j).

Figure 4.3: Fuel Sales and Fueling Plazas



### Sec. 17.0410. Office Use Standards

HOLD FOR FUTURE USE

### Sec. 17.0411. Industrial Use Standards

#### (a) Manufacturing, Artisan.

- (1) Gross floor area shall not exceed ten thousand (10,000) square feet.
- (2) Outdoor storage and / or permanent outdoor operations or activities shall be prohibited.
- (3) Retail sales of goods manufactured on-site shall be permitted but shall be limited to twenty-five (25) percent of each tenant space.
- (4) A maximum of one (1) residential unit shall be permitted but shall be limited to twenty-five (25) percent of the total area of the building.

### Sec. 17.0412. Medical Use Standards

HOLD FOR FUTURE USE

## Sec. 17.0413. Public / Institutional Use Standards

(a) **Telecommunication Towers.** The purpose of this Section is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

(1) Generally, the regulations of this Section are designed to:

- a. Facilitate the efficient provision of mobile services to the residents of the City, as well as to other persons, firms, and/or corporations in the vicinity of the City;
- b. Minimize adverse visual effects of mobile service support structures and mobile service facilities, through careful design, siting, screening, and landscape buffering standards;
- c. Minimize the impacts of mobile service support structures and mobile service facilities on, and reduce conflicts with, the architectural, historical, tourism and economic significance of historic structures and districts designated by the Federal, State and local governments;
- d. Avoid potential damage to adjacent properties from falling ice and tower failure through structural standards and setback requirements;
- e. Promote, encourage and maximize the shared use of existing and approved mobile service support structures to accommodate new mobile service facilities in order to reduce the number of mobile service support structures needed to serve the community; and
- f. Promote, encourage and maximize the use of existing tall structures that have been established within the community for the collocation of new mobile service facilities.

(2) This Section shall be interpreted to comply with Wis. Stat. § 66.0404, as the same may be amended from time to time. Any provision within the Code that unavoidably conflicts with the City's authority under Wis. Stat. § 66.0404 shall not be applied to new mobile service support structure and facilities, class 1 collocation, or class 2 collocation. All definitions contained in Wis. Stat. § 66.0404(1), as the same may be amended from time to time, are incorporated by reference and apply to this Section.

a. **Interpretation.**

1. The provisions of this Section are not intended to and shall not be interpreted or applied so as to prohibit or have the effect of prohibiting the provision of mobile services, nor shall the provisions of this Section be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent mobile services.
2. All deadlines described in this Section for issuing a final decision on an application for a mobile service support structure or mobile service facility shall be tolled during any time the applicant needs to respond to reasonable requests for additional information.
3. No decision to deny an application for a conditional use permit or a zoning variation for the construction or installation of a mobile service facility may be based on the environmental effects of radio frequency emissions to the extent that the applicant demonstrates such facility

complies with the most current FCC's regulations concerning such emissions at the time the application is submitted to the City.

4. Nothing in this Section shall be construed to release any applicant from compliance with all applicable Federal, State and local building, electrical and occupational safety laws, regulations, codes and rules.

**b. New Towers and Class 1 Collocations.**

1. **Application process.** A City zoning approval is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and mobile service facilities is a conditional use in the City obtainable with this permit.

- (a) A conditional use permit application must be completed by both the applicant and property owner and submitted to the City. The application must contain the following information:
  - (i) The name and business address of, and the contact individual for, the applicant.
  - (ii) The location of the proposed support structure and contact information for the property owner.
  - (iii) The location of the proposed mobile service facility.
  - (iv) A construction plan: For a class 1 collocation, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. For a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - (v) For a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation 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.
  - (vi) Coverage area maps showing the existing and proposed coverage. The application should demonstrate whether a significant gap in coverage exists in the applicant's coverage area for the provision of mobile service. A "gap in coverage" exists when a remote user of such services is unable to either connect with the land-based national telephone network or to maintain a connection capable of supporting a reasonably uninterrupted communication. This standard shall be applied separately to each mobile service provider.
  - (vii) A drawing or diagram showing the fall zone of the proposed tower with a licensed engineer's certification.

(viii) An explanation whether the means chosen to fill a significant gap in coverage are the least intrusive on the conditions set forth in this Section.

(ix) An explanation whether the proposed site would encroach on a building or district with historical significance.

2. A permit application will be provided by the City upon request to any applicant.
3. If an applicant submits an application for a permit to site and construct a new mobile service support structure and facilities and the application contains all of the information required under section (b)(1)(a)(1)-(5), the City shall consider the application complete. If the City finds the application incomplete, the City shall notify the applicant, in writing, within ten (10) business days of receiving the application that the application is incomplete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is properly completed in accordance with this Section.
4. Within 90 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the ninety (90) day period:
  - (a) Review the application to determine whether it complies with all applicable aspects of the City's building code and this Section.
  - (b) Make a final decision whether to approve or disapprove the application.
  - (c) Notify the applicant, in writing, of its final decision.
  - (d) If the decision is to disapprove the application, include with the written notification a description of substantial evidence contained in the public record which supports the decision to disapprove.
5. The City may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under subsection (1)(a)(5).
6. If an applicant provides the City with an engineering certification showing that the new mobile service support structure is designed to collapse within a smaller area than the setback or fall zone required in this section, then the City may not disapprove the application based on a violation of the setback or fall zone required in this section unless the City provides the applicant with substantial evidence contained in the public record that the engineering certification is flawed.
7. The fee for the permit shall be set in the City's Fee Schedule, as amended.
8. To ensure compliance with this section, including, but not limited to, the requirements set forth in subsection (9)(e), the applicant shall provide a letter of credit or surety bond in an amount to be determined when the application is filed, but which amount shall not exceed twenty thousand (20,000) dollars.
9. **Conditional Use Regulations (all districts).**

- (a) The mobile service support structure shall be placed on property in a location ensuring its fall zone is completely within the property's boundaries.
- (b) The support structure must be located to minimize its visual impact. The support structure should be less visually obtrusive by use of screening, coloring, stealth design, or other visual mitigation options. An applicant for a new mobile services support structure or a class 1 collocation will use its best efforts to comply, to the extent feasible, with the aesthetic standards described in subsection D, but such standards will not be the sole basis for the City to deny an application for a new mobile services support structure or a class 1 collocation. A class 1 collocation that meets all the aesthetic standards described in subsection D will be treated as a class 2 collocation.
- (c) The applicant shall present evidence of how it will comply with all federal, state, and local laws, ordinances, rules and regulations (including laws and ordinances relating to health and radio frequency emissions) in connection with the use of the permit granted hereunder and the operation, maintenance, construction and/or installation of the mobile service support structure and facilities. The applicant's construction plan shall be approved by the City zoning administrator and building inspector to ensure compliance.
- (d) The applicant shall, at all times, maintain and repair the mobile service support structure and facilities in a clean, safe and workmanlike condition.
- (e) If the applicant ceases using the mobile service support structure and facilities, the applicant shall remove the mobile service support structure and facilities within thirty (30) of the date upon which its use ceases at a cost to the applicant.
- (f) The equipment compound must have sufficient area to accommodate equipment sheds or cabinets of each carrier operating on a property. Outdoor storage of equipment or other items is prohibited.
- (g) Applicant shall comply with Section 8-7, standards and procedures applicable to all conditional uses and shall submit answers to the Zoning Administrator's findings per Section 8-7(d).

