

**VILLAGE OF NEW GLARUS
Ordinance 24-04**

AN ORDINANCE TO AMEND CHAPTER 305 IN THE MUNICIPAL CODE OF THE VILLAGE OF NEW GLARUS, WISCONSIN TO REVISE AND REORGANIZE PERMITTED AND CONDITIONAL LAND USES BY ZONING DISTRICT, DEFINE AND REDEFINE LAND USES AND RELATED TERMS AND CONDITIONS, AND MAKE OTHER RELATED ADJUSTMENTS

THE VILLAGE BOARD of the VILLAGE OF NEW GLARUS, GREEN COUNTY, WISCONSIN, does hereby ordain as follows:

Section 1. The title of § 305-13 of the Municipal Code of the Village of New Glarus is hereby amended to read “Establishment of zoning districts, zoning map, and allowable land uses”, and § 305-13 D. is hereby created to read as follows:

D. Permitted, conditional, and prohibited land uses by district.

- (1) Figure 305-3 lists permitted and conditional within each of the zoning districts described in subsection A, except for the “H”, “S”, and “PUD” districts. § 305-106 includes definitions and standards for many of the land uses listed in this figure.
- (2) Except as provided under § 305-9 D, any land use not listed in Figure 305-3 as a permitted or conditional land use in a zoning district shall be prohibited in such district. If such an unlisted land use was previously lawfully established and continued in the zoning district despite its prohibited status, such land use is a nonconforming use pursuant to Article V.

Figure 305-3: Allowable Uses in Zoning Districts

P = Permitted Use	C = Conditional Use		Empty Cell = Prohibited Use in District				
Land Use Category (#) Land Use Type	Zoning District						
	R-1 Residence	R-2 Mobile Home Residence	A Agricultural	C-1 Commercial	C-2 Highway Commercial	I Industrial	CON Conservancy
A. Residential Land Uses (as may be defined and regulated in § 305-106 and/or elsewhere in this chapter)							
(1) Single-family dwelling	P	C	P	C			
(2) Two-family dwelling	P			C			
(3) Multiple-family dwelling	C			C	C		
(4) Boarding house	C			C	C		
(5) Mixed use dwelling unit				P	C		
(6) Tourist lodging	P		P	P			
(7) Mobile home		P					

P = Permitted Use	C = Conditional Use		Empty Cell = Prohibited Use in District				
Land Use Category (#) Land Use Type	Zoning District						
	R-1 Residence	R-2 Mobile Home Residence	A Agricultural	C-1 Commercial	C-2 Highway Commercial	I Industrial	CON Conservancy
B. Institutional and Recreational Land Uses (as may be defined and/or regulated in §305-106 or elsewhere in chapter)							
(1) Community living arrangement (1-8 persons)	P			C			
(2) Community living arrangement (9-15 persons)	C			C			
(3) Community living arrangement (16+ persons)	C			C			
(4) Indoor Institutional	C		C	P	C	C	C
(5) Outdoor Institutional			C		C		C
(6) Campground or recreational vehicle park, per §305-38			C				C
(7) Outdoor public recreation	P	P	P	P	P	P	P
(8) Public service or utility	C	C	C	C	P	P	C
C. Commercial Land Uses (as may be defined and regulated in §305-106 and/or elsewhere in this chapter)							
(1) Office	C			P	P	P	
(2) Personal or professional service				P	P	C	
(3) Indoor sales				P	P	C	
(4) Liquor, tobacco, CBD, or other store selling intoxicating beverages or materials, not including any pharmacy				C	C		
(5) Convenient cash, payday loan, installment loan, cash for gold, pawn shop, or similar business				C	C		
(6) Outdoor display				C	C	C	
(7) In-vehicle sales or service				C	C	C	
(8) Dining and indoor commercial entertainment				P	P	C	

P = Permitted Use	C = Conditional Use		Empty Cell = Prohibited Use in District				
Land Use Category (#) Land Use Type	Zoning District						
	R-1 Residence	R-2 Mobile Home Residence	A Agricultural	C-1 Commercial	C-2 Highway Commercial	I Industrial	CON Conservancy
(9) Outdoor commercial entertainment				C	C	C	
(10) Bed and breakfast, per §305-15 E	C		C	C			
(11) Hotel or motel				P	P		
(12) Artisan studio or workshop	C		C	P	P	C	
(13) Day care center	C			P	P	C	
(14) Indoor repair and maintenance			C	C	P	P	
(15) Outdoor and vehicle repair and maintenance			C		C	C	
(16) Adult-oriented establishment, per Chapter 88						C	
(17) Telecommunications facility, per §305-38.2	C	C	C	C	C	P	C
(18) Personal storage facility		C			C	P	
D. Transportation, Industrial, and Agricultural Uses (may be defined and regulated in §305-106 or elsewhere in chapter)							
(1) Off-site parking	C		C	C	C	C	C
(2) Airport or heliport			C			C	
(3) General industry						P	
(4) Motor freight terminal						C	
(5) Clothing cleaning, bleaching, pressing, and/or dyeing establishment				C	C	P	
(6) Microbeverage production facility				C	C	P	
(7) Warehousing, wholesaling, and/or distribution					C	P	
(8) Wind or solar energy conversion system			C			C	C
(9) Waste disposal, composting operation, recycling center			C			C	

