

ORDINANCE NO. 22-XXX
AN ORDINANCE AMENDING TITLE 13, SECTION 13-1-132
OF THE CODE OF ORDINANCES OF
THE CITY OF VERONA

The Common Council of the City of Verona, Dane County, Wisconsin, does ordain that Section 13-1-132 of the Code of Ordinances of the City of Verona are amended to read as follows (**language added**/~~language deleted~~):

1. Section 13-1-132 Specific Accessory Use Standards.

(a) **Accessory Building.**

- (1) One (1) accessory building shall be permitted per lot.
- (2) An accessory building shall not exceed nine hundred (900) square feet except as a conditional use in the RA District.
- (3) An accessory building shall have a maximum height of fifteen (15) feet.
- (4) An accessory building shall be located a minimum of ten (10) feet from the primary building unless it is constructed with a one (1) hour fire rating in which case the minimum separation from the primary building shall be five (5) feet.
- (5) Accessory buildings shall be located per the following:
 - a. If located entirely within the required rear yard the accessory building must 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 must not be located between the primary 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 must 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 13-1-103 *Intrusions into Required Yards*.

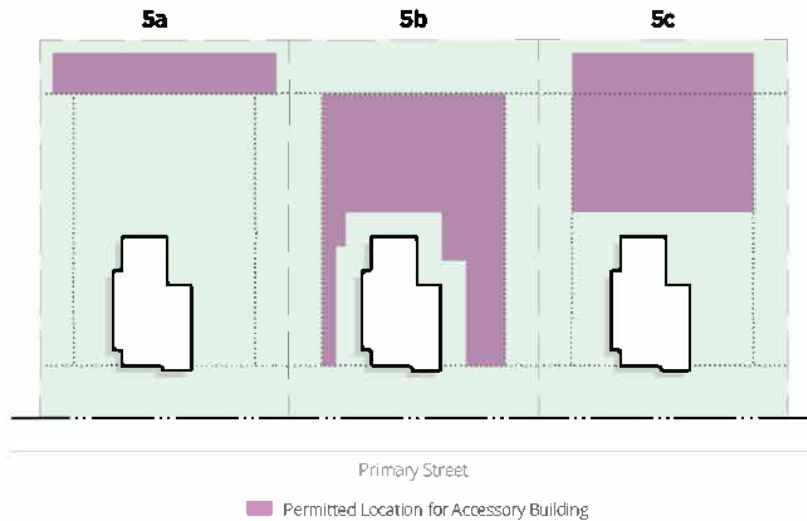


Figure 13-1-132(1): Accessory Building

(b) Accessory Dwelling Unit.

- (1) One (1) accessory dwelling unit shall be permitted per lot.
- (2) Detached accessory dwelling units shall comply with all standards included in subsection (a) of this section with the exception of subsection (a)(3).
- (3) The primary structure shall be the primary residence of the owner of the property.
- (4) Accessory dwelling units shall not be greater than nine hundred (900) square feet or fifty (50) percent of the size of the principal structure, whichever is less. Internal accessory dwelling units located in a basement shall be permitted to occupy the entire area of said basement.
- (5) Detached and attached accessory dwelling units shall be located to the rear of the primary structure.
- (6) Only one (1) entrance shall be located on the front façade of the primary structure. Entrances to accessory dwelling units must be located on the side or rear façade.
- (7) Both the primary structure and the accessory dwelling unit shall be served by one (1) common driveway connecting the accessory dwelling unit to a public or private road.
- (8) Parking for the accessory dwelling unit shall be in addition to the parking space(s) required for the primary structure. 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 primary structure shall be prohibited.
- (9) Accessory dwelling units shall be similar in character to the primary structure and to abutting properties including roof pitch, eaves, building materials, windows, trim, color, and landscaping.