**c. Class 2 Collocation.**

**1. Application Process.**

- (a) A city zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the City but still requires the issuance of the city permit. An applicant for a class 2 collocation will use its best efforts to comply, to the extent feasible, with the aesthetic standards described in Subsection 13-1-98.D, but such standards will not be the basis for the City to deny an application for a class 2 collocation.
- (b) A mobile service facility that would otherwise be considered a class 1 collocation shall be considered a class 2 collocation if:
  - (i) a greater height is necessary to avoid interference with an existing antenna; or
  - (ii) if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.



- (c) The applicant must submit a sworn statement, stamped by a licensed engineer, to verify the application of this subsection.
- (d) A permit application must contain the following information:
  - (i) The name and business address of, and the contact individual for, the applicant and contact and approval information for the property owner;
  - (ii) The location of the affected support structure;
  - (iii) The location of the proposed mobile service facility; and
  - (iv) Confirmation from a structural engineer that the existing structure can withstand additional weight of another facility.
- (e) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject, pursuant to the Code.
- (f) If an applicant submits an application for a class 2 collocation permit with all of the information required under this section, the City shall consider the application complete. If any of the required information is not in the application, the City shall notify the applicant, in writing within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (g) Within forty-five (45) days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the forty-five (45) day period:
  - (i) Make a final decision whether to approve or disapprove the application.
  - (ii) Notify the applicant, in writing, of its final decision.
  - (iii) If the application is approved, issue the applicant the relevant permit.
  - (iv) If the decision is to disapprove the application, include with the written notification a description of substantial evidence contained in the public record which supports the decision to disapprove.
- (h) The fee for the permit shall be set in the City's Fee Schedule, as amended five hundred dollars (\$500.00).
- (i) To ensure compliance with this section, including, but not limited to, the requirements set forth in subsection (2)(c), the applicant shall provide a letter of credit or surety bond in an amount to be determined when the application is filed, but which amount shall not exceed twenty thousand (\$20,000.00).

**2. Permitted by Right (all districts).**

- (a) The applicant shall comply with all federal, state, and local laws, ordinances, rules and regulations (including laws and ordinances relating to health and radio frequency emissions) in connection with the use of the permit granted hereunder and the operation, maintenance, construction and/or installation of the mobile service facilities on the existing structure or existing mobile service support structure. The applicant's construction and design plan shall be approved by the City zoning administrator and building inspector to ensure compliance.
- (b) The applicant shall maintain and repair the mobile service facilities in a safe and workmanlike condition.
- (c) If the applicant ceases using the mobile service support facilities, the applicant shall remove the mobile service support facilities within thirty (30) of the date upon which its use ceases at a cost to the applicant. Such removal shall be done in a workmanlike and careful manner.

**d. Small Cell Wireless Facilities.**

- 1. **Definitions.** All definitions contained in Wis. Stat. § 66.0414(1), and as may be amended in the future, are hereby incorporated by reference and apply to Section 5-9(C).
- 2. **Permitted by right or conditional use.** A city zoning permit is required for a small wireless facility. Small wireless facilities shall be classified as permitted uses, and not require the issuance of the city zoning permit, if they are collocated outside a right-of-way on property which is not zoned exclusively for single-family residential use. A small wireless facility collocated outside the right-of-way on property which is zoned exclusively for single-family residential use shall be considered a class 2 collocation and, except to the extent described in this subsection C, shall comply with the provisions of subsection B.
- 3. **Permit conditions.**
  - (a) Small wireless facilities shall comply with the aesthetic standards described in subsection 5-9(D) to the extent they are technically feasible.
  - (b) If the applicant ceases using the small wireless facilities, the applicant shall remove the small wireless facilities within thirty (30) of the date upon which its use ceases at a cost to the applicant. Such removal shall be done in a workmanlike and careful manner.
  - (c) In a historic or underground district any collocation on or replacement of an existing structure shall reasonably conform to the design aesthetics of the original structure. In this subsection, a historic district is an area designated as historic by the City, listed on the national register of historic places in Wisconsin, or listed on the state register of historic places. An underground district is an area designated by the City in which all pipes, pipelines, ducts, wires, lines, conduits, or other equipment, which are used for the transmission, distribution, or delivery of electrical power, heat, water, gas, sewer, or telecommunications equipment, are located underground.

- e. **Aesthetic Standards.** Designs for mobile service support structures, as well as designs for associated mobile service facilities, shall be part of an application for a conditional use permit, by reference to the standards described in this subsection. Applicants to erect mobile service facilities that are permitted uses shall use their best efforts to comply with the following standards. These standards avoid or remedy the intangible public harm of unsightly or out-of-character deployments.

1. Mobile service support structures shall be of a monopole design unless the City Council determines that an alternate design would better blend into the surrounding environment.
2. Mobile service support structures and facilities shall be designed to blend into the surrounding environment as closely as possible through the use of color, camouflaging and/or stealth architectural treatment, where possible. A mobile service support structure shall be painted a single, neutral color. Mobile service facilities shall be well maintained at all times.
3. Mobile service support structures and facilities shall not be illuminated by artificial means and shall not display lights unless such lights are specifically required by a Federal or State authority. Lights are permitted to be operated during on-going maintenance activities.
4. Site location and development shall preserve the existing character of the building or property as much as possible. Existing vegetation must be preserved or improved, and disturbance of the existing topography of the site must be minimized.
5. Mobile services facilities erected on property where there are structures composed of masonry materials and having gabled or other peaked-roof type features are required to enclose ground-mounted facilities and equipment within a structure using the same building materials unless the City Council determines that an alternate design would better blend into the surrounding environment. All other facilities shall be enclosed within a solid six foot (6') high wooden board-on-board style fence. To the extent the feasible, equipment enclosures should be sized to accommodate co-location of additional facilities.
6. Landscaping screening a minimum of five foot (5') in height at installation should be installed and maintained so as to screen any proposed ground-mounted structure or transmission equipment and to discourage vandalism.

