



Village Hall, 262-567-2757
Fax, 262-567-4115
Highway Dept., 262-567-2422
Police Dept., 262-567-1134
Building Inspector, 262-490-4141
www.summitvillage.org

Summit Village Hall • 37100 Delafield Road • Summit, WI 53066

AGENDA
Zoning Code Land Use Sub-Committee
Village of Summit
Thursday, May 08, 2025, 4:00 pm
(the meeting will end no later than 5:45 p.m.)
At the Summit Village Hall, 37100 Delafield Road

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Summit Zoning Code Land Use Sub-Committee at which it is possible that members of and possibly a quorum or negative quorum of members of other governmental bodies of the municipality may be in attendance in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above-noted date, time, and location.

Notice of Quorum: Staff is to announce if a quorum or negative quorum of a governmental body is in attendance at the meeting and directs that the minutes reflect that a quorum or negative quorum of a governmental body is present and that the members may be making comments under the public input section of the agenda, during any public hearing(s) or rules are suspended to allow them to do so.

1. CALL TO ORDER
2. ROLL CALL AND CONFIRM POSTINGS
3. Review minutes from April 10, 2025
4. Finalize sub-committee recommendations for contractor's yards
5. Finalize sub-committee recommendations for commercial vehicle parking
6. Finalize sub-committee recommendations for the commercial storage of boats, trailers, and other vehicles and equipment
7. Finalize sub-committee recommendations for limited family businesses
8. Discuss provisions for landscape businesses and nurseries
9. Announce Joint Plan Commission & Village Board public listening session meeting on May 29, 2025 @ 6:00 pm
10. Next steps & schedule next meeting date

11. Public Input

Public Input will be limited to the last 15 minutes of the meeting. Individuals will be allowed to speak for a total of 1 minute. **Public Input is limited to the topics discussed by the Zoning Code Land Use Sub-Committee as specified on the agenda.**

Your input is valuable. If you have not had an opportunity to provide comments and you are unavailable to attend the meeting or you need additional time to provide your comments, you can submit your written comments through the Village website in advance of the meeting at <https://summitvillage.org/contact-us/>.

12. ADJOURN

Respectfully submitted,

Amy Barrows, Village Planner

Posted: **May 5, 2025**

***** Please note that, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service contact the Village Hall at 567-2757.



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MINUTES

Zoning Code Land Use Sub-Committee

April 10, 2025

Planner Barrows brought the meeting to order and read the following: pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Summit Zoning Code Land Use Sub-Committee at which it is possible that members of and possibly a quorum or negative quorum of members of other governmental bodies of the municipality may be in attendance in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above-noted date, time, and location.

Notice of Quorum: negative quorum of Village Board is in attendance.

ROLL CALL AND CONFIRM POSTINGS

Administrator-Clerk/Treasurer Michael took roll call and confirmed that the meeting was notice to the local media as required and requested and posted on the Village posting board and website. Members present were: Paul Schmitter, Matt Katz, Jack Riley and Jeff Lee. Also present were: Planner Amy Barrows and Administrator-Clerk/Treasurer Debbie Michael.

Review minutes from March 13, 2025

No changes requested.

Discuss sub-committee recommendations for contractor's yards and commercial vehicle parking

Planner Barrows stated someone can come in for one or the other or both. Adjusted Summit's existing definition to include discussion items from previous meeting.

Next step to go to Plan Commission and then Village Board and then back to Plan Commission for a Public Hearing. SEH reviewed the Zoning Map and marked the potential properties that this could apply to, there are 114 properties.

Contractor's Yard

STANDARDS:

- The property shall be zoned A-1 or A-2 and be at least 5-acres in size.
Add: that it has to be 2.4 acre density or Agricultural on the Comprehensive Plan and it can't be in a subdivision. Matt likes more restrictive, Paul gets both sides but agrees with Matt, Jeff greater than 2.4 and agricultural, Jack agrees.

- The property must front directly upon and have access to an arterial or major collector street, or be located within an established industrial park where roads can handle heavy equipment.
- The area designated for outside storage of materials shall be screened entirely from view by the adjacent properties and roads. The type of materials stored on the property, inside and outside, shall be reviewed and approved by the Village of Summit Plan Commission as part of the Conditional Use and Site Plan - Business Plan of Operation.
- The area designated for outside storage of materials shall not exceed 10% of the lot area, up to a maximum of two acres.
- The area designated for outside storage of materials shall be located a minimum of 100 ft. from any lot line, shore, wetland, or floodplain.
- The building road and side yard setback for any building housing materials and equipment shall be located a minimum of 50 ft. from any lot line.
- The use shall be compatible with adjacent land uses and surrounding natural resources as determined by the Village. The Village has the authority to increase setbacks if it is determined that the use has an impact on the surrounding properties, natural resources or road.
- Site Plan and Plan of Operation is required. Building architectural review is required.
- If commercial vehicle parking or equipment will be stored on the property, it shall be stored inside and in compliance with the CU procedures and standards for Commercial Vehicle Parking.
- The property shall be maintained in good condition as determined by the Plan Commission.
- The Conditional Use is not transferrable to a different owner or a different property.

Add: property cannot be in a subdivision.

- The Conditional Use must be accessory to a principal residential use. *(The subcommittee had mixed reactions to this provision).*

The sub-committee was split 2:2.

- Environmental, noise, and light pollution provisions should be added to the general Conditional Use standards.
 - Environmental/water quality
 - *Use shall not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community*
 - *No activity shall withdraw water or discharge any liquid or solid materials that exceeds NR 102 or other applicable water quality regulations, and no activity shall locate, store or permit the discharge of any treated, untreated, or inadequately treated liquid, gas, or solid into surface or subsurface waters that may contaminate, pollute, or harm waters, or create a nuisance, such as result in debris, oil, scum, color, odor, taste, etc., or be harmful to human, animal, plant, or aquatic life.*
 - *Material storage shall be contained so as to avoid runoff & erosion on adjacent properties, roads and natural resources*
 - Noise
 - *Per Section 18-6, there are no decibel limits in the agricultural districts, but the limit is 77 for daytime and 60 for nighttime in the residential, commercial, and institutional districts, and 79/79 for industrial districts. Daytime is 7 am – 10 pm, Nighttime is 10 pm – 7 am. Recommend using provisions for residential/commercial/institutional.*
 - Light pollution
 - *Consider prohibiting pole lighting, allow wall-mounted lights only, downcast and no footcandle trespass on neighboring properties. Only security lighting is allowed at night.*

Jack requested to have a map identifying any parcels that don't have a residence.

Commercial Vehicle Parking

Updated definition was reviewed.

STANDARDS:

- Provisions of recently adopted ordinance apply unless modified herein.
- The property shall be zoned A-1 or A-2 and be at least 5-acres in size.
- The property must front directly upon and have access to an arterial or major collector street, or be located within an established industrial park where roads can handle heavy equipment.
- The building road and side yard setback for any building housing materials and equipment shall be located a minimum of 50 ft. from any lot line.
- Vehicles must be fully operative and in active use.
- Vehicles must be owned, leased, or operated by owner or occupant of property.
- For a refrigerator truck, unit shall not be operated within 500 ft. of a residential property line.
- **Change to include stored vehicles that are running a generator or vehicle**
- The use shall be compatible with adjacent land uses and surrounding natural resources as determined by the Village. The Village has the authority to increase setbacks if it is determined that the use has an impact on the surrounding properties, natural resources or road.
- Site Plan and Plan of Operation is required. Building architectural review is required.
- If the storage of construction, maintenance, or landscaping materials is proposed, it shall comply with the CU procedures and standards for a Contractor's Yard.
- The property shall be maintained in good condition as determined by the Plan Commission.
- The Conditional Use is not transferrable to a different owner or a different property.
- The Conditional Use must be accessory to a principal residential use. *(The subcommittee had mixed reactions to this provision).*

The sub-committee was split 2:2.