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Land Use Category (#) Land Use Type	Zoning District						
	R-1 Residence	R-2 Mobile Home Residence	A Agricultural	C-1 Commercial	C-2 Highway Commercial	I Industrial	CON Conservancy
(10) Mineral extraction operation, per §305-38.1; asphalt batch or concrete production plant			C			C	
(11) General farming or winery			P				
(12) Roadside stand or seasonal sales of farm and forestry products			P		P		
(13) Commercial animal services & boarding			P			C	
E. Accessory Uses (as may be defined and regulated in §305-106 and/or elsewhere in this chapter)							
(1) Accessory Residential Structure	P	P	P	P			
(2) Accessory Non-Residential Structure			P	P	P	P	P
(3) Family day care home	P						
(4) Intermediate day care home	C						
(5) Home occupation	P			P		P	
(6) Accessory dwelling unit	P			P			
(7) Outdoor alcohol area				C	C	C	
(8) Outdoor assembly	C	C	C	P	P	P	P
(9) Light industrial activity incidental to commercial use				P	P	P	
(10) Outdoor display incidental to commercial use				C	C		
(11) Retail sales incidental to industrial use						P	
(12) Outdoor storage of non-farm equipment			C	C	C	P	

Section 2. The abbreviation for the “Conservancy” zoning district shall be amended from “W Conservancy” to “CON Conservancy” in § 305-13 A, Figure 305-2, on the zoning map, and any other location in the Municipal Code in which it appears.

Section 3. Subsections B of §§ 305-15, 306-16, 305-17, 305-18, 305-19, 305-20, and 305-21 of the Municipal Code of the Village of New Glarus are hereby repealed and recreated to read as follows:

B. Permitted uses. Pursuant to § 305-13 D and Figure 305-3.

Section 4. Subsections C of §§ 305-15, 305-17, 305-18, 305-19, and 305-20 of the Municipal Code of the Village of New Glarus are hereby repealed and recreated to read as follows:

B. Conditional uses. Pursuant to § 305-13 D and Figure 305-3.

Section 5. § 305-15 D (5) of the Municipal Code of the Village of New Glarus is hereby amended to read as follows:

(5) Lot area and width per dwelling unit. Every building hereafter erected or structurally altered for occupancy by one family shall provide a lot area of not less than 8,7126,600 square feet per dwelling unit and lot width of not less than 6660 feet in width; buildings hereafter erected or structurally altered for occupancy by more than one family shall provide a lot area of not less than 4,350 3,300 square feet per each additional dwelling unit; and no such lot shall be less than 6680 feet in width. See definition of “Zero Lot Line Structure” in § 305-106 for potential dimensional standard adjustments.

Section 6. §§ 305-15 E and F of the Municipal Code of the Village of New Glarus [related to bed and breakfast establishments and home occupations] are hereby repealed.

Section 7. Subsections C of §§ 305-16 and 305-21 of the Municipal Code of the Village of New Glarus are hereby created to read as follows:

C. Conditional uses. Pursuant to § 305-13 D and Figure 305-3.

Section 8. Subsections D of §§ 305-18, 305-19, and 305-20 of the Municipal Code of the Village of New Glarus [prohibited uses] are hereby repealed, with subsections E and F in these sections where present relettered as subsections D and E respectively.

Section 9. § 305-37 of the Municipal Code of the Village of New Glarus is hereby repealed and recreated to read as follows:

§ 305-37 **Standards for specific conditional uses.**

The following sections within Article IV have requirements for particular conditional uses. Other sections of this Chapter, including but not limited to § 305-06, may have other requirements for other conditional uses.