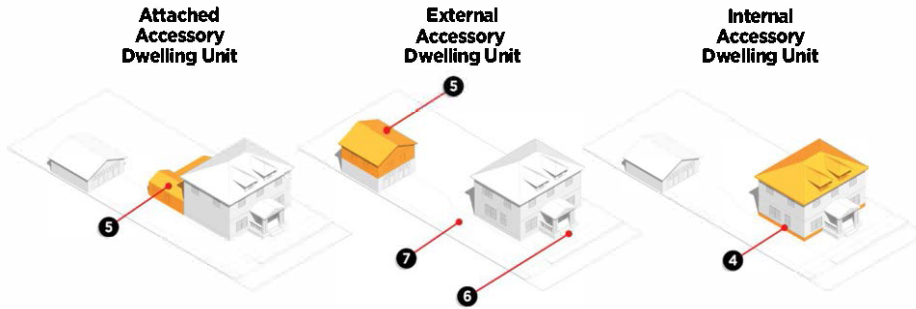


Figure 13-1-132(2): Accessory Dwelling Units

(c) **Accessory Structure.**

- (1) One (1) accessory structure shall be permitted per lot.
- (2) An accessory structure shall not exceed one hundred (100) square feet.
- (3) An accessory structure shall not have a permanent foundation.
- (4) An accessory structure shall have a maximum height of eight (8) feet.
- (5) An accessory structure shall be located a minimum of ten (10) feet from the primary building.
- (6) Accessory structures shall be located per the following:
 - a. If located entirely within the required rear yard the accessory building must 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 must not be located between the primary 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 must 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 13-1-103 *Intrusions into Required Yards*.

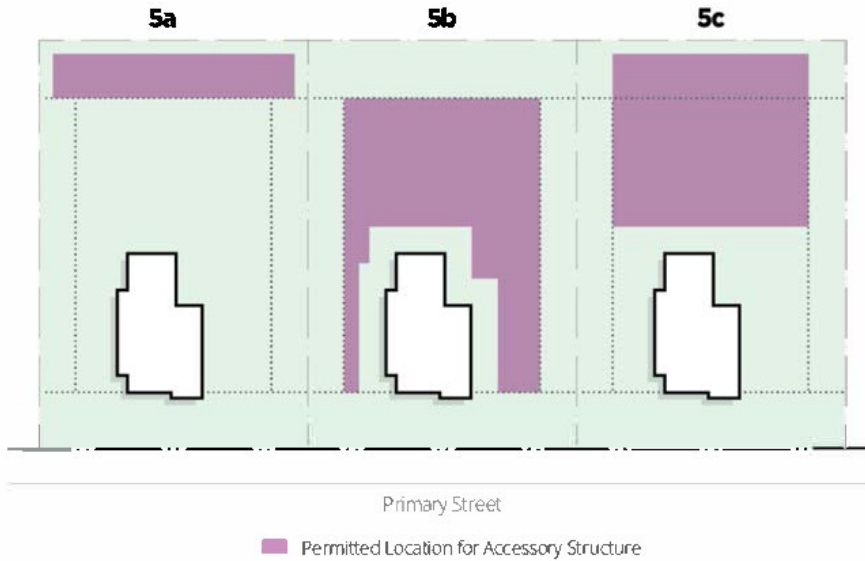


Figure 13-1-132(3): Accessory Structure

(d) Chickens, Keeping and Raising.

- (1) Chickens shall be permitted on lots in the City. If the property is not owner occupied, the Applicant shall provide the owner’s written consent to the keeping and raising of chickens.
- (2) No more than four (4) female chickens may be kept on a property that is under one (1) acre in size and no more than eight (8) female chickens may be kept on a property that is equal to or more than one (1) acre in size.
- (3) Roosters are prohibited.
- (4) The sale of chickens, meat, eggs, or other chicken by-products is prohibited.
- (5) The slaughtering of chickens is prohibited.
- (6) A chicken coop and chicken run shall not be counted towards the maximum number of accessory structures permitted on a lot.
- (7) Chicken coop and chicken run requirements:
 - a. Chickens shall be provided a covered roosting area (a chicken coop) and an enclosed area in which chickens are allowed to walk and run (a chicken run).
 - b. Chickens shall be kept in the chicken coop of the chicken run at all times on the property.
 - c. The chicken run area shall include an area fenced with materials to sufficiently contain chickens. A building permit shall be required for permanent fencing.
 - d. The chicken coop and chicken run shall be designed and maintained to be well-drained on the owner’s property. There shall be no standing water.
 - e. The chicken coop and chicken run shall be kept clean, dry, and free of offensive odors pursuant to the City Ordinance. The owner shall prevent accumulation of chicken waste in the chicken coop and chicken run by properly disposing of fecal matter on a regular basis.