- Environmental, noise, and light pollution provisions should be added to the general Conditional Use standards.
 - Environmental/water quality
 - *Use shall not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community*
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 - Noise
 - *Per Section 18-6, there are no decibel limits in the agricultural districts, but the limit is 77 for daytime and 60 for nighttime in the residential, commercial, and institutional districts, and 79/79 for industrial districts. Daytime is 7 am – 10 pm, Nighttime is 10 pm – 7 am. Recommend using provisions for residential/commercial/institutional.*
 - Light pollution
 - *Consider prohibiting pole lighting, allow wall-mounted lights only, downcast and no footcandle trespass on neighboring properties. Only security lighting is allowed at night.*

Discuss provisions for landscape businesses and nurseries

Planner Barrows stated this item would be skipped tonight but brought back at the next meeting.

Discuss provisions for the commercial storage of boats, trailers, and other vehicles and equipment

Planner Barrows reviewed the definition and conditions from the Town of Genesee Code.

**COMMERCIAL STORAGE OF BOATS, TRAILERS, AND EQUIPMENT DEFINITION (examples):
Town of Genesee (Section 40(B)(12)): Conversions of Existing Barns and/or Farm Buildings: Rental of**

existing barns and farm buildings for the storage of machinery, equipment, vehicles, boats, furniture, and similar items. Rental includes all items that are not owned by the lot owner or by the person lawfully residing on the lot, are stored in existing barns or farm buildings, and for which storage the owner of the items pays rent, provides goods or services, or provides other consideration.

COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Town of Genesee	A-1 and A-5 Districts	<ul style="list-style-type: none"> • Parcel must be part of an original farmstead and not located in a subdivision • Storage building must have existed at time section was created • Requires survey, including lot size, offsets, and use of all existing structures • Parcel must have access to an arterial or collector street • No outdoor storage is allowed Add “commercial” • Water supply and required septic system must comply with County and State rules • No commercial signs are allowed • Detailed landscape plan required • Building and grounds shall be maintained in a neat, attractive, and orderly way • Building shall comply with all regulations of town, state building code, and fire department Change “town” to “village” • Compatibility with surrounding area, including anticipated future uses per land use plan Strike “including anticipated future uses per land use plan” • No business associated with storage • If there are complaints about unusual noise, may require another public hearing • Buildings with storage shall be at least 50 ft. from side and rear lot lines • Applicant must accept terms of conditions Becomes a general condition

DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS (*italics*):

- Definition should include inside storage for income/rent; not including storage for personal/private uses. If outdoor storage, screen from view, establish setbacks, require minimum lot size, consider limiting the number of boats/trailers per area.
 - *Building and use must comply with setbacks*
 - *Determine if commercial building code must be met*
- Allow in A-1 and A-2.

Add: Parcel must be minimum 5 acres

ADDITIONAL CONSIDERATIONS BY PLANNER:

- Consider Town of Genesee terminology, conditions, and only allow in existing barns

Planner Barrows stated that the Village needs to determine whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review.

The group wanted to go through the uses and Planner Barrows added that if they want a better explanation of what to consider related to being a permitted use or a conditional use, that there are training tools to review before making a decision.

Discuss provisions for limited family businesses

Planner Barrows reviewed the definitions.

LIMITED FAMILY BUSINESS DEFINITION (examples):

Waukesha County: Not defined, but parameters part of Conditional Use provisions. Provisions refer to service-oriented business definition.

SERVICE ORIENTED BUSINESS Sec on 2(b)177: A business operated by a single person or family where personal services are performed or assistance is given, as opposed to the sale of products, and involves predominantly professional operations as outlined in Section 4(g)16 of this Ordinance regarding a limited family business.

Town of Genesee: Same as Waukesha County

City of Oconomowoc (Section 17.903(4)(f).2) General Personal Services: An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tattoo parlors, and tanning salons.

LIMITED FAMILY BUSINESS COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Waukesha County	Residential and agricultural districts, except EC and FLC	<p>Operation in attached garage or accessory building</p> <p>Small family business that doesn't necessitate relocation or rezoning, but protects interest of adjacent land owner and future development of area</p> <p>All expansions in use require CU amendment</p> <p>All employees, except one, must be members of family residing on property</p> <p>Limited to service-oriented business, no manufacturing or assembly</p> <ul style="list-style-type: none"> • Examples: non-health related office or studio for professionals including accountant, architect, artist, attorney, barber, beautician, crafter, dance teacher, housekeeping, *Strike: indoor storage, insurance agent, interior decorator, massage therapist, music teacher, photographer, realtor, salesman, shoe repair, small engine repair, tailor/seamstress, travel agent, woodworker (not a cabinet maker), an office for a business that is otherwise located completely off site with the exception of vehicles transported to and from a job site on a daily basis, etc. In the event a question arises, the zoning administrator shall make a determination as to whether or not a business is considered a limited family business, service orientated business, or home occupation business. • Sale of products must be accessory to use and any sale of products not produced by business is prohibited • Shall restrict # and type of machinery and equipment, and may require that storage be inside • Structure shall be accessory and meet accessory requirements • Design and size may be determined by process • Must be conforming lot size

		<ul style="list-style-type: none"> Restrictions may be placed to avoid adverse effects on adjoining residential properties, such as location and site requirements
Town of Genesee	A-B, A-1, A-2, A-3, A-5, R-1, R-2, R-3	<ul style="list-style-type: none"> Similar to County provisions, including: Town Plan Commission shall determine % of the property that may be devoted to the use CU automatically expires and terminates on the sale of the property or transfer to nonoccupant, deed restriction required at time of CU issuance stating the restriction
City of Oconomowoc	Isthmus Residential & Industrial as CU Commercial & Business Park by-right	<ul style="list-style-type: none"> Limits on hours of operation, signage, lighting, parking Shall comply with other codes Requires architectural committee review for preservation of historic architectural style and exterior

REVIEW OF DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS (italics), NEW COMMENTS IN RED:

- Definition includes uses such as woodworking, small machine and small engine repair, auto detailing, and the service industry, including dog grooming, yoga, massage, hair salon, photography studio, and wine tasting; dog care not included
- Allow in R-2 (1.5-acre), R-1 (2-acre), A-1 (35-acre), and A-2 (3-acre)

Planner Barrows asked if the group wants to allow these uses in accessory buildings. Jack – yes, Matt – auto detailing concerns him relative to number of cars and same with small equipment repair, Jeff agreed with Matt, there also was concern brought up that they would have issued if these were a nuisance to neighbors.

- Consider customer traffic
 - Consider limiting customer traffic, appointment only
 - Limit to number of customers at one time
- # of employees
 - Consider limiting on-site employees to family members residing on property and 1 additional employee
 - Group agrees to this
- Lights
 - Site Plan Review, but there shouldn't be a need for commercial scale lighting
 - Group agrees to this
- Screening
 - Require sufficient screening if any activities take place outside
 - Provide for architectural review of buildings/structures
 - 3 of the 4 agree with this (Riley doesn't)
- Noise
 - Refer to ordinance; see contractor's yard provisions
 - Group agrees to this
- Inside only use

- o *Consider whether to allow any outside activities*
- o *Group wanted to add: must be reviewed and approved by Village*
- Consider setbacks
 - o *Dependent on outside activities, otherwise rely on district, but maybe require setback of principal structure if adjacent to residential district*
 - A-1 and A-2 have 50 ft. side yard for any structure
 - R-1 and R-2 have 10 ft. side yard for accessory structures & 30 ft. for principal structures

ADDITIONAL CONSIDERATIONS BY PLANNER:

- If construction vehicles/equipment/material storage involved, must meet provisions of contractor’s yard/commercial truck parking as well and only allowed in A-1 and A-2. Plan Commission may decide if more than one Conditional Use type is permissible.
 - o *Group agrees to this*

Discuss whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review.

Additional Comments from the Group:

- *Allow a professional office in any Residential or Ag zoning.*
- *Add: compatibility language (is compatible with the surrounding area...)*
- *Setbacks: specify how that relates to conforming and legal non-conforming.*
- *Change reference(s) to salesman to sales person.*

Next steps & schedule next meeting date

Planner Barrows asked about two dates for the joint Village Board and Plan Commission listening session for the event venues/agri-tourism topic. The group decided on May 29. Planner Barrows will reach out the remaining Village Board and Plan Commissioners to confirm that we would have a quorum of each for May 29.