Section 10. The table within § 305-45 of the Municipal Code of the Village of New Glarus is hereby amended to list the following additional uses and minimum parking required, after the current “Rooming and boarding houses” listing:

Use	Minimum Parking Required
Accessory dwelling unit, tourist lodging	1 additional space above the number required for the principal use

Section 11. § 305-63 D of the Municipal Code of the Village of New Glarus is hereby amended to read as follows:

- D. Use restrictions, residential district. Accessory ~~uses or~~ structures in residential districts shall not involve the conduct of any business, trade, or industry ~~except for home occupations as defined herein~~ and shall not be occupied as a dwelling unit, except as an “Accessory Dwelling Unit” meeting all requirements of this chapter. ~~Accessory buildings shall not be used for residential purposes.~~

Section 12. § 305-68 B of the Municipal Code of the Village of New Glarus is hereby amended to read as follows:

- B. It is the intent of this article to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as mobile homes within the definitions of this article and to prohibit units not meeting the requirements for mobile homes as defined herein. Units constructed prior to 1974 are prohibited. ~~Mobile homes meeting the requirements of the One and Two-Family Building Dwelling Code shall not be permitted in an R-2 Mobile Home District except as a conditional use. Permits may be obtained only after approval by the Plan Commission.~~

Section 13. The definition of “RESIDENTIAL MOBILE HOME” in § 305-69 of the Municipal Code of the Village of New Glarus is hereby repealed.

Section 14. § 305-74 A of the Municipal Code of the Village of New Glarus is hereby amended to read as follows:

- A. Chapter SPS 326, Manufactured Home Communities, COMM 95, Wis. Adm. Code, as now existing or hereafter amended, is hereby made a part of this chapter and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement of this chapter or any other applicable law or ordinance of the state or Village.

Section 15. Within § 305-306 of the Municipal Code of the Village of New Glarus, the following terms are hereby created or amended to read as follows:

ACCESSORY DWELLING UNIT

A residential dwelling unit located on the same lot as a principal single-family dwelling use, either as part of the same building as the single-family dwelling or in a detached building. Commonly referred to as an accessory apartment or granny flat.

An interior physical connection between the accessory dwelling unit and single-family dwelling is not required. Where an “Accessory Dwelling Unit” comprises all or part of a detached building, it shall be attached to a finished permanent foundation such as a poured concrete slab or basement, meet all UDC requirements, not exceed 900 square feet in floor area, not have greater than two bedrooms, and not be sold separately from the single-family residence.

ACCESSORY NONRESIDENTIAL STRUCTURE

Any detached garage, storage building, mechanical building, utility shed, or other building which serves the principal nonresidential use or building in the same lot, with such a principal nonresidential use including an approved commercial business or industry. Also includes an accessory structure serving a caretaker’s residence or a wind and solar energy system primarily for on-site use. Does not include fences, public utility fixtures and their appurtenances, driveways, gardens, garden accessories, fountains, outdoor wood furnaces, satellite dishes, flagpoles, walkways, at-grade patios, or uses described under the “Accessory Farm and Forestry Structure” land use category. Attached garages, other attached buildings, and decks shall be considered part of the principal building not an accessory nonresidential structure

AGENT

The person designated by the owner as the person in charge of a “Bed and Breakfast Establishment” or a “Tourist Lodging” use, and whose identity shall be filed in writing with the Zoning Administrator upon issuance of the associated license or permit and updated five days prior to a designated agent taking charge.

ARTISAN STUDIO OR WORKSHOP

A land use involving a building or portion thereof used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use, used by no more than five artists or artisans.

BED AND BREAKFAST ESTABLISHMENT

Any place of lodging that provides eight or fewer rooms for rent to no more than 20 tourists for more than 10 nights in a twelve-month period, was originally built and occupied as a single-family residence or prior to use as a place of lodging was converted to use and occupied as a single-family residence, is the owner’s personal residence, is occupied by the owner at and during the time of rental, in which the only meal served to guests (if any) is breakfast, and is subject to the following additional requirements:

- A.** Must be licensed by the State, registered or licensed by the Village (upon payment of a fee established by the Village Board), and have a designated agent. Owner shall provide a copy of such State license and a sales tax number to the Zoning Administrator at time of initial receipt, and thereafter as may be requested.