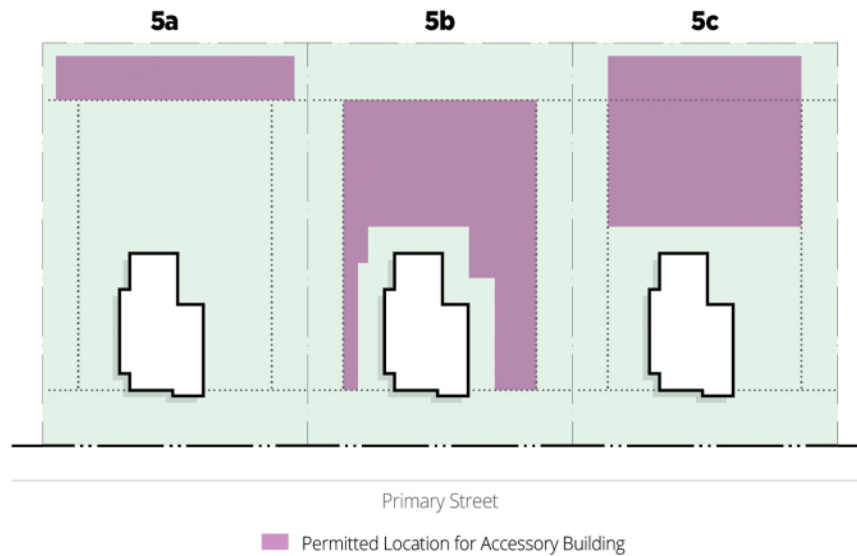
## Sec. 17.0414. Accessory Use Standards

### (a) Accessory, Building.

- (1) Two (2) accessory buildings shall be **allowed** per lot, **and shall only be permitted after a principal structure has been constructed on the same lot.**
- (2) On **residential** lots less than or equal to one-half (0.5) acre the aggregate maximum area of all accessory buildings shall not exceed one-thousand (1,000) square feet or seventy-five (75) percent of the livable area of the principal building, whichever is less. Livable area shall not include basements.
- (3) On **residential** lots greater than one-half (0.5) acre, the aggregate maximum area of all accessory buildings shall not exceed one-thousand and two hundred (1,200) square feet or seventy-five (75) percent of the livable area of the principal building, whichever is less.
- (4) **On nonresidential lots, accessory buildings that do not exceed two-hundred and fifty (250) square feet shall not require Plan Commission review prior to permitting.**
- (5) Accessory buildings shall have a maximum height of twenty (20) feet but in no instance shall exceed the height of the principal building.
- (6) Accessory buildings shall require a certificate of zoning compliance pursuant to Section 17.0803(d).
- (7) Accessory buildings shall be located per the following:

- a. If located entirely within the required rear yard the accessory building shall be located a minimum of five (5) feet from side and rear property lines,
  - b. If located entirely within the buildable area of the lot the accessory building shall not be located between the **principal** building and the front property line,
  - c. If located partially in the required rear yard and partially in the buildable area of the lot the accessory building shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line, or
  - d. As permitted in Section 17.0303(b) Yard Setback Modifications.
- (8) Accessory buildings greater than or equal to one hundred sixty (160) square feet shall be accessed by a driveway pursuant to Section 17.0503.
- (9) Accessory buildings shall not have flat roofs.
- (10) The exterior building materials of buildings accessory to nonresidential, mixed use, or multifamily uses shall include wood, masonry, stucco, fiber cement, stone veneer systems, EIFS, or precast panels with inlaid or stamped brick texture. **Proposals to use alternative exterior building materials may be submitted as an Administrative Adjustment request per Sec. 17.0803(b) only for accessory buildings that do not exceed 250 square feet.**

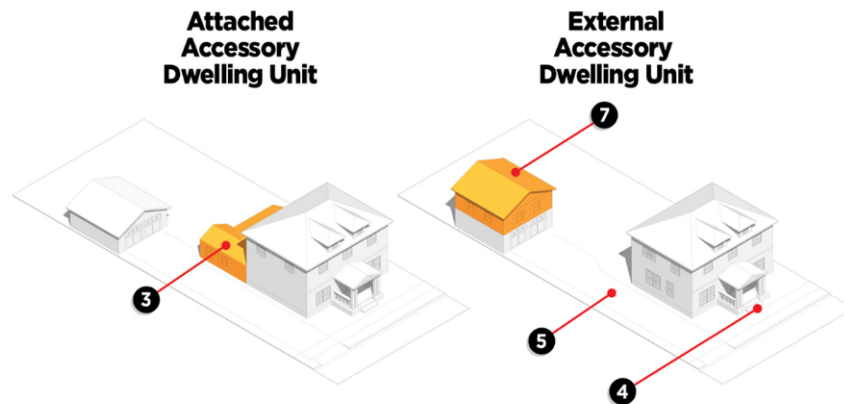
Figure 4.4: Accessory Building - Permitted Locations



(b) **Accessory, Dwelling.**

- (1) The subject parcel's owner shall live on-site in either the principal building or accessory dwelling unit.
- (2) Accessory dwelling units shall not be greater than eight hundred (800) square feet or fifty (50) percent of the size of the **principal** building, whichever is less.
- (3) Accessory dwelling units shall not exceed the height of the principal building.
- (4) Accessory dwelling units may be located:
  - a. Interior to the **principal** building,
  - b. Attached to the **principal** building, or
  - c. Above an existing detached garage.
- (5) Accessory dwelling units located in the interior of a **principal** building are not required to have an entrance separate from the principal building's entrance, however only one (1) entrance shall be located on the front façade of the **principal** building. Additional entrances shall be located on the side or rear façade.
- (6) Both the **principal** building and the accessory dwelling unit shall be served by one (1) common driveway connecting the accessory dwelling unit to a public or private road.
- (7) Parking for the accessory dwelling unit, as required by Section 17.0501, shall be in addition to the parking space(s) required for the **principal** building. The parking for the accessory dwelling unit shall not be located in the required front yard setback. A tandem parking space, where one (1) car is parked behind another, with the spaces required for the **principal** building shall be prohibited.
- (8) Accessory dwelling units shall be similar in character to the **principal** building and to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

Figure 4.5: Accessory Dwellings



(c) **Accessory, Retail.**

- (1) The total area devoted to retail activity shall not exceed twenty-five (25) percent of the total area of the building in which the accessory retail activity shall take place.
- (2) Restroom facilities shall be provided and shall be directly accessible from the accessory retail sales area.