Public Input

Brian Porter, 37500 Stillwater Drive, when talking about the running vehicles and refrigeration units, they should use the word compressors, and should consider that maybe the noise ordinance is not the right benchmark to use for some of these considerations.

Paul Schmitter responded that sound is relative to the ambient sound and that makes a difference.

ADJOURN at 5:45 p.m.

Respectfully submitted,

Debra J. Michael, WCMC
Village Administrator-Clerk/Treasurer

CONTRACTOR'S YARD

LAND USE SUB-COMMITTEE RECOMMENDATIONS (REVISED 5/8/2025)

Items added as a result of the April sub-committee discussion are noted in blue ink.

CONTRACTOR'S YARD DEFINITION:

Village of Summit Existing Definition (Section 111-431) *proposed changes in red:* The premises on which construction and maintenance materials (i.e., salt, sand, cement, decorative block, stone, etc.) or landscaping materials (i.e., ~~bulldozers, front-end loaders, back-hoes, trucks, trailers~~sand, gravel, stone, timbers, wood chips, etc.) are stored to be utilized for off-site construction, maintenance, or landscaping purposes. The storage of construction or landscape vehicles and equipment (i.e. bulldozers, front-end loaders, back-hoes, trucks, trailers, etc.) shall comply with the Conditional Use provisions for Commercial Vehicle Parking. Where landscape materials are stored or sold for retail or wholesale markets and accessory to an otherwise permitted use by right, such uses shall not be considered a contractor's yard. ~~Limited b~~Business operations may be conducted as part of a contractor's yard which relate to the off-site construction, maintenance or landscaping purposes, ~~such as but are limited to~~ office facilities that otherwise comply with the home occupation standards specified in Section 111-100(f). If there are any conflicts between this section and the home occupation provisions, the most restrictive provisions apply.

STANDARDS:

- The property shall be in an area designated on the Comprehensive Land Use Plan as SF Residential 2.4-acre density or Agricultural.
- The property shall not be located in a platted subdivision.
- The property shall be zoned A-1 or A-2 and be at least 5-acres in size.
- The property must front directly upon and have access to an arterial or major collector street, or be located within an established industrial park where roads can handle heavy equipment.
- The area designated for outside storage of materials shall be screened entirely from view by the adjacent properties and roads. The type of materials stored on the property, inside and outside, shall be reviewed and approved by the Village of Summit Plan Commission as part of the Conditional Use and Site Plan - Business Plan of Operation.
- The area designated for outside storage of materials shall not exceed 10% of the lot area, up to a maximum of two acres.
- The area designated for outside storage of materials shall be located a minimum of 100 ft. from any lot line, shore, wetland, or floodplain.
- The building road and side yard setback for any building housing materials and equipment shall be located a minimum of 50 ft. from any lot line.
- The use shall be compatible with adjacent land uses and surrounding natural resources as determined by the Village. The Village has the authority to increase setbacks if it is determined that the use has an impact on the surrounding properties, natural resources or road.
- Site Plan and Plan of Operation is required. Building architectural review is required.
- If commercial vehicle parking or equipment will be stored on the property, it shall be stored inside and in compliance with the CU procedures and standards for Commercial Vehicle Parking.

CONTRACTOR'S YARD

LAND USE SUB-COMMITTEE RECOMMENDATIONS (REVISED 5/8/2025)

- The property shall be maintained in good condition as determined by the Plan Commission.
- The Conditional Use is not transferrable to a different owner or a different property.
- The Conditional Use must be accessory to a principal residential use. *(This item had a split 2-2 vote and will need to be determined by Village Board as part of initiating the text amendment).*
- Environmental, noise, and light pollution provisions should be added to the general Conditional Use standards.
 - Environmental/water quality
 - *Use shall not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community*
 - *No activity shall withdraw water or discharge any liquid or solid materials that exceeds NR 102 or other applicable water quality regulations, and no activity shall locate, store or permit the discharge of any treated, untreated, or inadequately treated liquid, gas, or solid into surface or subsurface waters that may contaminate, pollute, or harm waters, or create a nuisance, such as result in debris, oil, scum, color, odor, taste, etc., or be harmful to human, animal, plant, or aquatic life.*
 - *Material storage shall be contained so as to avoid runoff & erosion on adjacent properties, roads and natural resources*
 - Noise
 - *Per Section 18-6, there are no decibel limits in the agricultural districts, but the limit is 77 for daytime and 60 for nighttime in the residential, commercial, and institutional districts, and 79/79 for industrial districts. Daytime is 7 am – 10 pm, Nighttime is 10 pm – 7 am. Recommend using provisions for residential/commercial/institutional.*
 - Light pollution
 - *Consider prohibiting pole lighting, allow wall-mounted lights only, downcast and no footcandle trespass on neighboring properties. Only security lighting is allowed at night.*

COMMERCIAL VEHICLE PARKING

LAND USE SUB-COMMITTEE RECOMMENDATIONS (Revised 5/8/2025)

COMMERCIAL VEHICLE PARKING DEFINITION:

Village of Summit Existing Definition (Section 111-431) *proposed changes in red*: Parking and storage of commercial or industrial vehicles, such as trucks, construction vehicles, grading equipment, ~~semi~~-trailers, ~~trucks~~, tractors, and similar vehicles and related equipment including, but not limited to, bulldozers, front-end loaders, and back-hoes. All such vehicles and equipment shall be fully operative and in active use. The storage of construction, maintenance, and landscaping materials shall comply with the Conditional Use provisions for a Contractor's Yard.

STANDARDS:

- Provisions of recently adopted ordinance apply unless modified herein. No other commercial activities allowed unless meet the definition of a home occupation.
- The property shall be zoned A-1 or A-2 and be at least 5-acres in size.
- The property must front directly upon and have access to an arterial or major collector street, or be located within an established industrial park where roads can handle heavy equipment.
- The building road and side yard setback for any building housing materials and equipment shall be located a minimum of 50 ft. from any lot line.
- Vehicles must be fully operative and in active use.
- Vehicles must be owned, leased, or operated by owner or occupant of property.
- ~~For a refrigerator truck, unit~~ Any vehicle with a running generator, compressor, or diesel motor shall not be operated within 500 ft. of a residential property line.
- The use shall be compatible with adjacent land uses and surrounding natural resources as determined by the Village. The Village has the authority to increase setbacks if it is determined that the use has an impact on the surrounding properties, natural resources or road.
- Site Plan and Plan of Operation is required. Building architectural review is required.
- If the storage of construction, maintenance, or landscaping materials is proposed, it shall comply with the CU procedures and standards for a Contractor's Yard.
- The property shall be maintained in good condition as determined by the Plan Commission.
- The Conditional Use is not transferrable to a different owner or a different property.
- The Conditional Use must be accessory to a principal residential use. *(This item had a split 2-2 vote and will need to be determined by Village Board as part of initiating the text amendment).*
- Environmental, noise, and light pollution provisions should be added to the general Conditional Use standards.
 - Environmental/water quality
 - *Use shall not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community*
 - *No activity shall withdraw water or discharge any liquid or solid materials that exceeds NR 102 or other applicable water quality regulations, and no activity*

COMMERCIAL VEHICLE PARKING

LAND USE SUB-COMMITTEE RECOMMENDATIONS (Revised 5/8/2025)

shall locate, store or permit the discharge of any treated, untreated, or inadequately treated liquid, gas, or solid into surface or subsurface waters that may contaminate, pollute, or harm waters, or create a nuisance, such as result in debris, oil, scum, color, odor, taste, etc., or be harmful to human, animal, plant, or aquatic life.

- Noise
 - *Per Section 18-6, there are no decibel limits in the agricultural districts, but the limit is 77 for daytime and 60 for nighttime in the residential, commercial, and institutional districts, and 79/79 for industrial districts. Daytime is 7 am – 10 pm, Nighttime is 10 pm – 7 am. Recommend using provisions for residential/commercial/institutional.*
- Light pollution
 - *Consider prohibiting pole lighting, allow wall-mounted lights only, downcast and no footcandle trespass on neighboring properties. Only security lighting is allowed at night.*

CONTRACTORS YARD DEFINITION (examples):

Village of Summit Existing Definition (Section 111-431): The premises on which construction and maintenance materials (i.e., silt, sand, cement, decorative block, stone, etc.) or landscaping materials (i.e., bulldozers, front-end loaders, back-hoes, trucks, trailers, etc.) are stored to be utilized for off-site construction, maintenance, or landscaping purposes. Where landscape materials are stored or sold for retail or wholesale markets and accessory to an otherwise permitted use by right, such uses shall not be considered a contractor's yard. Limited business operations may be conducted as part of a contractor's yard which relate to the off-site construction, maintenance or landscaping purposes, such as office facilities.