- B. Shall be subject to and comply with Chapter ATCP 73, Wis. Adm. Code, relating to bed and breakfast establishments and § 97, Wis. Stats., related to food, lodging, and recreation.
- C. No vehicle parking shall be permitted beyond a hard surfaced area that was designed and intended for vehicle parking.
- D. § 224-9 of the Code shall apply with respect to noise.
- E. Exterior signage shall be limited to a total of eight square feet and may be lighted in such manner and nature as not to alter the nature of the surrounding neighborhood. Bed and breakfast establishments shall otherwise not be subject to the requirements of this Chapter with respect to signs.
- F. Renting the bed and breakfast establishment or its land or facilities for a special gathering (i.e., wedding reception, parties, etc.) shall be prohibited.
- G. The Village shall have the right of inspection for the purpose of determining compliance with the license or ordinance requirements. The Village shall coordinate with the Owner or Agent to complete the inspection.
- H. A bed and breakfast establishment license shall be automatically void upon the sale or transfer of the property ownership or any fractional ownership interest in the property, unless the new owner obtains a new or altered license.
- I. Any exception to the requirements herein shall only be allowed upon approval by the Village Board after a recommendation from the Plan Commission, and shall not violate any state requirement.
- J. Any person, partnership, corporation, or other legal entity that operates a “Bed and Breakfast Establishment” use without a Village license, or in violation of its license or this chapter, shall be subject to a forfeiture of up to \$500, plus any applicable surcharges, assessments, and costs for each violation. Each night a dwelling is operated as a “Bed and Breakfast Establishment” use without a Village license, or in violation of its license or this chapter, shall constitute a separate violation and forfeiture.

BOARDING HOUSE

Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to 3 to 12 persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, and who or not tourists or transients as defined herein.

BREW PUB

A business use or component that is accessory to a restaurant or tavern use, produces less than 10,000 barrels of beer per year, is permitted under § 125.295, Wis. Stats., and where beer is primarily produced for on-site consumption.

COMMERCIAL ANIMAL SERVICES AND BOARDING

A land use that provides for the care, treatment, and/or boarding of 6 or more animals, except for small animal veterinary clinics. Examples include commercial kennels, commercial stables, veterinarian hospitals and clinics serving animals larger than domestic dogs and/or requiring outdoor kennels, and commercial game and fur farms. Exercise yards, fields, training areas, and trails associated with such land uses are accessory to such land uses and do not require separate consideration.

COMMUNITY LIVING ARRANGEMENT

A land use that includes community living arrangements for adults as defined in § 46.03(22), Wis. Stats.; community living arrangements for children, as defined in § 48.743(1), Wis. Stats.; foster homes, as defined in § 48.02(6), Wis. Stats.; and adult family homes, as defined in § 50.01 (1) (a) or (b), Wis. Stats. Provided not in violation of federal or state housing or anti-discrimination laws, shall be subject to all spacing and capacity requirements in applicable Wisconsin Statutes. Do not include group day care centers, convalescent homes, nursing homes, hospitals, prisons, or jails.

DAY CARE CENTER

A land use in which qualified persons provide child care services for nine or more children. Examples of such land uses include child care centers, preschools, and nursery schools. Such land uses may be operated in conjunction with another principal land use on the same premises, such as a church, primary school, business, civic organization, or multi-family residential complex. Prior to establishment or expansion, each day care center shall be subject to site plan approval under § 305-94 and shall provide for safe drop off and pick up. Distinguished from “Intermediate Day Care Home (nine to 15 children),” because day care centers are principal uses of a property not accessory to a principal residential use.

DINING AND INDOOR COMMERCIAL ENTERTAINMENT

Land uses that provide dining, drinking, and/or entertainment services within an enclosed building, except as provided below. Such land uses include restaurants; refreshment stands; caterers; cafes; coffee shops; taverns; brewpubs; wine bars; theaters; health or fitness centers; commercial gymnasiums; commercial indoor swimming pools; bowling alleys; arcades; roller rinks; indoor shooting, archery, and axe ranges; and pool halls and billiard rooms. Any outdoor alcohol service area associated with such use shall be classified as an accessory “Outdoor Alcohol Area” land use. Does not include any “Sexually-Oriented Use.”

DWELLING, MULTIPLE-FAMILY

A building designed, arranged, used for, and occupied exclusively by three or more families living in the same number of attached dwelling units. The building must be attached to a finished, permanent foundation, such as a poured concrete slab or basement. Units may be attached side-by-side, or with units above the others, or some combination. Also commonly referred to as an apartment building, townhouse, or rowhouse. May be a “Zero Lot Line Structure” as defined and regulated herein.

DWELLING, SINGLE-FAMILY

A dwelling unit designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit or non-residential principal building. Minimum habitable area shall be 720 square feet. The building must be attached to a finished, permanent foundation, such as a poured concrete slab or basement. This land use category includes a “Manufactured Home” as described in this section, but only if said manufactured home meets the above regulations applicable to all single-family dwellings.

DWELLING, TWO-FAMILY

A building designed, arranged, used for, and occupied exclusively by two families living in two attached dwelling units, with each unit having a private individual access to the outdoors, no shared internal access, and not meeting the definition of an “Accessory Dwelling Unit.” Minimum habitable area shall be 720 square feet per unit. The building must be attached to a finished, permanent foundation, such as a poured concrete slab or basement. Units may be attached side-by-side or with one unit above the other. Also commonly referred to as a duplex, twin home, or two-flat. May be a “Zero Lot Line Structure” as defined and regulated herein.