- f. The chicken coop shall not exceed fifteen (15) feet in height and shall be either placed on a paved surface or raised off the ground at least one (1) foot.
- g. The chicken coop shall be located only in rear yards and shall be setback a minimum of fifteen (15) feet from all property lines.
- h. For properties that have frontage on more than one (1) road or street, the rear lot line shall be opposite lot line along which the lot takes access to a street. The chicken coop shall be setback a minimum of fifteen (15) feet from all property lines and twenty-five (25) feet from streets.

~~(d)~~ (e) **Company Provided On-Site Recreation.**

- (1) All structures and actively used outdoor areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

~~(e)~~(f) **Compost Bin.**

- (1) All compost shall be fully enclosed in a free-standing compost bin. In the SC, CC, NO, and SO districts, compost bins shall be barrels with lids to prevent access to bin contents by animals.
- (2) A compost bin shall be no larger in volume than one hundred (100) cubic feet and shall not exceed a height of four (4) feet.
- (3) A maximum of three (3) compost bins may be located on any lot used for residential purposes.
- (4) Compost bins shall be located in rear yards only and shall be a minimum of ten (10) feet from all property lines. In cases where a rear yard adjoins a street and is not enclosed by a fence, compost bins shall be located a minimum of fifty (50) feet from the street.
- (5) Compost bins shall be maintained so as to prevent the attraction or harborage of rodents and unpleasant odors.

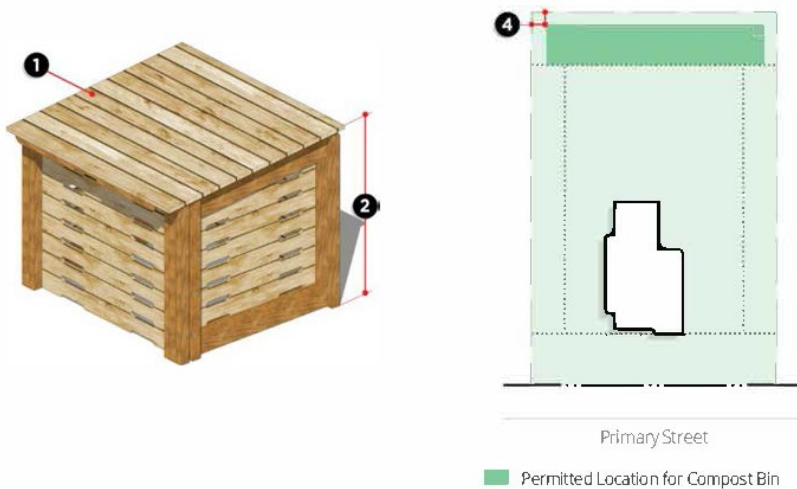


Figure 13-1-132(4): Compost Bin

~~(f)~~(g) **Drive Through.**

- (1) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- (2) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement or exacerbate the potential for pedestrian/vehicular conflicts.
- (3) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this section.
- (4) The setback of any overhead canopy or similar structure shall be a minimum of ten (10) feet from all street rights-of-way lines, a minimum of twenty (20) feet from all residentially-zoned property lines, and shall be a minimum of five (5) feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed twenty (20) feet as measured to the highest part of the structure.
- (5) Any overhead canopy or similar structure shall maintain a uniform and consistent roof line with the building to which the drive-through facility is a part.
- (6) Any overhead canopy or similar structure shall have columns, solid walls or semi-solid walls placed so that they are similar in their relation to the roof as that of the exterior walls of the building to which the drive-through facility is a part.
- (7) Any overhead canopy or similar structure shall be finished with materials consistent with the primary building façade.
- (8) All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum four (4) ton axle load.
- (9) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of six (6) inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than twenty-five (25) feet to all property lines.
- (10) Drive-through facilities shall be permitted a maximum of two (2) menu boards with a combined maximum area of eighty (80) square feet. Each menu board shall not exceed sixty (60) square feet in area and ten (10) feet in height. Menu boards may utilize electronic message boards for one hundred (100) percent of the permitted menu board area.
- (11) 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.
- (12) Drive-through facilities shall be required to provide a minimum number of vehicle stacking spaces as detailed in Table 13-1-132(f)(12).

