



**City of Wisconsin Dells
Framework for Regulation of Outdoor Commercial Activities**

A downtown business proposed the installation of a synthetic ice rink in a vacant outdoor area adjacent to its principal premises. Such outdoor commercial activity is not a current permitted use. This ordinance allows such uses as accessory to principal business activities.

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1. Create land use definition at Code Section 19.111.20.625 "Exterior Activity Area". An exterior area, public or private, adjacent to an interior business or activity, upon which incidental and subordinate activities or entertainments associated with and complimentary to the interior use are conducted.

* * * *

2. Amend Exhibit 5-2, "Accessory Uses by District", to include 20.625 "Exterior Activity Area" and designate as permitted in:
 - A1
 - A2
 - C1
 - C2
 - C3
 - C4
 - I1

And conditionally permitted in:

- R1
- R2
- R3
- R5
- R9

And reference "special standards" at Code. Sec. 19.826.

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3. Create Code Sec. 19.826 Special Standards for Accessory Uses:

“Exterior Activity Area.”

(1) Purpose. The purpose of this accessory use section is to allow, on a case by case discretionary basis, outdoor activities and entertainments, public and private, associated with and complimentary to adjacent interior businesses or ventures.

(2) Criteria.

(a) The size, scope and scale of the exterior activity shall be consistent with and proportionate to the adjacent principal interior activity.

(b) The following factors, without limitation, shall be considered and regulated to prevent adverse effects on neighboring uses or aesthetics: Lighting, hours of operation, density, fencing, screening, separation, noise and setbacks.

(3) Review. The Design and Review Committee shall review and approve in areas of its jurisdiction. City Planner shall review and approve all other applications. Relevant City agencies will be asked to review and comment. Approvals shall be based upon consistency with the purpose of this section and/or the criteria.

20.0 ACCESSORY USES

- 20.1 Adult family home A private residence licensed by the state under sec. 50.032 (1m), Wis. Stats.
- 20.2 Amateur radio station Wireless communication technology used by licensed private individuals or nonprofit entities for non-commercial purposes.
- 20.3 Automated teller machine An automated device for conducting financial transactions.
- Automated teller machine, exterior An automated teller machine accessed from outside of an enclosed building.
- Automated teller machine, interior An automated teller machine accessed from inside of an enclosed building.
- 20.4 Bed and breakfast A single-family residence that offers overnight accommodations and a meal for a daily charge and that also serves as a primary residence of the operator or owner.
- 20.5 Boat dock A structure extending from the shore into a waterbody with water on both sides that provides a berth for watercraft or is used for loading or unloading cargo or passengers onto or from watercraft.
- 20.6 Drive-up service window An opening in a building through which patrons are served while remaining in a motor vehicle.
- 20.625 Exterior Activity Area. An exterior area, public or private, adjacent to an interior business or activity, upon which incidental and subordinate activities or entertainments associated with and complimentary to the interior use are conducted.
- 20.7 Family day care home A private residence licensed as a day care center by the state where care is provided for 4 to 8 children. (See sec. 66.1017, Wis. Stats.)
- 20.8 Fence A linear structure constructed for aesthetics, as a visual barrier, and/or to control entry or exit into an area. Typical materials include wood, concrete, metal, wire, masonry, stacked rocks, or logs.
- 20.9 Foster home and treatment foster home A facility licensed by the state for the care of foster children and which is operated by a foster parent who lives with the children. (See sec. 48.62, Wis. Stats.)
- 20.10 Garage, nonresidential A building intended to house vehicles and items related to the principal use of the premises.
- 20.11 Garage, residential A building intended to house vehicles and household items belonging to the owner of the principal residence.
- 20.12 Home occupation Any occupation, profession, enterprise, or similar activity conducted on the premises of a single-family residence as an accessory use and that is compatible in size and scope in an urban residential setting. The term does not include hobbies or similar non-commercial activities or any activity that meets the definition of an industrial use.
- 20.13 Large Scale Private Outdoor commercial food and beverage service An outdoor area located on the same lot as a restaurant or drinking establishment where customers can consume food and drink.
- 20.135 Small Scale Private Outdoor Commercial food and beverage service. An outdoor area LESS THAN 1500 sq. feet serving LESS than 50 persons located on the same lot as a restaurant or drinking establishment where customers can consume food and drink.
- 20.14 Outdoor display incidental to indoor sales A place where a limited line of merchandise is displayed outside of a retail sales business over an extended period of time. Sales agents are not assigned to assist customers here and sales transactions occur inside the building.
- 20.15 Outdoor furnace An apparatus designed to burn solid or liquid combustible materials (e.g., corn, corn cobs, wood, wood pellets, coal, fuel oil) to produce heat and/or heat water for a building in which it is not located.
- 20.16 Parking lot, on-site A parking lot located entirely on the parcel it is intended to serve.
- 20.17 Play structure A playhouse and recreational equipment including swings, slides, basketball hoops, and jungle gyms.
- 20.18 Private kennel A place where dogs are kept and is not classified as a commercial kennel.