GENERAL INDUSTRY

A group of land uses including manufacturing, trade, and contracting facilities that are not separately listed land uses in this chapter. Includes lumberyards; mill work shops; builder’s or contractor’s shops; machine shops; manufacture and bottling of beverages; manufacture, compounding, processing, packaging or treatment of such products as bakery goods and candy (but not retail bakery or confectionary), cosmetics, pharmaceuticals, toiletries, food products, and articles or merchandise from the following previously prepared material: canvas, cellophane, cloth, fiber, glass, leather, paper, plastics, precious or semiprecious metals or stone, rubber, textiles, and wood; manufacture or assembly of electrical appliances, instruments, and devices, phonographs, radio and television sets, electric and neon signs, refrigerators, and stoves. Excludes abattoirs except for slaughter of poultry; acid manufacture; cement, lime, gypsum or plaster of Paris manufacture; distillation of bones; explosives manufacture or storage; fat rendering; fertilizer or artillery manufacture; garbage, rubbish, offal, or dead animal reduction or dumping; fuel production, refining, and reclamation; glue manufacture; junkyards and salvage yards; smelting of tin, copper, zinc or iron ores; stockyards; and similar uses as determined by the Zoning Administrator.

HOME OCCUPATION

An accessory economic activity that provides household income, where the principal use of the lot is the residence of at least one person conducting the economic activity, and the home occupation is clearly secondary and incidental to the principal residential use. Does not include a state licensed “Family Child Care Home” or “Intermediate Day Care Home”, which are listed separately in this section. Each “Home Occupation” use shall be subject to the following additional requirements:

- A. A home occupation shall be undertaken only by members of the household residing on the premises, plus not more than one person not residing on the premises.
- B. The home occupation shall be conducted only within the dwelling and/or an attached garage, except by conditional use permit.
- C. The area used to conduct the home occupation shall not exceed 25% of the first floor area of the dwelling, even if the home occupation is not actually conducted or only partially conducted on the dwelling's first floor.
- D. There shall be no exterior alterations to the dwelling that change the character thereof as a dwelling. Signage shall be limited to that allowed of any other dwelling in a residential zoning district per Article VII.
- E. No home occupation shall keep any stock-in-trade or include on-site sales or lease of any commodity, except for those made on the premises; samples; and Tupperware, Shaklee, Amway, Avon, and similar products as determined by the Zoning Administrator.
- F. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible, except for one licensed car, van, or light duty truck used both for the home occupation and for a resident's personal use.
- G. The home occupation must not create environmental, safety or health hazards such as smoke, odor, glare, noise, dust, vibrations, fire hazards, small electrical interference, electrical emissions, any other nuisance not normally associated with the average residential use in the district, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy.
- H. No on-site production typical of an industrial use or vehicle repair or body work is permitted.
- I. No home occupation, combined with the principal residential use of the property, shall generate more than 15 vehicle trips per day.
- J. Notwithstanding the above requirements, garage sales as a type of home occupation are allowed, provided that not more than two are held on a single premises per year and that each such sale shall not exceed four days in duration.
- K. Any exception to the requirements herein shall only be allowed upon approval by the Village Board after a recommendation from the Plan Commission, and shall not violate any state requirement.

INDOOR INSTITUTIONAL

A group of land uses that includes all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers); dance, art, martial arts, and other forms of training studios; schools, colleges and universities; churches, private clubs or lodges, funeral homes and

mortuaries, tourist information and hospitality centers, convention centers not attached to hotels, auditoriums, hospitals, medical and dental clinics (but not veterinary), facilities that provide services and care to the elderly or handicapped, which may include nursing homes, convalescent homes, assisted living units and apartments not classified as community living arrangements under § 62.23, Wis. Stats., incarceration facilities, philanthropic and eleemosynary institutions, and similar land uses.

INDOOR SALES

Land uses that conduct or display sales or rental merchandise or equipment and/or that conduct non-personal or non-professional services, within an enclosed building. Display of products outside of an enclosed building shall be considered an “Outdoor Display Incidental to Commercial” accessory use, where meeting the definition of that term. Includes but is not limited to stores that sell or rent art products, jewelry, optical materials, books, stationery, bakery, candy, ice cream, coffee, tea, bait, sporting goods, antiques, collectibles, gifts, notions, clothing, hosiery, shoes, pharmaceutical products, food products (retail) including meats, fish, delis and general grocers, flowers and plants, hardware, automotive supplies, paint, household appliances, household furniture, plumbing, heating, and electrical supplies, music. Also includes department and general merchandise stores, photographic studios and supply shops, tailors, and laundromats. Does not include any other land use that is separately listed in this chapter, even if such use provides indoor sales.

INDOOR REPAIR AND MAINTENANCE

Includes all land uses, except as separately listed, that perform repair and maintenance services for consumer products and contain all operations (except loading) entirely within an enclosed building, including electronics, mechanical, and small engine repair service businesses. All other vehicle repair and maintenance uses shall instead be regulated as “Outdoor and Vehicle Repair and Maintenance” uses.

IN-VEHICLE SALES OR SERVICE

Land uses that perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Examples include drive-in, drive-up, and drive-through facilities in conjunction with another principal use (such as a restaurant or bank), fueling stations, car washes (including full- and self-serve), and outdoor drive-in theaters. All fueling pumps and storage tanks shall be located at least 20 feet from any street or highway right-of-way. Excludes “Outdoor and Vehicle Repair” land uses, which are separately listed and regulated.

LIGHT INDUSTRIAL ACTIVITY INCIDENTAL TO COMMERCIAL USE

An accessory land use involving the assembly of products sold on site for a permitted principal use, such as products that may be produced by a carpenter, small metal worker, or other craftsman, where there is no noise, odor, or vibration at any property line or common wall or floor/ceiling. Floor area devoted to light industrial use must not exceed 25 percent of the total floor area of the business, and assembly area must be physically separated from other activity areas that are available for public access.

MICROBEVERAGE PRODUCTION FACILITY

A type of beer, wine, spirits, or coffee production facility, often including a tasting or tap room and on-site purchase of beer and related products, with no more than the following amounts of product per year: microbrewery, 15,000 barrels or equivalent; microdistillery, 10,000 gallons or equivalent; microwinery, 15,000 gallons or equivalent; microroastery, 15,000 pounds or equivalent. In the event such a use exceeds the associated volume threshold, either at time of commencement or via growth, it shall instead be considered a “General Industrial” land use. Brewpubs are regulated separately as an “Dining and Indoor Commercial Entertainment” use.

MIXED USE DWELLING UNIT

A dwelling unit located within the same building that has another principal use allowed in the associated zoning district, with such dwelling unit generally located above the ground floor or if on the ground floor no closer than 24 feet from the front or street side of a building.

MOBILE HOME

A transportable factory-built structure as is defined in § 101.91(10), Wis. Stats., designed for long-term occupancy by one family, and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

MOTOR FREIGHT TERMINAL

Lands and buildings representing (a) either end of one or more truck carrier line(s) principally serving several or many businesses, (b) a farm or forestry commodity trucking operation, which is a type of freight service devoted primarily to movement of locally produced agricultural or forestry products principally serving one or more farms or lumber operations, or (c) short-term indoor storage and possible repackaging and reshipment of the materials and products of a single user. Such uses typically have frequent and heavy trucking operations, large yards, extensive docks, indoor and outdoor storage, large buildings, freight stations, and/or on-site truck maintenance, repair, and/or weighing facilities.

OFF-SITE PARKING

Any area used for the temporary parking of vehicles that are fully registered, licensed, and operative but not located on the premises where the principal use such parking serves is located. Includes off-site vehicle storage garages and public parking lots. Shall be set back at least 3 feet from any residential lot line, include curbing or fencing to prevent passage from parking to adjacent residential lots, include connection to the public storm sewer system or graded to meet applicable stormwater management requirements and direct drainage away from residential lots, and be covered with concrete or asphalt within 12 months of commencement of usage.

OUTDOOR ALCOHOL AREA

A typically accessory land use those that involves the commercial service and/or consumption of alcohol outside of the principal building, often associated with an approved restaurant or tavern use including outdoor dining areas that allow the

consumption of alcohol.

OUTDOOR AND VEHICLE REPAIR AND MAINTENANCE

Includes all land uses, except as separately listed in this chapter, that perform maintenance services (including repair) and have all, or any portion (beyond simply loading) of their operations located outside of an enclosed building. Also includes all businesses that repair or maintain motor vehicles designed for road use and brought in from off-site, not including exclusively indoor small engine repair. Except within the Industrial zoning district, does not include establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, or establishments for painting vehicles. Regardless of zoning district, no motor vehicle wrecking is permitted, all motor vehicle repair work shall be done within completely enclosed buildings, and outdoor storage of vehicle parts and abandoned, unlicensed, and inoperable vehicles is prohibited, except that each inoperable vehicle being serviced may be kept outdoors for a period not exceeding 30 days.

OUTDOOR COMMERCIAL ENTERTAINMENT

Land that provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, racetracks, and shooting ranges.