Existing similar-type operations in the Village of Summit:

- Theine Grading: Business maintains and stores excavating equipment
- Brinkmann Landscape & Pool Business: Business for the sale and storage of pools and related supplies, landscape materials, and the repair and use of related equipment and masonry supplies
- Patrick Kummrow: Business for the storage of trucks, trailers, and to operate a landscape business for the storage of nursery stock, sand, stone, gravel, bark, and the storage and repair of related landscaping equipment

Waukesha County (Section 2(b)38): The exterior premises on which construction and maintenance materials (i.e. salt, sand, cement, decorative block, stone, etc.) or landscaping materials (i.e. sand, gravels, stone, timbers, wood chips, etc.) or construction or maintenance equipment (i.e. bulldozers, front-end loaders, back-hoes, trucks, trailers, etc.) are stored to be utilized for off-site construction, maintenance, or landscaping purposes. Where landscape materials are stored or sold for retail or wholesale markets and accessory to an otherwise permitted use by right, such uses shall not be considered a Contractor's Yard.

Town of Genesee (Section 4(B)): Same as Waukesha County, except landscaping material types and landscape purposes are replaced with construction or maintenance equipment and purposes. The Town has a separate definition for landscaping, lawn and garden business.

City of Oconomowoc (Section 17.903(5)): Definitions of use categories and specific use types.

(1) Industrial Uses

(a) **Industrial Service:** Industrial service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, showrooms, parking, and storage. Specific use types include, but are not limited to:

1. **Building Materials Sales:** An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage. Operations may be indoor and/or outdoor.
2. **General Industrial Service:** All other industrial service establishments not listed within one of the other enumerated use types. Example include: construction materials storage;

welding shop, machine shop; electric motor repair; repair, storage, salvage, or wrecking of heavy machinery; and heavy truck servicing and repair.

3. **Natural Resource Processing:** The development or extraction or processing of rock, material, or similar product.

Village of Merton (Section 250-9): An establishment on a scale commensurate with its location that provides improvement, repair, maintenance and replacement contracting services to residences and other businesses within the Village and general surrounding area. The contractor business could provide services such as carpentry, plumbing, electrical, and heating, cooling and ventilation.

CONTRACTORS YARD COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Village of Summit	No longer allowed in any district Formerly allowed in A-1 & A-2	Former conditions: <ul style="list-style-type: none"> • The yard shall be screened • The yard shall be a maximum of 80,000 sq. ft. • If inside storage is approved, it shall be no more than 12,000 sq. ft. of building area, including all principal and accessory uses and structures
Waukesha County	A-1, A-5, B-3, Q-, or Industrial Districts	<ul style="list-style-type: none"> • 5-acre min. A-1/A-5 • 3-acre min. remaining districts • Building offset = 100 ft. from residential/50 ft. from all other uses • Must front directly upon and have access to arterial or major collector street, or within established industrial park where roads can handle heavy equipment. • Planting screen of at least 10 ft. high in initial height, may be modified by PC (more or less) • Compatibility with adjacent land uses • Site Plan/Plan of Operation required and application must include type and quantity of equipment and vehicles owned or leased, storage of materials, and hours of operation
Town of Genesee	No longer allowed in any district	

Village of Dousman	Industrial districts only	<ul style="list-style-type: none"> • Site Plan/Plan of Operation required • Min lot size = 3 acres • Storage of materials not allowed within 50 ft. of ROW or within offset • Screening of 6 ft. high and 15 ft. wide required if adjacent to more restrictive zoning district • Limited to one business without Plan Commission approval
City of Oconomowoc	Business Park and Industrial	<ul style="list-style-type: none"> • Considered general industrial services, permitted by right
City of Delafield	M-1 Limited Industrial	<ul style="list-style-type: none"> • Considered permitted use – contractor’s office, shop, and yard
Village of Merton	I-1 Limited Industrial	<ul style="list-style-type: none"> • Permitted use as defined
Town of Merton	N/A	<ul style="list-style-type: none"> • The Town has an unspecified-type CU & commercial truck parking CU

COMMERCIAL VEHICLE (TRUCK) PARKING DEFINITION:

Village of Summit Existing Definition (Section 111-431): Parking and storage of commercial or industrial vehicles, such as trucks, construction vehicles, grading equipment, semi-trailers, tractors, and similar vehicles and related equipment. All such vehicles and equipment shall be fully operative and in active use.

Town of Genesee Section 40(B)(11): Dump trucks, school buses, construction vehicles, semi-trailers, and tractors.

Town of Merton Section 17.19(23.5): Dump trucks, school buses, construction vehicles, semi-trailers, and tractors.

Village of Dousman Section 17.36(9): Commercial type vehicles, dump trucks, construction vehicles, semi-trailers, tractors and school buses.

COMMERCIAL VEHICLE PARKING COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Village of Summit	A-2 only	<ul style="list-style-type: none"> • See enclosed recently adopted ordinance
Town of Genesee	A-E, A-1, A-2, A-3, A-5, R-1, B-1, B-2	<ul style="list-style-type: none"> • Owned or leased and operated by owner or occupant of premises • Must front directly upon and have access to an arterial or collector street • No more than 1 vehicle, and 2 pieces of equipment/trailers; no more than one semi-tractor or cab unit • Vehicles must be fully operative and in active use • 50 ft. setback from road and lot line

		<ul style="list-style-type: none"> • For a refrigerator truck, unit shall not be operated within 500 ft. of a residential property line • Must be compatible with adjacent land uses, determined by plan commission • 2-year review
Town of Merton	B-3, Industrial & Quarrying District (by right), All residential, agricultural, B-1 and B-2 Districts by CU	<ul style="list-style-type: none"> • Same as Genesee, except setback is 100 ft. from road
Village of Dousman	No Districts listed	<ul style="list-style-type: none"> • Same as Merton, including 100 ft. setback from road, except refrigerator unit operation must be located 50 ft. from a lot line

DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS (*italics*):

- Definition should include the storage of landscape materials, machines, vehicles, construction materials, mechanical materials, but limit the sales to limited sales to contractors and customers
- Benefit of use includes providing a service to Village residents
- Potential concerns/conditions:
 - Environmental/water quality
 - *Include environmental standards to general provisions for CU's: use shall not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or community*
 - *Include water quality standards to general provisions for CU's, such as no activity shall withdraw water or discharge any liquid or solid materials that exceeds NR 102 or other applicable water quality regulations, and no activity shall locate, store or permit the discharge of any treated, untreated, or inadequately treated liquid, gas, or solid into surface or subsurface waters that may contaminate, pollute, or harm waters, or create a nuisance, such as result in debris, oil, scum, color, odor, taste, etc., or be harmful to human, animal, plant, or aquatic life.*
 - *Specific to this CU, material storage shall be contained so as to avoid runoff & erosion on adjacent properties and natural resources*
 - Truck traffic
 - *Must have direct access to a major highway, arterial, or collector street*
 - *Boundary of property must be within 200 ft. of a county highway or state trunk highway*
 - *Also see limit on vehicles*

- Vehicles/Equipment
 - *Vehicles must be owned, or leased and operated, by the owner or occupant of the property*
 - *No more than 6 vehicles, if 4 or more are proposed, then 2 of the vehicles shall not exceed 2 axles. Trailers, grading equipment, and other equipment not included in #.*
 - *Must be operable, licensed, and active*
- Noise
 - *Per Section 18-6, there are no decibel limits in the agricultural districts, but the limit is 77 for daytime and 60 for nighttime in the residential, commercial, and institutional districts, and 79/79 for industrial districts. Daytime is 7 am – 10 pm, Nighttime is 10 pm – 7 am. Recommend using provisions for residential/commercial/institutional.*
- Hours of operation
 - *Must be reviewed as part of Site Plan Review*
- Screening & buffering
 - *A-1 and A-2 have a 50 ft. building setback. Consider requiring a minimum building setback of 50 ft. and outdoor storage area setback of 100 ft.*
 - *Require property be kept and maintained in a neat and orderly condition.*
 - *Outdoor storage must be completely screened as viewed from adjacent properties, the road, or any navigable waterway*
 - *Recommend requiring that outdoor storage be limited if allowed and that annual inspections take place; recently adopted commercial vehicle parking provisions require that all storage take place in an enclosed structure having flooring that consists of concrete or other impervious surface*
 - *Theine (legal nonconforming use) – allowed limited outdoor storage, has violated this provision in the past*
 - *Brinkman (legal nonconforming use) – allowed to have outdoor storage, has violated # of vehicles and equipment and is required to submit an annual report*
 - *Kummrow (legal nonconforming use) - allowed limited outdoor storage*
- Light pollution
 - *Consider prohibiting pole lighting, allow wall-mounted lights only, downcast and no footcandle trespass on neighboring properties.*
- Parking needs
 - *Limit to employees, existing commercial vehicle parking CU limit is 4 spaces*

- Building type & design if visible
 - *Site Plan review of architecture, must meet dimensional requirements of district*
- Lot size, *only allow in agricultural zoning on a conforming lot*
 - A-1: min. lot size is 35 acres
 - A-2: min. lot size is 3 acres
- Commercial operations, see below considerations for employees & operations

CONSIDERATIONS BY PLANNER PRIOR TO 2/13/25 MEETING:

- Construction vehicles/equipment involved
 - Should the property have direct access to a major highway, arterial, or collector street
 - Should there be screening
 - Should the access drive be allowed if only accessible through another property
 - How many allowed
 - Can they be stored indoors/outdoors, if so, limit the amount of storage outdoors
 - Building code requirements, architectural standards, setbacks
- Material storage
 - Type of material storage
 - Amount of material storage
 - Location of material storage (setbacks)
 - Drainage and runoff considerations
 - Screening of materials storage
 - Can commercial traffic come and go throughout the day to distribute materials
- Employees
 - Can employees use the property for parking, how many spaces should be allowed
- Operations
 - Can any business operations occur on-site, which ones
 - Office
 - Customer traffic
 - Employee traffic
 - Production (wood working, cutting, chipping, etc.)
- General Compatibility
 - Standards for compatibility with neighborhood
 - Minimum lot size, setbacks, adjacent land uses (residential, commercial, industrial, institutional)
 - Landscape screening
 - Access & traffic
 - Limits on operation (**limit** hours, employees, traffic, vehicles, equipment, materials)

Discuss whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review. Consider amending recently adopted Commercial Vehicle Parking Conditional Use.

ORDINANCE NO. 131-2024

AN ORDINANCE TO AMEND THE TEXT OF CHAPTER 111
ZONING CODE OF THE VILLAGE OF SUMMIT CODE OF ORDINANCES
RELATED TO COMMERCIAL VEHICLE PARKING BY ADDING A DEFINITION
TO SECTION 111-431, REPEALING AND RECREATING SECTION 111-321(4)
AND CREATING SECTION 111-358(d)(2)

WHEREAS, an application has been filed by Christopher and Jessica Kadow, property owners at 740 N. Griffith Road, ("APPLICANT"), to amend the text of Chapter 111 Zoning Code of the Village of Summit Code of Ordinances, and

WHEREAS, the request was submitted to allow commercial vehicle parking on properties zoned A-2 Agricultural as a Conditional Use Permit subject to certain conditions being met; and

WHEREAS, the Plan Commission considered the Zoning Code text amendments at their meeting on December 21, 2023, and scheduled a public hearing for the January 18, 2024 Plan Commission meeting; and

WHEREAS, upon publication of the required "Notice of Public Hearing" and mailing of said "Notice of Public Hearing" to all parties-in-interest as required by Section 111-387(b) of the Village Code, the Plan Commission for the Village of Summit held a public hearing on January 18, 2024, which was held and adjourned until the February 15, 2024 Plan Commission meeting. The public hearing was continued and closed at the February 15, 2024 Plan Commission meeting. The public hearing was held as required by Section 111-386(b)(4) of the Village Code; and

WHEREAS, at the January and February 2024 public hearing, the Village Planner presented information on the proposed text amendments; and

WHEREAS, following the public hearing that closed on February 15, 2024, the commissioners considered the information presented at the public hearing and a draft Ordinance for review and recommendation; and

WHEREAS, the Plan Commission recommended the Ordinance to the Village Board for consideration; and

WHEREAS, this zoning text amendment was requested and approved by the APPLICANT, evidenced by the Applicant's signature that will be shown on this Ordinance before the Ordinance can take effect; and

WHEREAS, the down zoning requirements of Wisconsin State Statutes 66.10015(3) do not apply to this Ordinance; and

WHEREAS, the Village Board of the Village of Summit, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning text amendments on the health, safety and welfare of the community, hereby determine that the rezoning will not violate the spirit or intent of the Village Code, and will not be contrary to the public health, safety or general welfare of the Village of Summit; and

NOW, THEREFORE, the Village Board of the Village of Summit, Waukesha County, Wisconsin, DO ORDAIN as follows:

SECTION 1: Chapter 111 of the Village of Summit Municipal Code entitled "Zoning and Shoreland Protection," Article XV entitled "Definitions," Section 111-431 entitled "Definitions," the term "Commercial vehicle parking" is hereby inserted in alphabetical order to read as follows:

Commercial vehicle parking means parking and storage of commercial or industrial vehicles, such as trucks, construction vehicles, grading equipment, semi-trailers, tractors, and similar vehicles and related equipment. All such vehicles and equipment shall be fully operative and in active use.

SECTION 2: Chapter 111 of the Village of Summit Municipal Code entitled "Zoning and Shoreland Protection," Article XI entitled "Conditional Uses," Section 111-321 entitled "Conditional uses permitted," Subsection (4) is hereby repealed and recreated to read as follows:

(4) *Commercial vehicle parking*. The parking and storage of commercial vehicles shall be permitted as a conditional use upon compliance with all of the following requirements:

- a. The minimum lot area of the parcel utilized for commercial vehicle parking shall be at least 15 acres.
- b. All commercial vehicles shall be owned, or leased and operated by, the owner or occupant of the property.
- c. No more than six commercial vehicles may be stored on the property. If four or more commercial vehicles are proposed, then two commercial vehicles shall not exceed two axles. Trailers, grading equipment, and other equipment related to the conditional use are not included for purposes of determining the number of commercial vehicles.
- d. The boundary of any parcel utilized for commercial vehicle parking shall be within 200 feet of a county highway or state trunk highway.

- e. All commercial vehicles shall be parked or stored in an enclosed structure having flooring that consists of concrete or other impervious surface.
- f. No commercial activity involving a commercial vehicle shall occur on the property in which commercial vehicle are parked or stored.
- g. Parking on the property for up to four employees who operate the commercial vehicles may occur if such parking is screened from view from any public right-of-way or adjacent property by landscaping or architectural means. For purposes of this Subsection, an employee is a person who has no familial relationship with the applicable person that: (i) owns the parcel utilized for commercial vehicle parking; (ii) operates commercial vehicle parking on the subject parcel; or (iii) owns the entity that operates the commercial vehicle parking on the subject parcel.
- h. The conditional use permit shall terminate upon the transfer of ownership of the property utilized for commercial vehicle parking, except that the conditional use permit shall remain in effect upon the transfer involving the owner of the subject parcel, an entity owned by the subject parcel owner, or a trust of the subject parcel owner.

SECTION 3: Chapter 111 of the Village of Summit Municipal Code entitled “Zoning and Shoreland Protection,” Article XII entitled “District Regulations,” Section 111-358 entitled Agricultural District (A-2), Subsection (d) entitled “Conditional Uses”, Subsection (2) is hereby created to read as follows:

(2) Commercial vehicle parking.

SECTION 4. SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage and publication.

Passed and adopted this 14th day of March, 2024.

VILLAGE OF SUMMIT

[Signature]
Jack Riley, Village President



ATTEST:

[Signature]
Debra J. Michael, Village Administrator-Clerk/Treasurer

Published and posted this 10th day of October, 2024.

APPROVAL OF APPLICANT

Dated this 19th day of September, 2024.

APPLICANT

[Signature] Chris Kerkow

By: [Signature]
Authorized Signatory

This instrument drafted by
Amy Barrows, Village Planner

COMMERCIAL STORAGE OF BOATS, TRAILERS, & EQUIPMENT

LAND USE SUB-COMMITTEE RECOMMENDATIONS (5/8/2025)

COMMERCIAL STORAGE OF BOATS, TRAILERS, AND EQUIPMENT DEFINITION (examples):

Definition taken from Genesee: Conversions of Existing Barns and/or Farm Buildings: Rental of existing barns and farm buildings for the storage of machinery, equipment, vehicles, boats, furniture, and similar items. Rental includes all items that are not owned by the lot owner or by the person lawfully residing on the lot, are stored in existing barns or farm buildings, and for which storage the owner of the items pays rent, provides goods or services, or provides other consideration.

The sub-committee should decide if the use is allowed in all outbuildings, or just agricultural buildings.

STANDARDS:

- Parcel must be part of an original farmstead and not be located in a subdivision
- Lot must be conforming to zoning district standards
- Building must have existed at time this ordinance section is created
- Requires survey, including lot size, offsets, and use of all existing structures
- Parcel must have access to an arterial or collector street
- No commercial outdoor storage is allowed
- Water supply and required septic system must comply with County and State rules
- No commercial signs are allowed
- Detailed landscape plan required
- Building and grounds shall be maintained in a neat, attractive, and orderly way
- Building shall comply with all regulations of village (including zoning dimensional standards), state building code, and fire department
- Compatibility with surrounding area
- No business activities, other than storage
- Buildings with storage shall be at least 50 ft. from side and rear lot lines
- Applicant must accept terms and conditions (add to general conditions)
- Allow in A-1 and A-2, must be 5 acres in size
- Determine if commercial building code must be met (verify with Mike Sindorf)
- If outdoor storage is proposed, it must be screened from view, setbacks must be met
- The sub-committee will determine if the use should be a conditional use or permitted use at a later date after viewing training materials

COMMERCIAL STORAGE OF BOATS, TRAILERS, AND EQUIPMENT DEFINITION (examples):

Town of Genesee (Section 40(B)(12)): **Conversions of Existing Barns and/or Farm Buildings:** Rental of existing barns and farm buildings for the storage of machinery, equipment, vehicles, boats, furniture, and similar items. Rental includes all items that are not owned by the lot owner or by the person lawfully residing on the lot, are stored in existing barns or farm buildings, and for which storage the owner of the items pays rent, provides goods or services, or provides other consideration.

COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Town of Genesee	A-1 and A-5 Districts	<ul style="list-style-type: none"> • Parcel must be part of an original farmstead and not located in a subdivision • Storage building must have existed at time section was created • Requires survey, including lot size, offsets, and use of all existing structures • Parcel must have access to an arterial or collector street • No outdoor storage is allowed • Water supply and required septic system must comply with County and State rules • No commercial signs are allowed • Detailed landscape plan required • Building and grounds shall be maintained in a neat, attractive, and orderly way • Building shall comply with all regulations of town, state building code, and fire department • Compatibility with surrounding area, including anticipated future uses per land use plan • No business associated with storage • If there are complaints about unusual noise, may require another public hearing • Buildings with storage shall be at least 50 ft. from side and rear lot lines • Applicant must accept terms of conditions

DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS (*italics*):

- Definition should include inside storage for income/rent; not including storage for personal/private uses. If outdoor storage, screen from view, establish setbacks, require minimum lot size, consider limiting the number of boats/trailers per area.
 - *Building and use must comply with setbacks*

- *Determine if commercial building code must be met*
- Allow in A-1 and A-2.
 - *Must conform to minimum lot size requirements*

ADDITIONAL CONSIDERATIONS BY PLANNER:

- Consider Town of Genesee terminology, conditions, and only allow in existing barns

Discuss whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review.

LIMITED FAMILY BUSINESS

LAND USE SUB-COMMITTEE RECOMMENDATIONS (5/8/2025)

LIMITED FAMILY BUSINESS DEFINITION (examples):

A business operated by a single person or family where personal services are performed or assistance is given, as opposed to the sale of products, and involves predominantly professional operations as outlined below regarding a limited family business.

STANDARDS:

- Allow professional office in any residential or agricultural district provided compatible with neighborhood, otherwise R-2 (1.5-acre), R-1 (2-acre), A-1 (35-acre), and A-2 (3-acre)
- Operation in attached garage or accessory building
- Small family business that doesn't necessitate relocation or rezoning, but protects interest of adjacent land owner and future development of area
- All expansions in use require CU amendment
- All employees, except one, must be members of family residing on property
- Limited family business, no manufacturing or assembly. Examples: non-health related office or studio for professionals including accountant, architect, artist, attorney, barber, beautician, crafter, dance teacher, housekeeping, insurance agent, interior decorator, massage therapist, music teacher, photographer, realtor, salesperson, shoe repair, small engine repair (inside building only), tailor/seamstress, travel agent, woodworker (not a cabinet maker), auto detailing, dog grooming (no boarding), wine tasting, an office for a business that is otherwise located completely off site with the exception of vehicles transported to and from a job site on a daily basis, etc. In the event a question arises, the plan commission shall make a determination if the proposed use meets the purpose and intent of a limited family business.
- Sale of products must be accessory to use and any sale of products not produced by business is prohibited
- Shall restrict # and type of machinery and equipment, and may require that storage be inside
- Structure shall be accessory and meet accessory requirements
- Design and size may be determined by process
- Must be conforming lot size
- Restrictions may be placed to avoid adverse affects on adjoining residential properties, such as location and site requirements
- Village has the authority to determine the % of property that may be devoted to the use
- CU automatically expires and terminates on the sale of the property or transfers to non-occupant
- Limits can be placed on hours of operation, signage, lighting (no need for commercial scale lighting), parking as part of Site Plan review
- Shall comply with all other ordinance requirements
- Limited customer traffic as determined by village as part of Site Plan review, shall be compatible with surrounding neighborhood and village character
- Require sufficient screening if any activities take place outside
- Provide for architectural review of building/structures

LIMITED FAMILY BUSINESS

LAND USE SUB-COMMITTEE RECOMMENDATIONS (5/8/2025)

- Refer to noise ordinance
- Any outdoor activities shall be reviewed by Plan Commission, not guaranteed for approval
- Lot and building must be conforming to dimensional standards unless legal nonconforming
- If contractor's yards or commercial truck parking proposed, need to comply with those CU's and be in the A-1 or A-2 District. Plan Commission can limit the # of CU's on a single property
- Conditional Use or Permitted Use – to be determined by subcommittee after reviewing training materials

DRAFT

LIMITED FAMILY BUSINESS DEFINITION (examples):

Waukesha County: Not defined, but parameters part of Conditional Use provisions. Provisions refer to service-oriented business definition.

SERVICE ORIENTED BUSINESS Section 2(b)177: A business operated by a single person or family where personal services are performed or assistance is given, as opposed to the sale of products, and involves predominantly professional operations as outlined in Section 4(g)16 of this Ordinance regarding a limited family business.

Town of Genesee: Same as Waukesha County

City of Oconomowoc (Section 17.903(4)(f).2) General Personal Services: An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Examples include, but are not limited to, shoe repair, beauty and barber shops, massage therapy, tattoo parlors, and tanning salons.