Exhibit 5-2. Accessory uses by district

20.0	Accessory Use	A-1	A-2	D-1	R-1	R-2	R-3	R-5	R-9	C-1	C-2	C-3	C-4	M-1	I-1	Special Standards
20.1	Adult family home	-	-	-	P	P	P	P	P	P	-	-	-	P	-	19.800
20.2	Amateur radio station	-	-	-	P	P	P	P	P	P	-	-	-	P	-	19.801
20.3	ATM, exterior	-	-	-	-	-	-	-	-	C	P	P	P	P	-	19.802
20.3	ATM, interior	-	-	-	-	-	-	-	-	P	P	P	P	P	-	
20.4	Bed and breakfast	-	-	-	C	C	-	-	-	C	-	-	-	C	-	19.803
20.5	Boat dock	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
20.6	Drive-up service window	-	-	-	-	-	-	-	-	-	C	C	C	C	C	19.804
20.825	Exterior Activity Area	P	P	-	C	C	C	C	C	P	P	P	P	C	P	19.8045
20.7	Family day care home	-	-	-	P	P	P	P	P	P	-	-	-	P	-	19.805
20.8	Fence	P	P	P	P	P	P	P	P	P	P	P	P	P	P	19.806
20.9	Foster home and treatment foster home	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.807
20.10	Garage, nonresidential	P	P	-	-	-	-	-	-	C	C	C	C	C	C	19.808
20.11	Garage, residential	-	-	-	P	P	P	P	P	P	-	-	-	P	-	19.809
20.12	Home occupation	-	-	-	C	C	-	-	-	C	-	-	-	C	-	19.810
20.13	LRG Scale Private outdoor food & bev. service	-	-	-	-	-	-	-	-	C	C	C	C	C	-	19.811A
20.135	SM Scale Private outdoor food & bev. service	-	-	-	-	-	-	-	-	C	P	P	P	C	-	19.811B
20.14	Outdoor display incidental to indoor sales	-	-	-	-	-	-	-	-	-	P	P	P	C	-	19.812
20.15	Outdoor furnace	P	P	C	C	C	C	-	-	C	-	C	C	-	C	19.813
20.16	Parking lot, on-site	P	P	C	-	-	P	P	P	P	P	P	P	P	P	
20.17	Play structure (residential)	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.814
20.18	Private kennel	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.815
20.19	Private stable	P	P	-	-	-	-	-	-	-	-	-	-	-	-	19.816
20.20	Roadside produce stand	P	P	-	-	-	-	-	-	-	-	-	-	-	-	19.817
20.21	Standby electrical power generator	P	P	P	P	P	P	P	P	P	P	P	P	P	P	19.818
20.22	Storage container	-	-	-	-	-	-	-	-	-	-	C	C	-	P	19.819
20.23	Swimming pool (residential)	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.820
20.24	Upper-floor residential	-	-	-	-	-	-	-	-	-	C	-	-	C	-	
20.25	Walk-up service window	-	-	-	-	-	-	-	-	-	C	C	C	C	-	19.821
20.26	Wharf	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
20.27	Wind energy system	P	P	C	C	C	C	C	C	C	C	C	C	C	C	19.822
20.28	Yard shed (residential)	P	P	-	P	P	P	P	P	P	-	-	-	P	-	19.823
20.29	Industrial District Retail	-	-	-	-	-	-	-	-	-	-	-	-	-	C	

Key to table:

- The use is not permitted in the district
- C The use is allowed through the conditional use process
- P The use is permitted provided the standards are met, if any