Table 13-1-132(f)(12)		
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 ¹
<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>Drive-Up Window</i>	2 per window	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.		

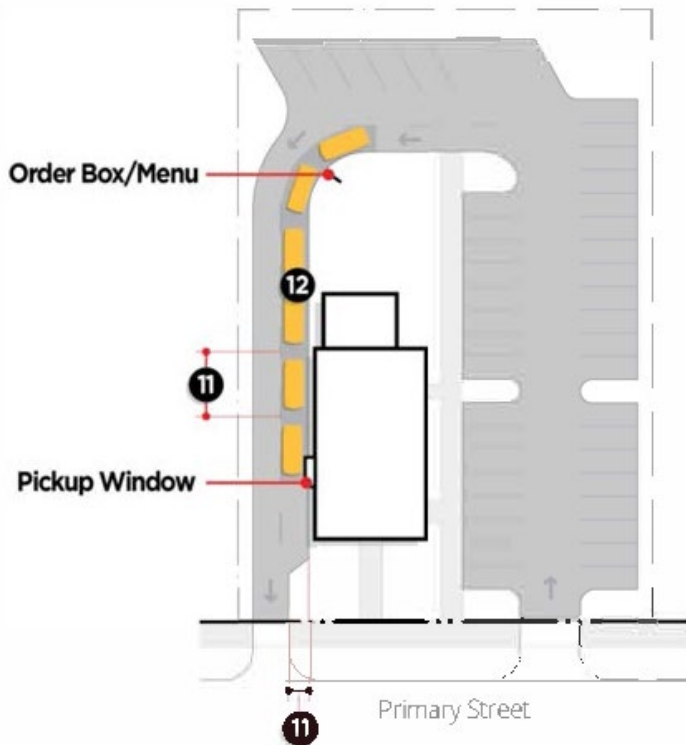


Figure 13-1-132(5): Drive Through Stacking

- (13) **Drive Through Screening.** The following regulations shall apply to any drive through regardless of the use to which it is accessory:
- a. Drive aisles of drive throughs must be effectively screened from view along the public right-of-way and at the edges of sites adjacent to residential properties to minimize the impact of exterior site lighting, headlight glare, and any menu intercom displays.
 - b. Screening must be approved during the conditional use permitting process.
 - c. Screening shall be a minimum of six (6) feet in width and must consist of:
 1. An opaque masonry wall or solid wood fence with a minimum height of four (4) feet and a maximum height of six (6);
 2. Ornamental trees installed every twenty-five (25) feet along the exterior of the wall or fence; and

3. Shrubs installed every three (3) feet along the exterior of the wall or fence to provide a softening effect.



Figure 13-1-132(6): Drive Through Screening

(g)(h) Home Occupation.

- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage and shall be subordinate to the use of the dwelling for residential purposes.
- (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation.
- (3) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
- (4) No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- (5) No home occupation shall generate any traffic in excess of what is typical for the district in which it is located.
- (6) No outdoor storage shall be permitted.
- (7) The home occupation use shall not involve the use of commercial vehicles for delivery of materials to or from the premises in excess of the normal amount of the district.
- (8) A permitted home occupation is restricted to a General Service business as defined herein.
- (9) The manufacturing of items or products or the sale of items or products on the premises shall be prohibited except for phone or online sales.
- (10) A permitted home occupation shall not occupy more than thirty (30) percent of the floor area of the dwelling.
- (11) Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one (1) nonresident employee.
- (12) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

- (13) The Plan Commission may approve home occupations in residential districts which do not meet the standards above, as conditional uses. The standards in section 13-1-217 shall be applicable.
- (14) The types and number of equipment or machinery used on the conditional use site may be restricted by the Plan Commission.