(3) Accessory retail sales areas shall be physically separated from other activity areas by a wall.

(d) **Accessory, Structure.**

(1) Two (2) accessory structures shall be **allowed** per lot, **and shall only be permitted after a principal structure has been constructed on the same lot.**

(2) An accessory structure shall not exceed one hundred (100) square feet **on residential lots, and shall not exceed 200 square feet on nonresidential lots.**

(3) An accessory structure shall have a maximum height of twelve (12) feet.

(4) **In lieu of two (2) accessory structures on a residential lot, the Director of Community Development may approve of one (1) accessory structure not exceeding two hundred (200) square feet and meeting all other Code requirements as part of a permit application that includes a waiver signed by the landowner acknowledging that no additional accessory structures will be allowed.**

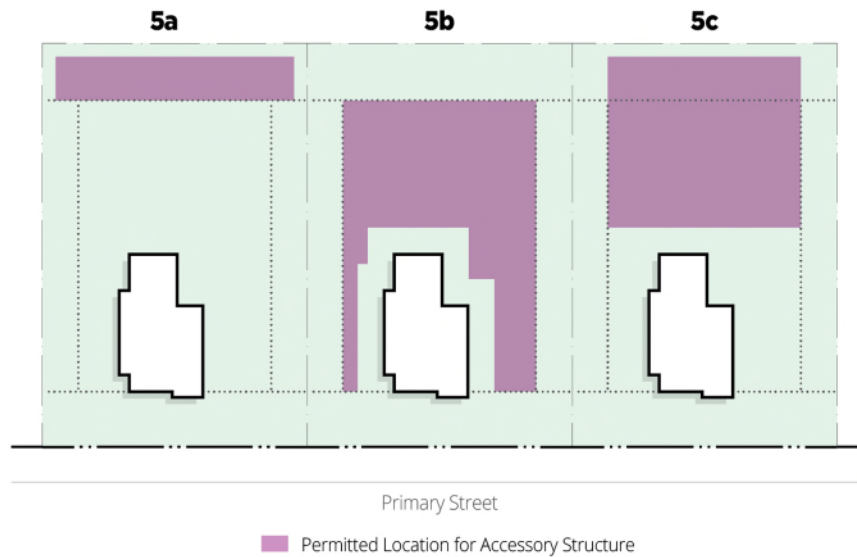
(5) **In lieu of two (2) accessory structures on a nonresidential lot, the Director of Community Development may approve of one (1) accessory structure not exceeding four hundred (400) square feet and meeting all other Code requirements as part of a permit application that includes a waiver signed by the landowner acknowledging that no additional accessory structures will be allowed.**

(6) Accessory structures shall be located per the following:

- a. If located entirely within the required rear yard the accessory structure shall be located a minimum of five (5) feet from side and rear property lines,
- b. If located entirely within the buildable area of the lot the accessory structure shall not be located between the **principal** building and the front property line,
- c. If located partially in the required rear yard and partially in the buildable area of the lot the accessory structure shall maintain the required side yard setback for the full length of the property and be a minimum of five (5) feet from the rear property line, or

- d. As permitted in Section 17.0303(b) Yard Setback Modifications.

Figure 4.6: Accessory Structure - Permitted Locations



(7) Accessory structures shall require a permit and certificate of zoning compliance pursuant to Section 17.0803(d), except when accessory to a single family or two family use or located in the A-1, ER, Rs-1, Rs-2, Rs-3, Rs-4, or Rd-1 Districts, which shall require a certificate of zoning compliance pursuant to Section 17.0803(d).

(e) **Building for the Housing of Horses and other Animals.**

- (1) Buildings for the housing of horses and other animals shall be setback a minimum of fifty (50) feet from all lot lines.

(f) **Donation Drop Box.**

- (1) Donation drop boxes shall be associated with the primary use of the lot and on properties that contain an existing and operating permitted or conditional use.
- (2) No more than two (2) donation drop boxes shall be permitted on a lot.
- (3) Each donation drop box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area.
- (4) Donation drop boxes shall be located on an asphalt or concrete paved surface.
- (5) Donation drop boxes shall not be located in a driveway or drive aisle and shall not reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet. Boxes shall not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.
- (6) Boxes shall not be located nearer than forty (40) feet from an adjoining lot in a Residential Zoning District.
- (7) A notice shall be permanently affixed to each donation drop box in a highly visible location prohibiting the placement of items outside of the box. The name and twenty-four (24) hour telephone number of the owner/operator shall be permanently affixed to each donation drop box.

(g) **Drive-Through.**

- (1) Drive-throughs shall be permitted a maximum of four (4) total menu boards and pre-order boards with a combined maximum area of one hundred (100) square feet. Each menu board or pre-order board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards and pre-order boards may utilize electronic message boards for 100 percent of the permitted menu board or pre-order board area and shall follow all regulations of Section 17.0607(c).
- (2) Any speaker or intercom associated with a drive-through shall not be audible beyond the boundaries of the property.
- (3) Drive-through canopies shall maintain a uniform and consistent roofline with the building to which the drive-through is associated.
- (4) Stacking spaces and lanes for drive through stations shall not impede on- and off-street traffic movement, are not to cross or pass through off-street parking areas or drive aisles and are not to impede pedestrian access to a public entrance of a building.
- (5) Drive-through lanes are to be separated from off-street parking areas. Individual lanes are to be striped, marked, or otherwise distinctly delineated.
- (6) Drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.
- (7) Stacking lanes shall have a minimum depth of twenty (20) feet per stacking space and the following minimum lane widths:
  - a. One (1) lane: twelve (12) feet,
  - b. Two (2) or more lanes: ten (10) feet per lane.
- (8) Drive-through facilities shall be required to provide a minimum number of stacking spaces as detailed in Table 17.0414(g).