LIMITED FAMILY BUSINESS COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Waukesha County	Residential and agricultural districts, except EC and FLC	<ul style="list-style-type: none"> • Operation in attached garage or accessory building • Small family business that doesn't necessitate relocation or rezoning, but protects interest of adjacent land owner and future development of area • All expansions in use require CU amendment • All employees, except one, must be members of family residing on property • Limited to service-oriented business, no manufacturing or assembly • Examples: non-health related office or studio for professionals including accountant, architect, artist, attorney, barber, beautician, crafter, dance teacher, housekeeping, indoor storage, insurance agent, interior decorator, massage therapist, music teacher, photographer, realtor, salesman, shoe repair, small engine repair, tailor/seamstress, travel agent, woodworker (not a cabinet maker), an office for a business that is otherwise located completely off site with the exception of vehicles transported to and from a job site on a daily basis, etc. In the event a question arises, the zoning administrator shall make a determination as

		<p>to whether or not a business is considered a limited family business, service oriented business, or home occupation business.</p> <ul style="list-style-type: none"> • Sale of products must be accessory to use and any sale of products not produced by business is prohibited • Shall restrict # and type of machinery and equipment, and may require that storage be inside • Structure shall be accessory and meet accessory requirements • Design and size may be determined by process • Must be conforming lot size • Restrictions may be placed to avoid adverse affects on adjoining residential properties, such as location and site requirements
Town of Genesee	A-B, A-1, A-2, A-3, A-5, R-1, R-2, R-3	<ul style="list-style-type: none"> • Similar to County provisions, including: • Town Plan Commission shall determine % of the property that may be devoted to the use • CU automatically expires and terminates on the sale of the property or transfer to non-occupant, deed restriction required at time of CU issuance stating the restriction
City of Oconomowoc	Isthmus Residential & Industrial as CU Commercial & Business Park by-right	<ul style="list-style-type: none"> • Limits on hours of operation, signage, lighting, parking • Shall comply with other codes • Requires architectural committee review for preservation of historic architectural style and exterior

DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS (*italics*):

- Definition includes uses such as woodworking, small machine and small engine repair, auto detailing, and the service industry, including dog grooming, yoga, massage, hair salon, photography studio, and wine tasting; dog care not included
- Allow in R-2 (1.5-acre), R-1 (2-acre), A-1 (35-acre), and A-2 (3-acre)
- Consider customer traffic
 - *Consider limiting customer traffic, appointment only*
- # of employees
 - *Consider limiting on-site employees to family members residing on property and 1 additional employee*
- Lights
 - *Site Plan Review, but there shouldn't be a need for commercial scale lighting*

- Screening
 - *Require sufficient screening if any activities take place outside*
 - *Provide for architectural review of buildings/structures*
- Noise
 - *Refer to ordinance; see contractor's yard provisions*
- Inside only use
 - *Consider whether to allow any outside activities*
- Consider setbacks
 - *Dependent on outside activities, otherwise rely on district, but maybe require setback of principal structure if adjacent to residential district*
 - *A-1 and A-2 have 50 ft. side yard for any structure*
 - *R-1 and R-2 have 10 ft. side yard for accessory structures & 30 ft. for principal structures*

ADDITIONAL CONSIDERATIONS BY PLANNER:

- If construction vehicles/equipment/material storage involved, must meet provisions of contractor's yard/commercial truck parking as well and only allowed in A-1 and A-2. Plan Commission may decide if more than one Conditional Use type is permissible.

Discuss whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review.

LANDSCAPE COMPANIES/NURSERIES/GARDEN CENTERS DEFINITION (examples):

Village of Summit Existing Definition: There are no definitions for any of these uses.

Waukesha County (Section 2(b)38): There are three different definitions for nurseries:

Nursery: Any parcel of land used to cultivate, grow, raise, and harvest trees, bushes, shrubs, vines, ornamental plants, flowers, and other plants in the outdoors or in greenhouses and for sale to retail or wholesale outlets or garden centers.

Nursery, Retail: The sale of trees, bushes, shrubs, vines, ornamental plants, flowers, and other plants on the premises where they are grown, or the place of business where the nursery stock is received after being transported from an off-site location.

Nursery, Wholesale: The cultivation of trees, bushes, shrubs, vines, ornamental plants, flowers, and other plants on a property and where the nursery stock is transported to market and is not sold on site.

Town of Genesee (Section 4(B)): No definition for nurseries

Landscaping, lawn and garden business: Means any property on which or from which landscaping equipment (other than one riding mower and/or one push lawnmower) consisting of trucks, trailers, materials and equipment to be stored and maintained on the site for the purpose of taking to the clients' properties to perform landscaping construction and landscaping maintenance services, such as lawn installation, plant installation, hardscaping, water feature installation, landscape lighting installation, snow plowing and removal and other traditional landscape construction services, the growing of trees, shrubs, bulbs, annuals, perennials and other plants imported to the site which are to be installed by the business on the clients' properties, storage of bark, mulch, grass seed, cover straw, lawn fertilizer, boulders, modular block, pond and waterfall kits, landscape lighting, natural stone and brick, and other items to be imported to the site and then installed on the clients' properties; wholesale or retail nursery sales of trees, shrubs, bulbs, annuals, perennials and other plant material grown and/or imported and sold to wholesale customers, (i.e., other landscapers) or of hardwood, bulk bark, mulch, grass seed, cover straw, lawn fertilizer, boulders, modular block, pond and waterfall kits, and landscaping natural materials, shall be imported and sold to wholesale customers

City of Oconomowoc (Section 17.903(5)): Definitions of use categories and specific use types.

(1) Industrial Uses

(a) **Industrial Service:** Industrial service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, showrooms, parking, and storage. Specific use types include, but are not limited to:

1. **Building Materials Sales:** An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage. Operations may be indoor and/or outdoor.
2. **General Industrial Service:** All other industrial service establishments not listed within one of the other enumerated use types. Example include: construction materials storage;

welding shop, machine shop; electric motor repair; repair, storage, salvage, or wrecking of heavy machinery; and heavy truck servicing and repair.

3. **Natural Resource Processing:** The development or extraction or processing of rock, material, or similar product.

Village of Merton: No definition.

Town of Merton Section 17.03: Same as Waukesha County.

COMMUNITY COMPARISON:

Municipality	Zoning District	Conditions
Village of Summit	A-1 & A-2	<ul style="list-style-type: none"> • Nurseries are allowed by-right
Waukesha County	FLC, FLP, RRD-5, AD-10, A-1, P-1, A-B	<ul style="list-style-type: none"> • Nurseries are allowed by-right, product must be produced by operator
Town of Genesee	A-E, A-1, A-2, P-1 (nurseries) Q-1, M-1, M-2 (landscape companies permitted by right) A-1, A-5, B-3 (CU's)	<ul style="list-style-type: none"> • Nurseries, greenhouses, and hatcheries with limited retail sales of products produced by farm operator allowed by Site Plan/Plan of Operation review. Farmstands are exempt from Site Plan process • In A-2, nursery can only accommodate private use • Landscape, lawn, and garden businesses: <ul style="list-style-type: none"> - Min. lot size 5 acres - Buildings at least 150 ft. from lot line adjacent to residential; 50 ft. from adjoining lot line of other districts - Must front directly upon and have access to arterial or major collector street, or be in an industrial park where roads can handle heavy equipment - Planting screen at least 10 ft in height and 15 ft. wide shall be provided between lot line and use, may increase or decrease as appropriate - Must be compatible with adjacent uses: noise, traffic, dust, hours of operation etc. - Site plan submittal requirements included - Plan Commission shall determine the percentage of the property that may be devoted to the landscaping, lawn, and garden business and the more restrictive determination shall apply - Service-oriented only, no manufacturing or assembly

		<ul style="list-style-type: none"> - Sale of products not produced on property may only be allowed if plan commission allows it - CU can limit the number and types of machinery and equipment allowed, must be stored inside a building and repaired or maintained on exterior of premises - Design and size of structures can be regulated - CU automatically expires and terminates upon the sale of the property with associated deed restriction - Offices, vehicle storage, greenhouses, shade houses, storage bins, service facilities, hazardous chemical/salt storage facilities shall comply with commercial building code and all local, county, state, and federal requirements
Village of Dousman	A Agricultural Land Preservation Transition Floodway	<ul style="list-style-type: none"> • Nurseries permitted by-right
City of Oconomowoc	See Industrial Uses in Contractor's Yard document	
City of Delafield	A-1	<ul style="list-style-type: none"> • Nurseries permitted by-right
Village of Merton	FW and A-1	<ul style="list-style-type: none"> • Nurseries permitted by-right in FW • Sale of agricultural products produced and not produced on property allowed by CU in A-1 <ul style="list-style-type: none"> - Includes farmers market, commercial greenhouse, landscape nursery, and other sales for property improvement - Type, amount, and display of product sold may be limited: examples include property size, proximity to neighbors, maintaining an aesthetic street view, and unloading and loading of product - All other requirements of ordinance must be met - Must submit list of flammable liquids, fertilizers, or chemicals for fire department review - Traffic flow, loading/unloading, landscaping, screening, location of displays, sale & location of bulk materials, architectural design, type of

		<p>construction, etc. may be reviewed and conditions may apply</p> <ul style="list-style-type: none"> - Single-family residence may be on same lot
Town of Merton	A-1	<ul style="list-style-type: none"> • Permitted by-right, not including operation of a retail or wholesale outlet store

DISCUSSION BY COMMITTEE AT 2/13/25 MEETING AND PLANNER CONSIDERATIONS:

- Definition overlaps with contractor’s, limited retail/wholesale, plants can be grown or transported to the site
- Need to discuss fuel tanks
 - o *Require compliance with all county, state, and federal regulations; refer to general environmental conditions recommended in contractor’s yard document*
- Identify fertilizer storage and use provisions
- Identify water/irrigation use provisions
- Allow in A-1 and A-2; but consider highest and best use and determine if the use fits the property
 - o *Consider Genesee and Merton provisions*

ADDITIONAL CONSIDERATIONS BY PLANNER:

- Consider putting limitations on # of parking, vehicles, material storage, employees, operations, and general compatibility. These provisions could be similar to any provisions prepared for contractor’s yards.

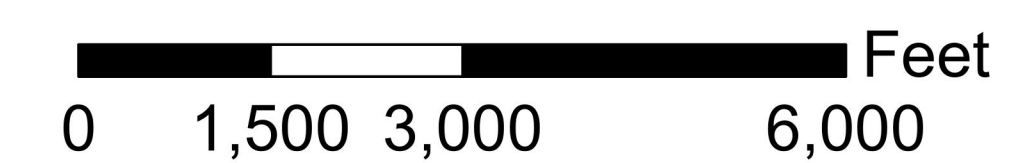
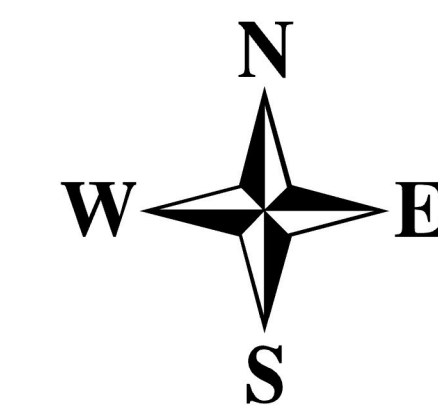
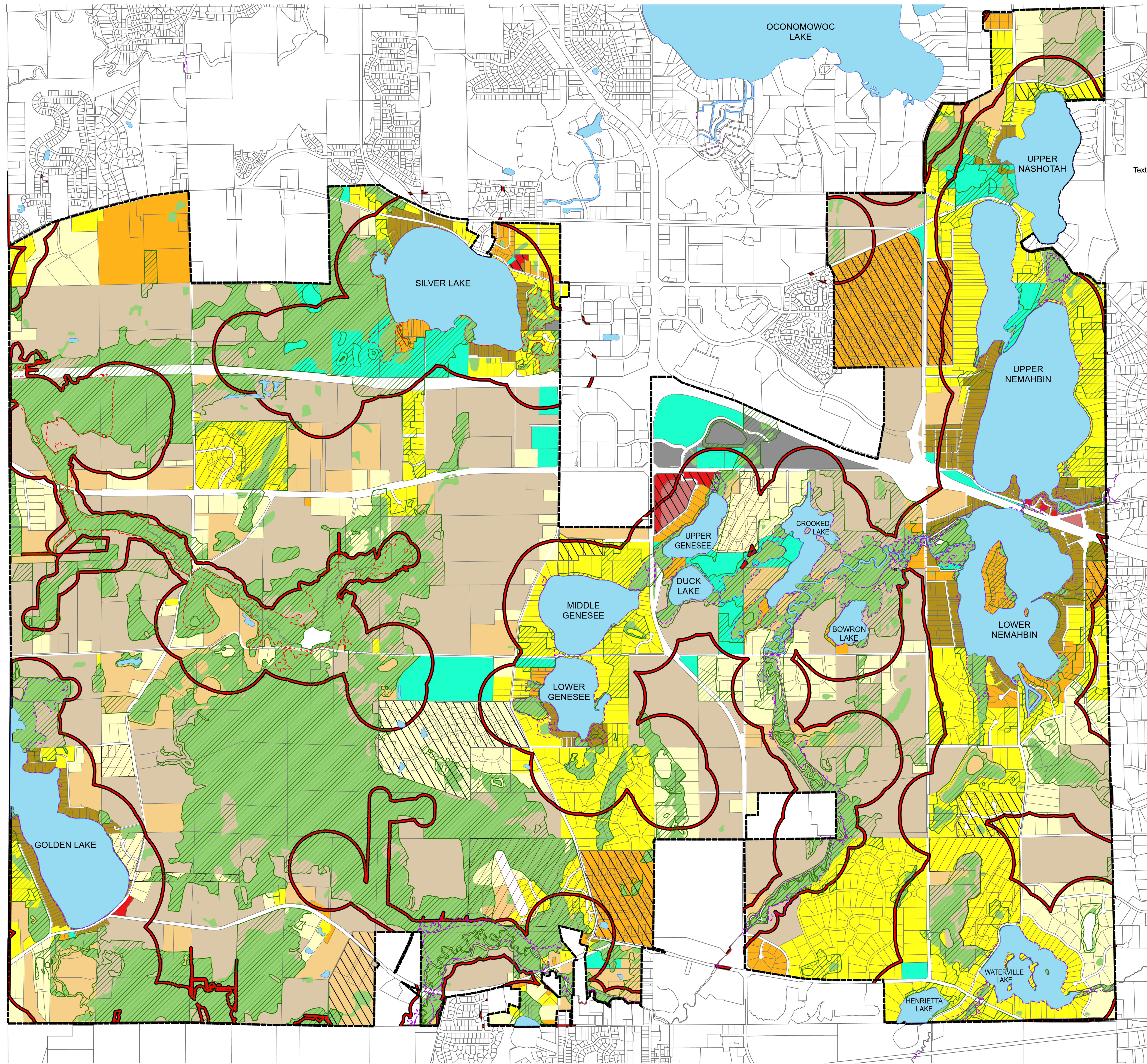
Discuss whether use should be allowed by-right or by conditional use. Either way, it is recommended that the use be reviewed by Plan Commission for Site Plan review.

VILLAGE OF SUMMIT ZONING MAP

Legend

- A-1 Agricultural (35 acres +)
- A-2 Agricultural (10-35 acres)
- R-1 Estate Residential (2-acre Lot Size)
- R-2 Country Residential (1.5-acre Lot Size)
- R-3 Village Residential (35,000 S.F. Lot Size)
- R-4 Cottage Residential (20,000 S.F. Lot Size)
- NC Neighborhood Commercial
- MF-1 Multi-Family Residential
- MF-2 Multi-Family Residential
- IN Institutional
- BP Business Park
- WC Wetland Conservancy
- PDO Planned Development Overlay
- EC Environmental Corridor Overlay (PEC, SEC, INRA)
- FO Floodplain Overlay (Zone A, NO Base EL.)
- FO Floodplain Overlay (Zone AE, w/ Base EL.) and adopted flood studies
- Conservation Development
- Water
- Shoreland Jurisdiction

NOTE: ZONING DISTRICT BOUNDARY EXTENDS TO THE MIDDLE OF THE RIGHT-OF-WAY



Map Revised:
 March 11, 2013
 April 17, 2013
 May 02, 2013
 January 05, 2016
 July 24, 2017
 December 19, 2017
 February 01, 2019
 February 10, 2020
 March 16, 2021
 April 18, 2023