~~(h)~~(i) **Indoor Sales Incidental to Light Industrial Use.**

- (1) The total area devoted to sales activity shall not exceed twenty-five (25) percent of the total area of the buildings on the property.
- (2) Restroom facilities shall be provided and shall be directly accessible from the retail sales area.
- (3) Retail sales area shall be physically separated by a wall from other activity areas.

~~(i)~~(j) **Light Industrial Incidental to Indoor Sales.**

- (1) All activities, except loading and unloading, shall be conducted entirely within a completely enclosed building with all doors, windows, and any other structure openings completely closed. The total area devoted to light industrial activity shall not exceed fifteen (15) percent of the total area of the buildings on the property, or five thousand (5,000) square feet, whichever is less.
- (2) Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by section 13-1-159(h) for all adjacent properties.

~~(j)~~(k) **On-Site Agricultural Retail.**

- (1) No structure or group of structures shall exceed five hundred (500) square feet in floor area.
- (2) No structure shall exceed twelve (12) feet in height.
- (3) All structures shall meet all required setbacks.
- (4) Such land use shall be served by no more than one (1) driveway. Said driveway shall require a valid driveway permit.
- (5) The sale of products which are grown or otherwise produced on nonadjacent property under the same ownership, or on property under different ownership, shall be prohibited.
- (6) Structures and fencing shall be located a minimum of three hundred (300) feet from any residentially zoned property.

~~(k)~~(l) **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 a.m. and 9:00 p.m.
- (3) Outdoor activities and operations shall be located to the rear or side of the primary 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 property lines when adjacent properties are zoned RA, SC, SI, UI, or PI.
- (6) Outdoor activities and operations shall be setback a minimum of one hundred (100) feet from all property lines when adjacent properties are zoned NR, MR, UR, CC, NO, or SO.
- (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 or a property zoned NR, MR, UR, CC, NO, or SO.

- a. A solid wall constructed from materials identical to those used on the exterior of the primary building 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 or a property zoned NR, MR, UR, CC, NO, or SO.
- 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 13-1-153 shall apply.

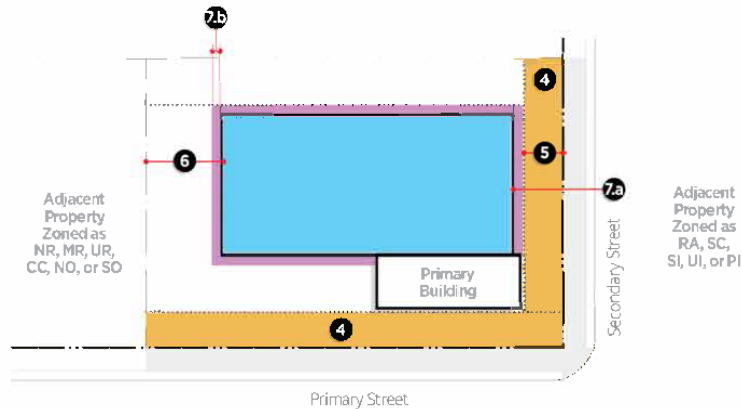


Figure 13-1-132(7): Outdoor Activity/Operation, Permanent

(l) ~~Outdoor Dining, without alcohol.~~

- ~~(1) The outdoor dining area shall be located on a hard paved surface.~~
- ~~(2) The outdoor dining area shall not be located in a required parking space.~~
- ~~(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 height of four (4) feet shall be utilized to segregate the outdoor dining area. The Zoning Administrator may exempt the requirement for a fence, landscape hedge, or wall based on site constraints.~~
- ~~(5) Use of the outdoor dining area shall be limited to the posted operational hours of the associated eating and drinking use.~~

(m) Outdoor Dining, with alcohol.

- (1) A fence shall be added as a barrier between the outdoor dining area and the pedestrian walkway if alcohol consumption or public safety becomes an issue outside of the designated barriers. The outdoor dining area shall be located on a hard paved surface.
- (2) The outdoor dining area shall not be located in a required parking space.
- (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 or wall with a height of four (4) feet shall be utilized to fully enclose the outdoor dining area. Access to the outdoor dining area shall be provided through the primary building, outdoor access shall be prohibited.~~
- ~~(5) The fence or wall shall have a gate that is labeled as an "exit only" with an alarm.~~
- ~~(6) The fence or wall and gate shall comply with all requirements of the Police Department and Building Inspector.~~
- ~~(7) All necessary alcohol licenses shall be obtained and shall operate in conformance to the requirements thereof.~~

(n) **Outdoor Display 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, landscape area, or parking area.
- (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 exceed ten (10) percent of the gross floor area of the primary building on the property unless approved as a conditional use.