Figure 4.7: Drive Through Standards

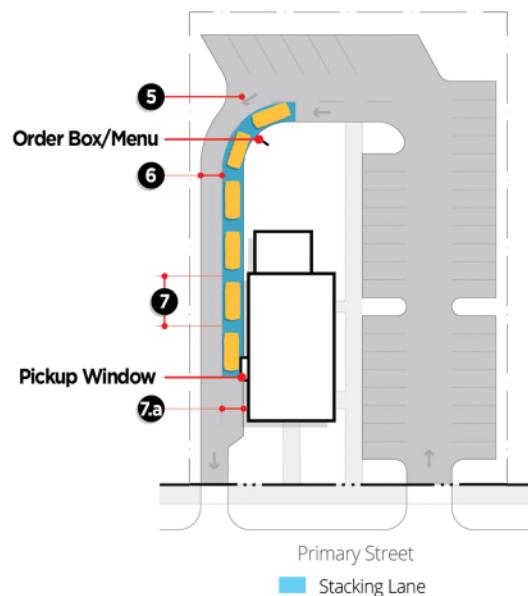




Table 17.0414(g): Drive-Through Stacking Space Requirements		
Use	Minimum Stack	Measure From
<i>Automated Teller Machine</i>	2 per machine	teller machine
<i>Bank Teller Lane</i>	2 per lane	teller or window
<i>Restaurant</i>	6 per order box	order box <sup>1</sup>
<i>Carwash Stall, Automatic</i>	5 per stall	stall entrance
<i>Carwash Stall, Manual</i>	2 per stall	stall entrance
<i>Oil Change Shop</i>	2 per service bay	service bay entrance
<i>Pharmacy</i>	4 per lane	machine or window
<i>Other</i>	at the discretion of the Plan Commission	
1. 4 of the required stacking spaces are to be located between the order-box and pick-up window, including the stacking space at the order box.		

(h) **Home Occupation.**

- (1) All home occupations shall be required to receive a Home Occupation Permit.
- (2) The primary use of the structure shall be as a dwelling unit.
- (3) The following standards shall be complied with in full at all times:
  - a. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation on the premises;
  - b. No additional sign area, beyond what is permitted in residential districts in Article 6 shall be granted to home occupations;
  - c. No mechanical equipment shall be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;
  - d. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials shall be used or stored on the site except those which are necessarily, customarily, or ordinarily used for household or leisure purposes;
  - e. There shall be no outside operations, storage, or display of materials or products;
  - f. No alteration of the residential appearance of the premises shall occur, including the creation of a separate entrance for the home occupation;
  - g. No process shall be used which is hazardous to public health, safety, morals, or welfare;
  - h. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two (2) business visitors per hour, not to exceed a total of eight (8) visitors per day, and not more than two (2) deliveries of product or material per week;
  - i. The home occupation shall not displace or impede use of required parking spaces, including any business storage in required garage parking areas; and
  - j. No advertisement shall be placed in any media containing the address of the property.

(i) **Keeping and Raising of Horses and other Animals.**

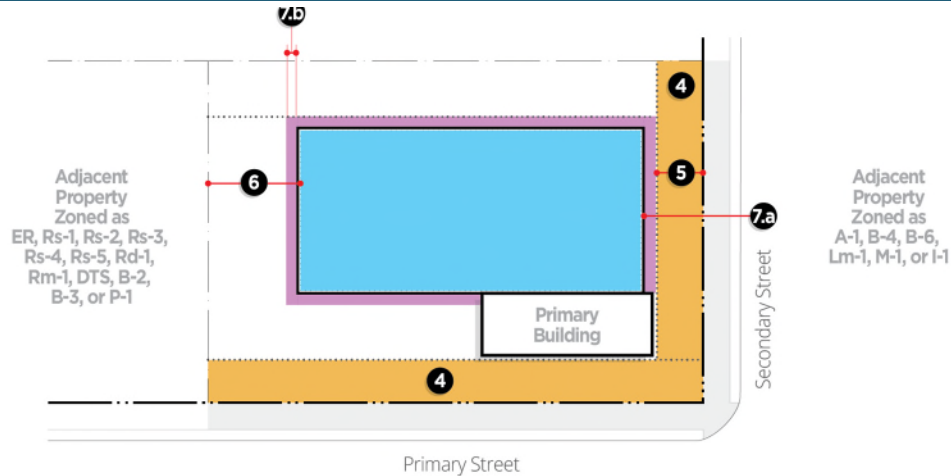
- (1) No more than two (2) horses, donkeys, mules, ponies or their offspring over six (6) months of age shall be kept on a parcel less than or equal to three (3) acres. No more than one (1) additional horse, donkey, mule or pony shall be kept for each additional acre over three (3) acres.
- (2) No other domestic stock shall be raised or kept.

**(j) Outdoor Activity / Operation, Permanent.**

- (1) Any property with permanent outdoor activity or operations shall have a minimum lot size of five (5) acres.
- (2) Outdoor activities and operations shall be conducted between the hours of 7:00 AM and 9:00 PM unless otherwise approved by the conditional use permitting process as detailed in Sec. 17.0804(e).
- (3) Outdoor activities and operations shall be located to the rear or side of the principal building on the lot.
- (4) Outdoor activities and operations shall be prohibited in front or exterior side yards.
- (5) Outdoor activities and operations shall be setback a minimum of fifty (50) feet from all lot lines when adjacent properties are zoned A-1, B-4, B-6, Lm-1, M-1, or I-1.
- (6) Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all lot lines when adjacent properties are zoned ER, Rs-1, Rs-2, Rs-3, Rs-4, Rs-5, Rd-1, Rm-1, DTS, B-2, B-3, or P-1.
- (7) The following minimum screening requirements shall apply to permanent outdoor activities and operations visible from the right-of-way of an existing or proposed arterial or collector roadway, as identified in the Oak Creek Comprehensive Plan or a property zoned ER, Rs-1, Rs-2, Rs-3, Rs-4, Rs-5, Rd-1, Rm-1, DTS, B-2, B-3, or P-1.
  - a. A solid wall constructed from traditional, time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor activity and operations areas visible from an existing or proposed arterial roadway, as identified in the Oak Creek Comprehensive Plan or a property zoned ER, Rs-1, Rs-2, Rs-3, Rs-4, Rs-5, Rd-1, Rm-1, DTS, B-2, B-3, or P-1.

- b. A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one hundred (100) lineal feet. All landscape maintenance requirements of Section 17.0505(f) shall apply.

Figure 4.8: Outdoor Activity / Operations Standards



(k) **Outdoor Dining.**

- (1) The outdoor dining area shall be located on a hard paved surface and shall comply with all applicable Code requirements.
- (2) The outdoor dining area shall not be located in a required parking space. However, parking spaces in excess of the minimum requirement for the use may be permanently converted for outdoor dining.
- (3) The outdoor dining area shall not block a private or public sidewalk in a manner which reduces the width of that sidewalk to less than five (5) feet.
- (4) A fence, landscape hedge, or wall with a minimum height of three (3) feet and maximum height of four (4) feet shall be utilized to define the outdoor dining area.
- (5) Use of the outdoor dining area shall be limited to the posted operational hours of the associated eating and drinking use.