Exhibit 5-3. Temporary uses by district

21.0	Temporary Use	A-1	A-2	D-1	R-1	R-2	R-3	R-5	R-9	C-1	C-2	C-3	C-4	M-1	I-1	Special Standards
21.1	Circus	-	-	-	-	-	-	-	-	-	P	P	P	-	-	19.901
21.2	Farmers' market	C	C	-	-	-	-	-	-	P	C	C	C	C	-	
21.3	Itinerant sales	-	-	-	-	-	-	-	-	C	C	C	C	-	-	19.902
21.4	On-site construction office	-	-	-	-	-	C	C	-	-	C	C	C	C	-	19.903
21.5	On-site real estate sales office	-	-	-	C	C	C	C	-	-	-	-	-	C	-	19.904
21.6	Outdoor vendor	-	-	-	-	-	-	-	-	-	C	C	C	C	-	19.905
21.7	Seasonal product sales	P	P	-	-	-	-	-	-	C	-	P	P	C	P	19.906
21.8	Public Sidewalk café	-	-	-	-	-	-	-	-	C	P	-	-	-	C	19.907
21.9	Snow disposal site	P	P	-	-	-	-	-	-	-	P	-	-	-	P	19.908
21.10	Street performance	-	-	-	-	-	-	-	-	-	C	-	-	-	-	19.909

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- The use is not permitted in the district
- C The use is allowed through the conditional use process
- P The use is permitted provided the standards are met, if any

19.804 Drive-up service window

- (1) **Crosswalks.** A pedestrian crosswalk shall be marked on the pavement when the lane for a drive-up service window is situated between on-site parking and a building entrance.
- (2) **Length of lane.** The lane leading up to the drive-up service window shall be of sufficient length so that at the anticipated customer peak, all motor vehicles waiting in queue will be entirely on the premises.
- (3) **Curbing.** Menu boards, canopy supports, and the like shall be separated from the vehicle use area by a permanent curb.

19.8045 Exterior Activity Area.

- (1) **Purpose.** The purpose of this accessory use section is to allow, on a case by case discretionary basis, outdoor activities and entertainments, public and private, associated with and complimentary to adjacent interior businesses or ventures.
- (2) **Criteria.**
 - (a) The size, scope and scale of the exterior activity shall be consistent with and proportionate to the adjacent principal interior activity.
 - (b) The following factors, without limitation, shall be considered and regulated to prevent adverse effects on neighboring uses or aesthetics: Lighting, hours of operation, density, fencing, screening, separation, noise and setbacks.
- (3) **Review.** The Design and Review Committee shall review and approve in areas of its jurisdiction. City Planner shall review and approve all other applications. Relevant City agencies will be asked to review and comment. Approvals shall be based upon consistency with the purpose of this section and/or the criteria.

19.805 Family day care home

Prior to establishment of this use the operator shall obtain a license from the state, or its agent, and maintain such license for the life of the use or until the state or its agent no longer requires such license.

19.806 Fence

- (1) **Exemptions.** A fence used for security purposes during a construction project or on a farm for farming purposes, is exempt from this section.
- (2) **Locations.** All boundary line fences or walls shall be located entirely on private property of the person, firm or corporation constructing, or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the boundary line of the respective properties. In any case, where the exact location of any boundary line is in doubt, the applicant for a fence permit shall submit to the Building Inspector a survey thereof prepared by a registered Land Surveyor, before the fence permit is issued. No fence shall be erected within two (2') feet of any public right-of-way.
- (3) **Orientation.** All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.
- (4) **Materials and maximum coverage.** A fence shall be constructed of building materials commonly used for fence construction. Single strand wire or barbed wire may not be used in a residential zoning district or mixed-use zoning district. In residential zoning districts, a fence located in the front yard or in a side yard that abuts a street right of way shall have a maximum opacity of 50 percent. All other fences may be solid from the ground to the maximum height.
- (5) **Dimensional standards.** A fence shall not exceed the heights listed in exhibit 5-6. A structure may extend over a gate or other entry provided it is not taller than 9 feet or wider than 5 feet. A trellis may be incorporated into the overall design of a fence provided it is not taller than 8 feet and does not extend more than 10 percent of the length of the side on which it is located.
- (6) **Clear vision.** Notwithstanding the other provisions of this section, a fence may not obscure or block a clear vision of traffic at a street intersection or driveway.

Exhibit 6-2. Accessory uses by district

20.0	Accessory Use	Standard
20.1	Adult family home	On-site parking not required
20.2	Amateur radio station	On-site parking not required
20.3	ATM, exterior	On-site parking not required
20.3	ATM, interior	On-site parking not required
20.4	Bed and breakfast	1 space for each room
20.5	Boat dock	On-site parking not required
20.6	Drive-up service window	On-site parking not required
20.625	Exterior Activity Area	1 space per 3 patrons or 1 space for each 300 square feet of area devoted to patrol service, whichever is greater; plus 1 space for each employee dedicated to the accessory use.
20.7	Family day care home	On-site parking not required
20.8	Fence	On-site parking not required
20.9	Foster home and treatment foster home	On-site parking not required
20.10	Garage, nonresidential	On-site parking not required
20.11	Garage, residential	On-site parking not required
20.12	Home occupation	1 space for a company vehicle; plus 1 space when sufficient on-street parking is not available
20.13	Outdoor commercial food and beverage service	1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater; plus 1 space for each employee on the largest work shift
20.135	Small scale outdoor commercial food and beverage	1 space for each 3 patron seats or 1 space for each 300 square feet of area devoted to patron service, whichever is greater; plus 1 space for each employee on the largest work shift
20.14	Outdoor display incidental to indoor sales	On-site parking not required
20.15	Outdoor furnace	On-site parking not required
20.16	Parking lot, on-site	On-site parking not required
20.17	Play structure (residential)	On-site parking not required
20.18	Private kennel	On-site parking not required
20.19	Private stable	On-site parking not required
20.20	Roadside produce market	1 space for each 300 square feet of display area (enclosed and unenclosed)
20.21	Standby electrical power generator	On-site parking not required
20.22	Storage container	On-site parking not required
20.23	Swimming pool (residential)	On-site parking not required
20.24	Upper-floor residential	2 spaces for each dwelling unit (The plan commission may waive this requirement in whole or in part in the C-2 district when ample public parking is available.)
20.25	Walk-up service window	On-site parking not required
20.26	Wharf	On-site parking not required
20.27	Wind energy system	On-site parking not required
20.28	Yard shed (residential)	On-site parking not required
20.29	Industrial District Retail	1 space per 3 seats or 1 space or 1 space per 300 square feet whichever is greater; plus 1 space per employee

City of Wisconsin Dells

ORDINANCE NO. _____
(Exterior Activity Areas)

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE.

A downtown business proposed the installation of a synthetic ice rink in a vacant outdoor area adjacent to its principal premises. Such outdoor commercial activity is not a current permitted use. This ordinance creates a framework to regulate this and similar uses as accessory to principal business activities.

SECTION II: PROVISIONS EFFECTED.

1. Create land use definition at Code Section 19.111.20.625 "Exterior Activity Area".
2. Amend Chapter 19 Exhibit 5-2, "Accessory Uses by District"
3. Create Code Sec. ~~19.826~~, "Special Standards for Accessory Uses"
19.8045

SECTION III: PROVISION AS CREATED:

- (1) Land Use definition at Code Section 19.111.20.625 "Exterior Activity Area" is created.

An exterior area, public or private, adjacent to an interior business or activity, upon which incidental and subordinate activities or entertainments associated with and complimentary to the interior use are conducted.

* * * *

- (2) Amend Chapter 19 Exhibit 5-2, "Accessory Uses by District", to include 20.625 "Exterior Activity Area" and designate as permitted in:

A1
A2
C1
C2
C3
C4
I1

And conditionally permitted in:

R1
R2
R3
R5
R9
M1

And reference "special standards" at Code. Sec. 19.826.

* * * *

(3) Create Code Sec. 19.826 Special Standards for Accessory Uses:
19.8045
"Exterior Activity Area."

(a) Purpose. The purpose of this accessory use section is to allow, on a case by case discretionary basis, outdoor activities and entertainments, public and private, associated with and complimentary to adjacent interior businesses or ventures.

(b) Criteria.

(1) The size, scope and scale of the exterior activity shall be consistent with and proportionate to the adjacent principal interior activity.

(2) The following factors, without limitation, shall be considered and regulated to prevent adverse effects on neighboring uses or aesthetics: Lighting, hours of operation, density, fencing, screening, separation, noise and setbacks.

(c) Review. The Design and Review Committee shall review and approve in areas of its jurisdiction. City Planner shall review and approve all other applications. Relevant City agencies will be asked to review and comment. Approvals shall be based upon consistency with the purpose of this section and/or the criteria.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 19.

Edward Wojnicz, Mayor

Nancy R. Holzem, Clerk

INTRODUCED: _____
PUBLISHED: _____
PASSED: _____