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

- (1) Outdoor storage of farm equipment in the RA District shall not require conditional use permit approval.
- (2) Permanent outdoor storage areas shall be surfaced with an approved hard surface material. Partially paved or unpaved outdoor storage areas shall be prohibited.
- (3) The following minimum screening requirements shall apply to permanent outdoor storage areas which are visible from the right-of-way of an existing or proposed arterial or collector roadway or from a property zoned NR, MR, UR, CC, NO, or SO.
 - a. A solid wall constructed from materials identical to those used on the exterior of the primary building 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 and on file with the City, or from a property zoned NR, MR, UR, CC, NO, or SO.
 - 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 13-1-153 shall apply.
- (4) 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.

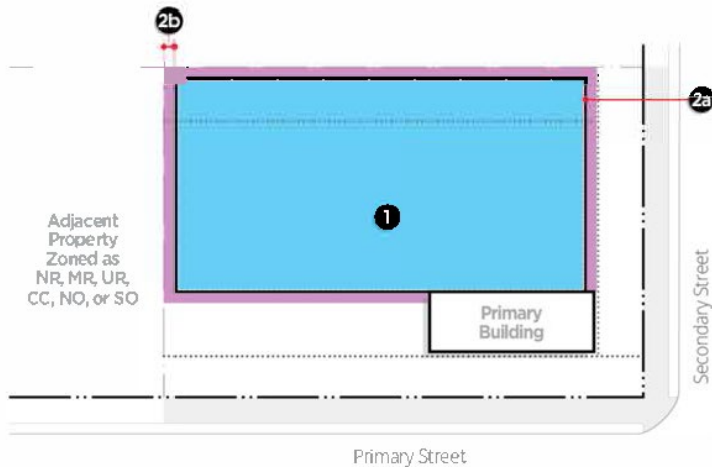


Figure 13-1-132(8): Outdoor Storage, Permanent

(p) Recreational Vehicle and Equipment.

- (1) Recreational vehicles and equipment shall not be located within or block any recorded easements or rights-of-way such as, but not limited to, floodfringe, floodway, and sidewalks.
- (2) Vehicles shall not be permanently stored within a front or corner yard area. The following shall be conclusive indications of storage:
 - a. Off season (a time of year when activity is not engaged such as water sport).
 - b. Winterization (storing items over winter that are not used in winter).
 - c. Nonuse for a period of thirty (30) consecutive days.
- (3) Shall not be considered or used as an accessory structure and may not be used for storage other than those items considered to be part of the vehicle or essential for its immediate use.
- (4) Shall not be permanently connected to wastewater or sanitary lines, water lines, or electricity. A vehicle may be connected to electricity temporarily for charging batteries.
- (5) Recreational vehicles and equipment shall be parked or stored a minimum of ten (10) feet from any property line or right-of-way line and shall not exceed twenty-five (25) feet in length in a driveway.
- (6) Vehicles may be used for temporary sleeping quarters, but not rented, for property zoned NR, MR, and UR if all the conditions as follows are met:
 - a. The vehicle is owned by the occupant or a guest of the occupant of the residence;
 - b. The vehicle is designed for such use;
 - c. The vehicle may be temporarily connected to an approved electrical connection, but shall not be connected to wastewater, sanitary or potable water lines;
 - d. Vehicle use of this type may not exceed an aggregate of fourteen (14) days in any thirty (30) day period; and
- (7) Recreational vehicles and equipment that is permanently stored for property zoned NR, MR, and UR within ten (10) feet of a rear property line shall be owned by the resident who is occupying the

property, shall be placed on a paved surface, crushed limestone, or other hard surface approved by the Zoning Administrator, and shall be screened from public view and from adjacent property of evergreen plants or a solid fence similar to the requirement for a dumpster enclosure.