(l) **Outdoor Display / Sale of Merchandise, Permanent.**

- (1) Only those goods and materials associated with the existing on-site use may be displayed or sold.
- (2) Permanent outdoor display or sales areas shall not be located within any required yard.
- (3) Permanent outdoor display or sales areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor display or sales areas shall be prohibited.
- (4) Permanent outdoor display or sales areas shall not block a private or public sidewalk in a manner which reduces the width of that sidewalk to less than five (5) feet.
- (5) Permanent outdoor display or sales areas shall not exceed ten (10) percent of the gross floor area of the principal building on the property unless approved as a conditional use.

- (6) Permanent outdoor displays or sales areas larger than four hundred (400) square feet in size shall be enclosed with a solid fence or wall to screen views from public rights-of-way. The enclosure shall be a minimum height of four (4) feet and a maximum height of eight (8) feet. The design of the enclosure shall be compatible with the main building(s) and surrounding development.

(m) **Outdoor Storage, Permanent.**

- (1) Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.
- (2) The following minimum screening requirements shall apply to all permanent outdoor storage areas which are visible from the right-of-way.
  - a. A solid wall constructed from traditional, time- and weather-tested materials and techniques such as but not limited to masonry, stone veneer systems, stucco, or precast panels with inlaid or stamped brick texture and not less than six (6) feet and not more than eight (8) feet in height shall be erected to screen those portions of permanent outdoor storage areas visible from an existing or proposed arterial roadway, as identified in the Oak Creek Comprehensive Plan, or from a property zoned ER, Rs-1, Rs-2, Rs-3, Rs-4, Rs-5, Rd-1, Rm-1, DTS, B-2, B-3, or P-1.
  - b. A landscape strip, not less than five (5) feet wide shall be located in front of the wall. A minimum of four (4) canopy or evergreen trees shall be planted and evenly spaced per every one hundred (100) lineal feet. A minimum of ten (10) shrubs shall be planted and evenly spaced per every one hundred (100) lineal feet. All landscape maintenance requirements of Section 17.0505(f) shall apply.
- (3) Shipping containers not located on a truck or located on a truck which is kept in the same parking or loading area for more than thirty (30) days shall be considered outdoor storage and shall be subject to all provisions for outdoor storage as found in this Section.

(n) **Roadside Stand.**

- (1) One (1) roadside stand shall be permitted per property.
- (2) A roadside stand shall not exceed two hundred (200) square feet in area.
- (3) A roadside stand shall be setback a minimum of ten (10) feet from all lot lines.

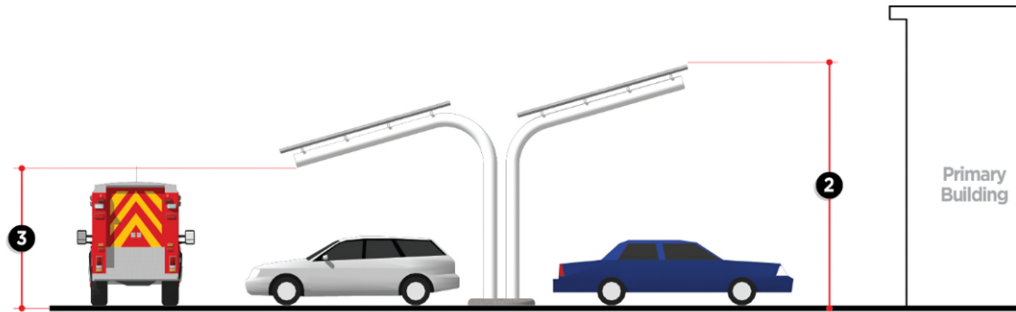
(o) **Solar Energy Collection System, Canopy.**

- (1) Canopy solar energy collection systems may exceed the applicable maximum accessory structure height if they cover an impervious surface parking area.
- (2) The height of canopy solar energy collection systems shall not exceed the height of the **principal** building that the parking area serves.

- (3) The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

Figure 4.9: Solar Energy Collection System, Canopy Standards

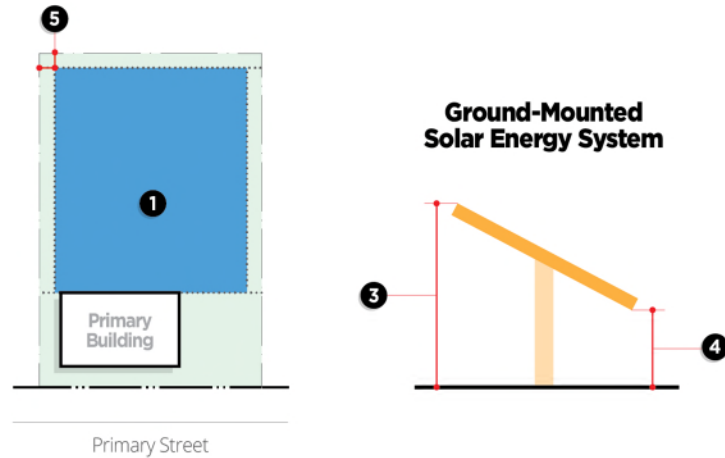
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(p) **Solar Energy Collection System, Ground Mounted.**

- (1) Ground mounted solar energy collection systems shall be permitted in the rear yard, or interior or street-facing side yard.
- (2) An unlimited quantity of panels is permitted on all zoning lots with the exception of any residential zoning lot thirty-thousand (30,000) square feet or less in size, which are limited to a total of one hundred (100) square feet in area of panels.
- (3) The maximum height of ground mounted solar energy collection systems shall be five (5) feet in height, measured from the grade at the base of the pole to the highest edge of the system.
- (4) Minimum clearance between the lowest point of the system and the surface on which the system is mounted is twelve (12) inches.
- (5) All parts of the freestanding system shall be set back ten (10) feet from the side and rear lot lines and shall not be located in a public utility easement.

Figure 4.10: Solar Energy Collection System, Ground Mounted Standards

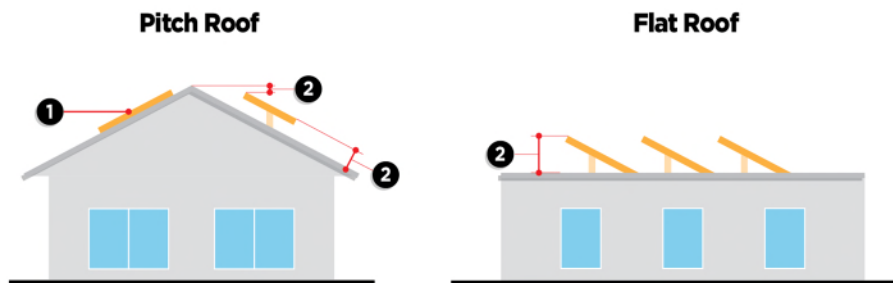


(q) **Solar Energy Collection System, Roof Mounted.**

- (1) Roof mounted solar energy collection systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.
- (2) Systems on residential structures shall not extend beyond twelve (12) inches parallel to the roof surface of a pitched roof or flat roof. Systems on nonresidential structures shall not extend beyond thirty-six (36) inches parallel to the roof surface of a pitched roof or flat roof. Systems on all structures shall not extend above the highest peak of a pitched roof.
  - a. Height is measured from the roof surface on which the system is mounted to the highest edge of the system.
- (3) All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

Figure 4.2: Solar Energy Collection System, Roof Mounted Standards

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(r) **Swimming Pools, Hot Tubs, Saunas, and Similar Installations, Private.**

- (1) Private swimming pools and similar installations may be located in side or rear yards only.
- (2) Private swimming pools and similar installations shall be located at least ten (10) feet from the principal structure.
- (3) Any hard paved surfaces shall be located at least (5) five feet from any side or rear lot line.
- (4) Private swimming pools and similar installations shall be installed in accordance with the City building, plumbing, and electrical codes, including the issuance of all required permits.
- (5) Private swimming pools and similar installations shall not be permitted in the C-1 Shoreland Wetland Conservancy Districts, the FW Floodway District, the FF Flood Fringe District.

(s) **Sport Court, Private.**

- (1) A building permit shall be required for all private sport courts.
- (2) All private sport courts shall be directly surrounded by a fence not less than ten (10) feet in height.
- (3) No lighting installed around a private sport court shall project onto adjacent properties.
- (4) No private sport court shall be located closer than five (5) feet to a lot line.

- (5) Private sports courts shall not be permitted in the C-1 Shoreland Wetland Conservancy Districts, the FW Floodway District, the FF Flood Fringe District.

(t) **Wind Energy Collection Systems.**

(1) **Small Structure Wind Energy Turbine Performance Standards.**

- a. **Height.** The maximum height of the system shall be fifteen (15) feet above the highest point of the roofline of the building or structure it is mounted upon. The height shall be measured from the highest point of the roofline to the top of the tower or tip of the blade in its vertical position, whichever is higher.
- b. **Diameter.** The maximum diameter of the blades or rotor shall be ten (10) feet.
- c. **Visual Appearance.** Finished in a single non-reflective, unobtrusive color, such as off-white, light gray, or other neutral color, or match the color of the building on which it is mounted. The appearance shall be maintained throughout the life of the unit.
- d. **Lighting.** The wind system shall not be artificially lighted with accent lighting unless required by the FAA, or other agency with jurisdictional authority.

(2) **Small Tower Mounted Wind Energy Turbine Performance Standards.**

- a. **Setback.** The wind tower system shall be set back a distance equal to one hundred ten (110) percent of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system may be located within any required setback.
- b. **Clear Zone.** The wind tower system shall maintain a circular clear zone that has a radius which is equivalent to one hundred ten (110) percent of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/flammable liquids, and above-ground utility/electrical lines.
- c. **Height.** The height shall not exceed thirty five (35) feet. The height shall be measured from the finished grade at the base of the small wind energy system to the top of the tower or tip of the blade in its vertical position, whichever is higher.
- d. **Visual Appearance.** Finished in a single non-reflective, unobtrusive color, such as off-white, light gray, or other neutral color. The appearance shall be maintained throughout the life of the unit. Only monopole towers shall be permitted.
- e. **Electrical.** All electrical wires other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- f. **Lighting.** The wind tower system shall not be artificially lighted with accent lighting unless required by the FAA, or other agency with jurisdictional authority.
- g. **Security.** Any climbing apparatus must be located at least twelve (12) feet above the ground, and the tower must be designed to prevent climbing within the first twelve (12) feet. The climbing apparatus can be reduced to eight feet above ground if the tower is surrounded by a five (5) foot fence.



- h. **Signage.** No tower should have any sign, writing, or picture other than the name of the owner and operator of the wind tower system.

(3) **General Standards Applicable to All Wind Energy Systems.**

- a. **Sound.** The wind system shall not exceed sixty (60) dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms as determined by the Director of Community Development or their designee.
- b. **Shadow Flicker.** The wind system shall be installed and operated so as not to cause a shadow flicker to fall on or in any existing residential structure.
- c. **Performance and Safety Standards.** At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs such as the: National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.
- d. **Electromagnetic Interference.** System shall be designed and constructed so as not to cause radio and television interference. Wind tower systems shall be compliant with all life safety and building codes.
- e. **Removal.** If the system remains nonfunctional or inoperative for a continuous period of six (6) months, the system shall be deemed to be abandoned. The system owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, transmission equipment and fencing from the property excluding foundations.

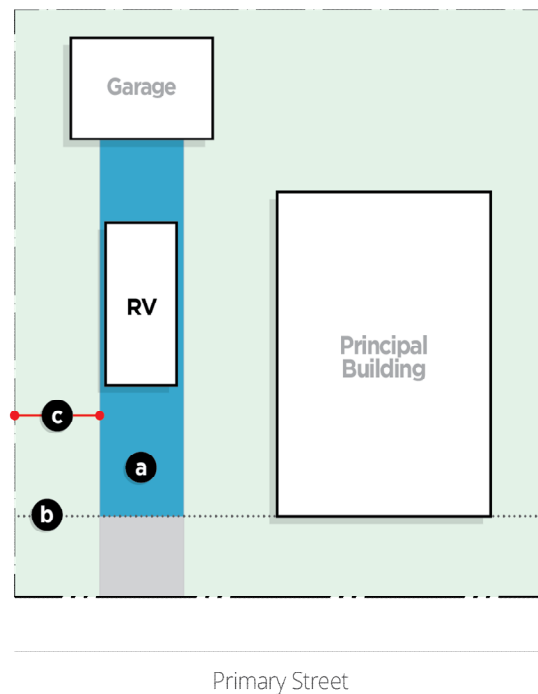
**Sec. 17.0415. Temporary Use Standards.**

(a) **Car, Truck, and Recreational Vehicle Parking.**

- (1) No car, truck, construction equipment or commercial truck shall be parked regularly upon a driveway in any residential zoning district except as provided herein:
  - a. Vehicles that do not exceed twelve thousand (12,000) lbs. manufacturer's gross vehicle weight may be parked on a driveway. Parking on lots that are used as a one or two-family residence shall be limited to parking within garages, carports and upon residential driveways consisting of concrete, brick or other similar hard surface material.
  - b. Additional vehicles may be parked or stored on the lot within a fully enclosed building or structure as permitted in Section 17.0414.
  - c. Vehicles shall be located outside of all rights-of-way, vision clearance triangles and drainage easement areas.
- (2) No boat, boat trailer, mobile home, motor home, motor coaches, truck campers, camping trailers, travel trailers, fifth-wheel trailers, large utility trailers, race cars and their trailers, sport aircraft and their trailer, canoes or kayaks and their trailers, all-terrain vehicles and their trailers, tent campers, folding campers, snow mobiles and their trailers, cases or boxes used to transport recreational vehicles or their equipment, yard maintenance equipment and similar equipment or vehicles shall be parked or stored outside on a residentially zoned lot, except as provided herein:
  - a. They shall be located on hard paved surfaces only.

- b. They shall not be located closer to the front property line than the front elevation of the **principal** building.
- c. They shall be located in the rear or side yard and not closer than five (5) feet to a side or rear lot line.
- d. They shall be located outside of all ultimate rights-of-way, vision clearance triangles and drainage and utility easement areas.
- e. The recreational vehicle shall be maintained in operable condition.
- f. No recreational vehicles or equipment shall be stored in any open space outside a building unless such equipment is owned by the property owner or children of the property owner or resident at the property in question. If the property is rented, such storage shall be permitted for the tenant only provided that such equipment is owned by the tenant.
- g. All equipment shall be parked or stored as inconspicuously as possible on the property. The area around the equipment or vehicle shall be kept weed-free and free of accumulation of other stored material.

Figure 4.32: Recreational Vehicle Parking Standards



- (3) One (1) recreational vehicle may be stored outside in the rear or side yard of an occupied residential or agricultural lot.
- (4) Except within an approved campground or mobile / manufactured home park, no recreational vehicle shall be used for the purpose of permanent habitation, living or housekeeping purposes in the City of Oak Creek. Permanent habitation is defined as living in one place for more than ten (10) consecutive days.

- (5) This Chapter is not intended to allow parking and storage of recreational vehicles or equipment where they may be otherwise prohibited by deed restriction, covenant, prior orders, developer's agreement, or otherwise limited to topography or environmental restrictions.
- (6) No semi-trailers/trucks are allowed to be parked in any residential zoning district.

(b) **Seasonal Sales.**

- (1) Seasonal sales shall include the outdoor display or sale of seasonal merchandise not otherwise associated with the principal use of the lot such as holiday tree or pumpkin sales.
- (2) Seasonal sales shall be permitted for a period not to exceed forty-two (42) days per calendar year.
- (3) Seasonal sales areas shall utilize a maximum of twenty (20) percent of the parking spaces required for the operation of the primary use or two-thousand (2,000) square feet whichever is less.

(c) **Mobile Food Retail Establishment / Food Truck.**

- (1) Mobile Food Retail Establishments / Food Trucks may only be established on sites which have an active open business during the hours of the food truck operations, or in a location as approved by the Director of Community Development.
- (2) Sites for Mobile Food Retail Establishments / Food Trucks are required to have full public improvements (curb, gutter, sidewalk, access drive, etc.).
- (3) Mobile Food Retail Establishments / Food Trucks shall locate on paved surfaces. Mobile Food Retail Establishments / Food Trucks located on unimproved surfaces, landscaping areas, and required setback areas are prohibited. No food truck shall locate on dirt or gravel areas.
- (4) Mobile Food Retail Establishments / Food Trucks shall obtain written permission from the property owner(s), and upon demand shall provide it to authorized representatives of the City of Oak Creek.
- (5) Only one (1) food truck is allowed per lot with the exception of a long-term temporary use as detailed in Section 17.0804(c) or a short-term temporary use as detailed in Section 17.0803(i).
- (6) Mobile Food Retail Establishments / Food Trucks shall only impact no more than four (4) parking stalls or six hundred and fifty (650) square feet, whichever is less, on private property including all vending activity, tables, chairs, and trash / recycling receptacles.
- (7) Tables and chairs (furniture) shall be permitted and shall be located on improved and/or paved surfaces.
- (8) Tables and chairs located in parking stalls, landscape areas, or drive aisles shall be prohibited, excepting the four (4) parking stall area designated for vending.
- (9) A minimum of one (1) trash receptacle and one (1) recycling receptacle shall be provided per Mobile Food Retail Establishments / Food Truck.
- (10) Furniture and trash / recycling receptacles shall not be retained on-site overnight.
- (11) Mobile Food Retail Establishments / Food Trucks may not occupy or operate within an ADA Parking Stall or a pedestrian path.
- (12) Drive aisles, sidewalks, access to trash enclosures and similar areas may not be blocked by any vending activity.

(13) Mobile Food Retail Establishments / Food trucks are prohibited within three hundred (300) feet from the front door of any restaurant unless written permission from the restaurant owner/operator is provided.

**(14) Prior to each instance of Mobile Food Retail Establishments / Food Truck establishment, a copy of the Mobile Food Retail Establishments/Food Truck License and written proof of the last Mobile Food Retail Establishments/Food Truck inspection date to the satisfaction of the City's Environmental Health Specialist shall be provided. If an inspection by the City's Environmental Health Specialist is required, a fee shall be provided in accordance with the adopted Fee Schedule.**

**(d) Outdoor Display / Sale of Merchandise, Temporary.**

- (1) Temporary outdoor display or sale of merchandise shall be located on the same lot and in conjunction with the primary use of the lot.
- (2) Temporary outdoor display or sale areas shall occur:
  - a. On the sidewalk area at the foundation of the primary use, limited to the free space, and not including a five (5) foot wide pedestrian way.
  - b. In a portion of the parking lot, which shall not exceed twenty (20) percent of the parking spaces required for the operation of the primary use, or two-thousand (2,000) square feet, whichever is less.

(e) **Portable Storage Structure.**

- (1) There shall be no more than one (1) portable storage structure per property.
- (2) The portable storage structure shall be no larger than ten (10) feet wide, twenty (20) feet long, and ten (10) feet high.
- (3) The portable storage structure shall not encroach on City property, rights-of-way, neighboring property, sidewalk, or be placed in the street.
- (4) The portable storage structure shall be placed on an approved hard surface material between the front lot line and the rear building line of the principal building.
- (5) The visual distance between the portable storage structure and the side lot line shall be five (5) feet or as approved by the Community Development Director or their designee and agreed upon by written consent by the neighboring property owner.
- (6) A portable storage structure shall not remain on the property in any zoning district in excess of thirty (30) consecutive days and shall not be placed at any one property in a zoning district in excess of thirty (30) days in any calendar year.
- (7) Portable storage structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction and shall be removed from the site within fourteen (14) days of the end of construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.

Figure 4.4: Portable Storage Structure (POD) Standards