OUTDOOR DISPLAY

Land uses, except as otherwise listed separately in this chapter, that conduct sales or display sales or rental merchandise or equipment outside of an enclosed building. Examples include outdoor car and truck sales, outdoor vehicle rental, manufactured home sales, monument sales, sales of recreational vehicles, campers, boats, and trailers, motorcycle sales, motorized bicycle sales, go-kart sales, snowmobile sales, aircraft sales, motorboat sales, and outdoor sales yards associated with a retail use that exceed limits associated with an “Outdoor Display Incidental to Indoor Sales Use.” Does not include the sale any more than one motor vehicle, recreational vehicle, boat, or trailer than is not owned or titled under the name of the property or business owner.

OUTDOOR DISPLAY INCIDENTAL TO INDOOR SALES USE

Any “Outdoor Display” land use, as defined above, that does not exceed 20 percent of the total sales area of the principal building on the site, or 20 percent of the floor area of the principal use(s) with which it is associated, whichever is less.

OUTDOOR STORAGE OF NON-FARM EQUIPMENT

Generally an accessory land use that includes the storage of non-farm items or equipment not fully enclosed within a building, excluding active loading and parking. Examples include contractors’ outdoor storage yards, equipment yards, lumber yards, coal yards, outdoor salt storage, landscaping materials yards, construction materials yards, and shipping materials yards. Inoperable items, equipment, or vehicles are not considered an outdoor storage land use, but instead may be classified as a junkyard or

salvage yard. Unless otherwise approved by the Plan Commission, outdoor storage shall not be permitted in the minimum required front yard and each outdoor storage area shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls or fencing shall be designed to completely screen all stored materials from view from parcels not zoned Industrial at an elevation of 5 feet above grade.

PERSONAL OR PROFESSIONAL SERVICES

An indoor land use whose primary function is the provision of one or more professional or personal services directly to an individual on a walk-in or on-appointment basis. Examples include banks, insurance or financial services, brokerages, realty offices, barber shops, beauty shops, radio broadcast studios, and small animal veterinary clinics. Veterinary clinics catering to animals larger than domestic dogs and/or requiring outdoor kennels shall be regulated as a “Commercial Animal Service and Boarding” land use. Does not include personal or professional service uses that are accessory to a principal residential use of a property, which are instead regulated as home occupations if meeting applicable requirements of this chapter. Also does not include convenient cash, payday loan, installment loan, cash for gold, pawn shop, or similar businesses, which are separately listed and regulated.

PERSONAL STORAGE FACILITY

Includes indoor storage of items entirely within partitioned buildings with individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as “mini-warehouses.” Facility shall be limited to indoor storage of household items and similar durable goods. No live animals, perishable items, odor producing materials, flammable or explosive materials, toxic or noxious materials, or hazardous materials shall be stored on site. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.

PUBLIC SERVICE OR UTILITY

Includes all municipal, county, state and federal facilities (except those listed separately in this chapter); protective service facilities such as police and fire departments and rescue operations; public and/or private utility substations; municipal water towers, reservoirs, and well sites; utility and public service related distribution facilities; cemeteries; and similar land uses. Does not include facilities that generate power primarily for off-site distribution and use, except where conducted as an accessory use to another permitted public service or utility use.

RETAIL SALES INCIDENTAL TO INDUSTRIAL USE

An accessory land use involving retail sales activity that is incidental to a principal land use on the same site, where such principal use is within the “Transportation, Industrial, and Agricultural Uses” category in Figure 305-3 and the total area devoted to sales activity does not exceed 25 percent of the total floor area of the buildings on the site. Does not include any “Outdoor Alcohol Area” use, which is separately listed and regulated.

SEASONAL SALES OF FARM AND FORESTRY PRODUCTS

Includes outdoor display and sales of farm and forestry products on a seasonal basis (less than 180 days in a calendar year). Examples include, but are not limited to, fruit and vegetable stands, maple syrup sales, pumpkin stands or patches, Christmas tree lots, firewood sales, wreath sales, honey sales, and flower sales, but not including sales of non-farm or general forestry products like lumber. Display/sales areas shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances, and if in an agricultural zoning district used solely for the display or sale of farm or forestry products produced on the premises upon which such roadside stand is located. May include a temporary structure of not more than 300 square feet of ground area, not permanently affixed to the ground, and readily removable in its entirety. There shall not be more than one such use on any one premises.

TOURIST LODGING

A use of a dwelling where sleeping accommodations are offered for pay to tourists or transients for fewer than 30 consecutive days per tourist or transient, and subject to the following requirements:

- A.** Must be licensed by the State, licensed by the Village (upon payment of a fee established by the Village Board), and have a designated agent. Owner or agent shall provide a copy of such State license and a sales tax number to the Zoning Administrator at time of initial receipt, and thereafter as may be requested.
- B.** Shall be subject to and comply with Chapter ATCP 72, Wis. Adm. Code, relating to tourist rooming houses and § 97, Wis. Stats., related to food, lodging, and recreation.
- C.** No shed, tent, vehicle (including any camper or other recreational vehicle), or garage shall be used for living or sleeping purposes, except for any portion of a garage legally established as an “Accessory Dwelling Unit” under this Chapter.
- D.** No vehicle parking shall be permitted beyond a hard surfaced area that was designed and intended for vehicle parking.
- E.** The appearance of the dwelling shall not be altered or operated in a manner that would cause the premises to differ in appearance from a typical dwelling.
- F.** § 224-9 of the Code shall apply with respect to noise.
- G.** The Village shall have the right of inspection for the purpose of determining compliance with the license or ordinance requirements. The Village shall coordinate with the Owner or Agent to complete the inspection.
- H.** A “Tourist Lodging” license shall be automatically void upon the sale or transfer of the property ownership or any fractional ownership interest in the property, unless the new owner obtains a new or altered license.

- I. Any exception to the requirements herein shall only be allowed upon approval by the Village Board after a recommendation from the Plan Commission, and shall not violate any state requirement.
- J. Any person, partnership, corporation, or other legal entity that operates a “Tourist Lodging” use without a Village license, or in violation of its license or this chapter, shall be subject to a forfeiture of up to \$500, plus any applicable surcharges, assessments, and costs for each violation. Each night a dwelling is operated as a “Tourist Lodging” use without a Village license, or in violation of its license or this chapter, shall constitute a separate violation and forfeiture.

Commercial lodgings consisting of a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas, shall instead be regulated as “Hotel or Motel” use. Lodgings consisting of a room in a residence operated by the primary resident shall instead be regulated as a “Bed and Breakfast”. Also does not include any “Boarding House,” which is described and regulated separately.

TOURIST OR TRANSIENT

A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business, or temporary employment.

WAREHOUSING, WHOLESALING, AND/OR DISTRIBUTION

Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Includes conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities, but does not include any “Motor Freight Terminal” or “Personal Storage Facility” use.

WIND OR SOLAR ENERGY CONVERSION SYSTEM

An apparatus or system for converting the energy available in the wind or sun to electrical energy for the primary purpose of resale or off-site use, where subject to local regulation under Wisconsin law. Requirements of Article VIII may also apply.

ZERO LOT LINE STRUCTURE

A building that is built over a lot line, where walls separating occupancy units follow lot lines, such as a zero-lot-line duplex or townhouse or series of zero lot line commercial occupancies in a single commercial building, and which shall meet the following requirements:

- A. Any division of land associated with the construction or development of a zero lot line structure shall comply with applicable land division regulations.

- B.** The building shall meet the front, side, and rear setbacks required for the applicable zoning district in which it is located, except that the yard with the shared wall shall have no minimum principal building setback.
- C.** The minimum width of each lot associated with a zero lot line structure shall be the normal minimum lot width in the zoning district divided by the number of separate occupancy units in the structure.
- D.** The building permit applicant shall provide a signed agreement or covenant specifying maintenance standards for the common wall, exterior surfaces of the building to maintain a neat and harmonious appearance over time, and any other common features; restrictions against construction of detached single-family residences on any of the affected lots in the event either or all sides of the zero lot line structure is destroyed; and a provision that it may not be terminated, amended, or otherwise altered without the approval of the Village Board. Each such agreement or covenant shall be subject to Village Attorney approval, and then recorded by the developer against all affected properties and continually maintained by the property owners.

Section 16. Within § 305-306 of the Municipal Code of the Village of New Glarus, the following terms and their definitions are hereby repealed: AUTOMOBILE LAUNDRY; GROUP LODGING HOUSE; HOME PROFESSIONAL OFFICE; HOTEL, APARTMENT; LODGING HOUSE; LODGING ROOM; OFFICE FOR A PROFESSIONAL PERSON; PLANNED RESIDENTIAL DEVELOPMENT; RESERVOIR PARKING SPACE; ROADSIDE STAND; ROW HOUSE; SINGLE-FAMILY DWELLING.

Section 17. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

This Ordinance shall take effect the day after passage and publication as provided by law.

PRESENTED: ___/___/2024
ADOPTED: ___/___/2024
PUBLISHED: ___/___/2024

Roger Truttmann, Village President

Kelsey Jenson, Village Clerk-Treasurer