- (8) Recreational vehicles and equipment shall follow parking restrictions as defined in Title 10 of the City Ordinance under parking regulations.

(p)(q) 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 primary building that the parking area serves.
- (3) The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles.

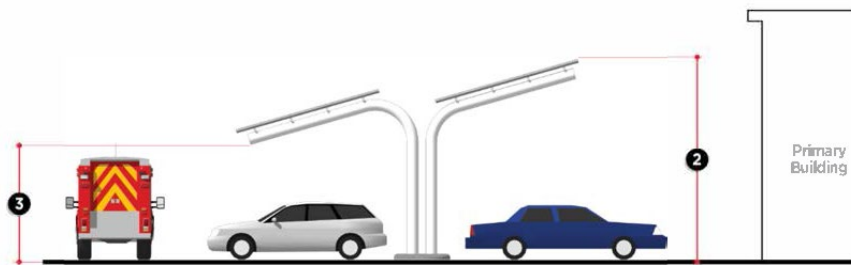


Figure 13-1-132(9): Solar Energy Collection System, Canopy

(q)(r) Solar Energy Collection System, Ground Mounted.

- (1) Ground mounted solar energy collection systems shall be permitted in to the rear of the principal building.
- (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 fifteen (15) 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.

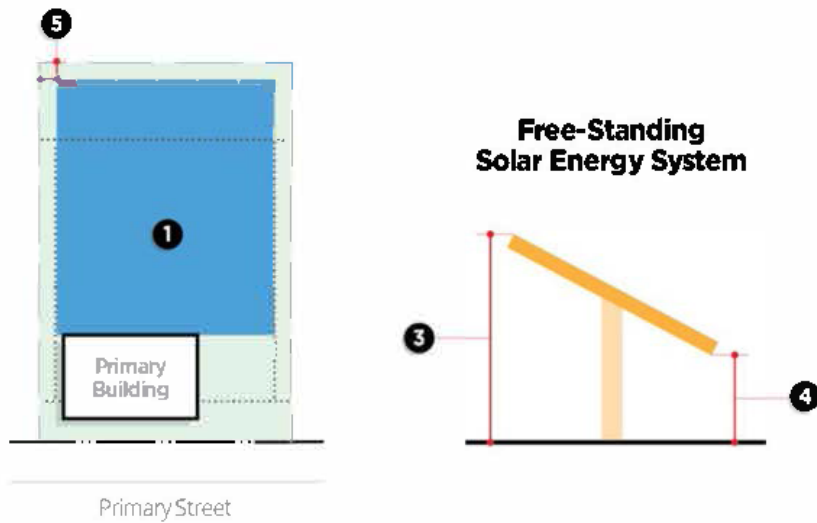


Figure 13-1-132(10): Solar Energy Collection System, Ground Mounted

(s) 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.

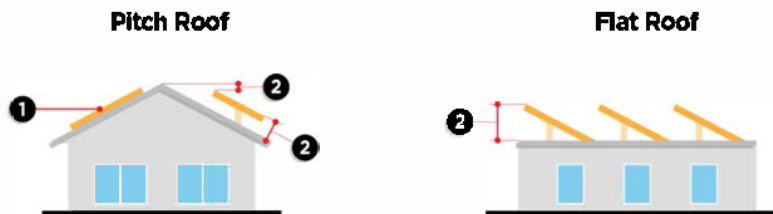


Figure 13-1-132(11): Solar Energy Collection System, Roof Mounted

(t) Urban Garden.

- (1) Urban gardens located in front or corner yards shall:
 - a. Not utilize hoop houses, cold frames, or other structures.
 - b. Not have any plant material which exceeds four (4) feet in height within sight lines.

- c. Not include any plant material that could interfere with a public sidewalk.
 - d. Be setback a minimum of three (3) feet from all applicable property lines.
- (2) Urban gardens located in side or rear yards may utilize hoop houses, cold frames, or other structures if they are setback a minimum of three (3) feet from all property lines.

2. This ordinance shall become effective upon passage and publication as required by law.

CITY OF VERONA

Luke Diaz, Mayor

(seal)

Holly Licht, City Clerk

ENACTED:

PUBLISHED:

