

Adult Establishment Zoning Code
Outagamie County,
Wisconsin

17.36 CL LOCAL COMMERCIAL DISTRICT. (1) PURPOSE. This district is intended to apply to commercial establishment located to serve primarily localized commercial markets throughout the County. It is the intent of this district to encourage grouping of such commercial establishments. The district is not intended to apply to major or large scale commercial establishments of a regional character.

(2) PERMITTED PRINCIPAL USES AND STRUCTURES. (a) Retail outlets, including the sale of food, liquor, wearing apparel, art or photographic supplies, printing, books or stationery, sundries or notions, jewelry, luggage, florist or gifts, drugs, pets, home furnishings and appliances, sporting goods or hobbies, automotive parts, hardware and building supply establishments and uses of a similar nature.

(b) Service establishments, including barber or beauty shop, shoe repair, laundry or dry cleaner, appliance repair, photographic or dance studio and uses of a similar nature.

(c) Business and professional offices, including banks and other financial institutions, insurance and real estate, travel agency, medical or dental clinic, attorney's office, engineering office and uses of a similar nature.

(d) Taverns and restaurants.

(e) Hotels and motels.

(f) Clubs and organizations, profit or nonprofit.

(g) indoor commercial recreational establishments, including motion picture theaters, billiard parlors, arcades, bowling alleys, rinks and uses of a similar nature.

(h) Convalescent homes, nursing homes and day care (family or group).

(i) Office equipment and supplies.

(j) Garden center, plant nursery or landscape contractor.

(k) Veterinary offices.

(l) Mortuaries.

(m) Equipment rental.

(n) Existing dwellings.

(o) Storage establishments.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. (Am. #Z-49-93)

(a) Uses and structures which are customarily accessory and clearly incidental and subordinate to permissible principal uses and structures when they are located on the same lot or a lot contiguous with the principal use or structure.

(b) Permitted utility installations.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. (a) Automobile filling stations and car washes.

(b) Automobile, boat, motorcycle, construction equipment and farm implement sales, service and repair.

(c) Wholesale and warehouse establishments.

(d) Printing and publishing establishments.

(e) Outdoor recreational establishments, including archery ranges, miniature golf and amusements.

(f) Light manufacturing uses and structures, such as packaging, bottling, storage facilities and laboratories, provided all activities are conducted within completely enclosed buildings not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises.

(g) Radio stations, transmitter tower.

(h) Dog kennel.

(i) Building trades contractor with storage yard for material and equipment on premises, provided all materials and equipment are effectively screened from view from any residential lot or public highway.

(j) Agricultural related uses and structures, such as feedmills and co-ops.

(k) Woodworking and cabinetry.

(l) Billboards.

(m) Containerized recycling drop-off sites. [Cr. #Z-14-91]

(n) Adult establishments, including bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios and cabarets. [Cr/ #2=38-93]

1. Definitions:

a. Adult Bookstore/Video store. An establishment having as a substantial or significant portion of its stock and trade in books, magazines, periodicals or video tapes, films or disks which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

b. Adult Motion Picture Theater. Facility, either a building or outdoors, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specific sexual activities or specific anatomical areas for observation by patrons therein.

c. Adult Bath House. An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, not operated by a medical practitioner or a professional physical therapist licensed by the State and which provides to its patrons an opportunity for engaging in specified sexual activities.

d. Adult Massage Parlors. An establishment or business, with or without sleeping accommodations, which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body and all forms and methods of physiotherapy, not operated by a medical practitioner or professional physical therapist licensed by the State and which provides for its patrons the opportunity to engage in "specified sexual activity".

e. Adult Modeling studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise .

f. Adult Body Painting Studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this section, the adult body painting studio shall not be deemed to include a tattoo parlor.

g. Adult Cabaret. An establishment or business which features male or female topless or bottomless dancers, or both, go go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators or similar entertainers.

h. Adult Novelty shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for, specific sexual activity or stimulating such activity.

2. Adult Entertainment - General Standards:

a. No more than one of the above uses may be established on any one parcel and the establishment of any one of the above adult uses shall be at least 1500' from the estab-

ishment of any other adult use. No adult use shall be permitted within 2000' of any land used or zoned for residential purposes or within 2000' of any church or school.

b. Signs advertising any of the above adult uses shall conform with §17.40 of this chapter, with the following exceptions: no tower, portable signs or billboards shall be permitted on the premises; signs shall not depict specified sexual activities or specified anatomical areas and there shall be no flashing or traveling lights located outside the building.

c. Adequate parking shall be provided in a lighted area.

d. There shall be no display windows on the premises.

e. The owner and operator of the adult entertainment establishment shall agree to comply with all state, federal and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further insure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.

f The hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within the community in which the district is located.

(5) DIMENSIONAL REQUIREMENTS. (a) All Permitted Principal Uses and Structures. (Am. #Z-14-91) Minimum dimensions as follows: Lot area, 10,000 sq. ft.; lot width, 90'; front yard, 35'; side yards, 20' each; rear yard, 50'; maximum lot coverage, 25%; and maximum height, 50'. Any required yard adjacent to a residential district without an intervening street shall be a minimum of 20' and shall be subject to the landscaped buffer requirements of §17.40(11).

(b) All Special Exception Uses and Structures. Minimum dimensions as follows: Lot area, 12,000 sq. ft.; lot width, 100'; front yard, 35'; side yards, 25' each; rear yard, 50'; maximum lot coverage, 25%; and maximum height, 50'. Any required yard adjacent to a residential district without an intervening street shall be subject to the landscaped buffer requirements of §17 40(11).

(6) PERMITTED ACCESSORY SIGNS. For each establishment or each frontage on a public street or highway, if such establishment is located at the intersection of 2 public streets or highways, the following signs:

(a) One detached sign in the building setback area (front yard), limited in aggregate area to 3 times the lineal feet of frontage. However, no detached sign shall exceed 250 sq. ft. in area, no part of the supporting structure shall be closer than 10' to the right-of-way and at least 12' of clear space, exclusive of the supporting structure shall be maintained underneath the sign for visibility purposes.

(b) One flat marquee or projecting sign and 40' of sign area for each 20' of lineal frontage. The sign area may be used in a lesser number of signs than permitted, but the maximum number of signs shall not be exceeded.

(c) Temporary signs for the sale or lease of the property. No temporary sign shall be erected within the required front, rear or side yard setbacks. (Cr. #Z-49-93)

(7) OFF-STREET PARKING REQUIREMENTS. (a) Retail and Service Establishments, Except Restaurants. and Business and Professional Offices. 1/200 sq. ft. Of floor area.

(b) Taverns and Restaurants, Except Drive-In Restaurants. 1/100 sq. ft. of floor area.

(c) Drive-In Restaurants. 1/50 sq. ft. of floor area.

(d) Hotels and Motels. 1/sleeping room, plus parking requirements for taverns or restaurants, as applicable.

(e) Clubs and Organizations. Mortuaries, Theaters and Other Recreational Establishments. 1/3 persons of maximum capacity.

(f) Printing and Publishing and Light industrial. 1/employee.

(g) Convalescent or Nursing Home. 1/4 beds, plus 1/employee.

(h) Wholesale and Warehouse Establishments. (Am. #Z-14-91) 1/500 sq. ft. of floor area.