

ORDINANCE NO. 2018-02

AN ORDINANCE AMENDING SECTIONS 3, 19 20, 56, 57, 58, AND 59 OF CHAPTER 475, ZONING CODE, RELATING TO ARTICLE III, DISTRICT REGULATIONS, AND ARTICLE VII, CONDITIONAL USES, OF THE MUNICIPAL CODE OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN

THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY, WISCONSIN, DOES ORDAIN THAT CHAPTER 475 BE AMENDED TO READ AS FOLLOWS:

SECTION 1. Article III. District Regulations.

§ 475-3 Definitions.

DWELLING, EFFICIENCY

A dwelling unit consisting of one principal room with a kitchen and bathroom facilities included within the unit.

FLOOR AREA, GROSS

For the purpose of determining Floor Area Ratio (FAR), the Gross Floor Area (GFA) of a building or buildings shall be the sum of the gross horizontal areas of the several floors of the building(s) measured from the exterior faces of the exterior walls or from the centerline of party walls separating two buildings. In particular, the GFA shall include:

- Floor space used for or capable of use for storage purposes, office space, or similar activities, but not including any space where the floor to ceiling height is less than six (6) feet.
- Basement space used for or capable of use for storage purposes, office space or similar activities.
- Elevator shafts and stairwells at each floor.
- Finished attic floor space, provided there is structural headroom of more than six (6) feet.
- Interior balconies and mezzanines.
- Enclosed porches and breezeways.
- Accessory uses other than floor space devoted exclusively to off-street parking or loading.

For the purposes of determining Floor Area Ratios, GFA shall not include:

- Floor space devoted exclusively to accessory off-street parking or loading.
- Floor space used for heating, cooling, mechanical and similar equipment.
- Water tanks and cooling towers.
- Terraces and open porches.

FLOOR AREA RATIO

The numerical value obtained through dividing the Gross Floor Area (GFA) of a building or buildings by the total area of the lot or parcel of land on which the building or buildings are

located. The total area of the lot or parcel shall include all the land within its boundaries, including the buffer areas.

§ 475-19 **Commercial District.**

A. Use regulations. Only the approved specified uses are allowed in the Commercial District.

- (1) No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:
 - (a) Office buildings.
 - (b) Buildings which are devoted to retail trade or service.
 - (c) Indoor tennis facilities, public or private.
 - (d) Health facilities, gymnasiums, yoga centers, meditation centers, martial arts training facilities and the like.
 - (e) Dance studios.
 - (f) Greenhouses.
 - (g) Bank buildings and drive-up banking facilities in conjunction with bank buildings located on the same parcel.
 - (h) Restaurants, excluding drive-in restaurants or food-serving facilities offering in-car service from a drive-through service window or counter.
 - (i) Taverns and pubs, including licensed liquor establishments and excluding brewpubs and micro-breweries. [Amended 8-18-2015 by Ord. No. 2015-06]
 - (j) Laundromats and dry-cleaning establishments providing direct retail customer services.
 - (k) Day-care centers.
 - (l) Hospital(s).
 - (m) Clinic(s).
 - (n) Hair styling salons, beauty salons, and/or health and beauty spa facilities.
 - (o) The following, if approved as a conditional use under the provisions of Article VII, Conditional Uses: [Added 8-18-2015 by Ord. No. 2015-06]
 - [1] Brewpub.
 - [2] Micro-brewery.
 - [3] Mixed residential and commercial uses.
 - [4] Apartment buildings, multiple family dwellings, and residential condominiums for three or more families.
 - (2) Advertising signs on and off premises are subject to the requirements of Article IX, Signs.
- B. Height regulations. In the Commercial District no building shall be hereafter erected or structurally altered to exceed four stories or 50 feet in height, except that public and semipublic buildings may be erected to a height not exceeding 75 feet, provided that the side yards are increased two feet for each foot such building exceeds the height limit specified.
- C. Area regulations.
- (1) Front yards. Every lot in the Commercial District shall have a front yard with a depth of not

less than 15 feet, except for the following:

(a) ~~that where lots~~ Lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than six feet from such average, ~~no building hereafter erected or structurally altered shall project beyond the average front yard line so established, and provided further~~ that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet.

(b) New developments in which the Village or the developer requests a front yard setback less than what is required under this section, one may be permitted through a conditional use permit, so long as the setbacks are not in the sight triangle or do not conflict with other vision requirements in this chapter.

(2) Side yards.

(a) Where a lot abuts on the side of a lot in a residence district, there shall be a side yard of not less than six feet in width.

(b) Every side yard that is provided, but which is not required by these regulations, shall be not less than six feet in width.

(c) Corner lots shall have a side yard not less than 15 feet in width on the side of the lot which abuts the street.

(3) Rear yards. Every lot shall have a rear yard with a depth of not less than six feet, except that if the rear of a lot abuts a lot in a residential district, the rear yard shall be not less than 10 feet in depth.

(4) Total lot area. There is no minimum size lot requirement.

D. Off-street parking. Parking shall be regulated as set forth in Article IV, Off-Street Parking.

E. ~~Architectural requirements. All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure. [Added 8-18-2015 by Ord. No. 2015-06]~~ Required Conditions for Conditional Use Permits under this section.

(a) ~~Architectural requirements-Brewpubs and micro-breweries. All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure~~ or housed within completely enclosed buildings. [Added 8-18-2015 by Ord. No. 2015-06]

(b) Mixed residential and commercial uses.

(i) Separate entrances shall be provided for each class of use.

(ii) Off-street parking requirements shall be complied with for each class of use; see Article IV for required spaces. Separate parking areas shall be provided for residential and non-residential uses and shall be clearly defined as such, except if the Plan Commission and Village Board deem the uses are compatible to share parking. In the instance that shared

- parking is deemed acceptable, the use with the more required spaces shall be applied.
- (iii) Accessory structures, including detached garages, shall not be visible from the primary fronting road.
 - (iv) Front yard and side yard requirements shall conform to the Commercial District standards, but shall not be applied to nonconforming buildings.
 - (v) The floor area ratio shall not exceed 1.5.
- (c) Apartment buildings, multiple dwellings, and residential condominiums for three or more families.
- (i) Standards will comply with the regulations of the High Density District, unless otherwise mentioned in this section.
 - (ii) Off-street parking requirements shall be complied with for each class of use; see Article IV for required spaces.
 - (iii) Accessory structures, including detached garages, shall not be visible from the primary fronting road.
 - (iv) Front and side yard requirements shall conform to the Commercial District standards, but shall not be applied to nonconforming buildings.
 - (v) The floor area ratio shall not exceed 1.25.
- (d) Site Plan. A site, landscaping and screening plan in accordance with Article VII of Chapter 475 of the Village Ordinances shall be required when commercial vehicles are associated with a use.
- (f) Plan Commission shall have the authority to request traffic studies and/or request the change of layouts accordingly.

§ 475-20 **Light Industrial District.**

- A. Use regulations. In a Light Industrial District no building or land shall be used and no building shall hereafter be erected or structurally altered except for one or more of the following uses:
- (1) All uses permitted in the Commercial District, including those that require a conditional use permit. [Amended 8-18-2015 by Ord. No. 2015-06]
 - (2) Storage of structural material, exclusive of coal or oil.
 - (3) Privately owned athletic field operated for profit.
 - (4) Warehousing or wholesaling materials not otherwise prohibited in this chapter.
 - (5) Hospitals and clinics.
 - (6) Any other use except the following:
 - Abattoirs
 - Acetylene gas manufacture, storage or bottling
 - Acid manufacture, storage or bottling

Alcohol manufacture, storage or bottling

Ammonia, bleaching powder or chlorine manufacture

Arsenal, explosives manufacture or storage including fireworks

Asbestos manufacture

Asphalt manufacture or refining

Assaying or smelting by the furnace method, but not including 1 furnace of 2 cubic feet capacity

Automobile or machinery wrecking, salvaging and rebuilding

Automobile wrecking or junkyard

Babbitt metal manufacture

Bag cleaning or burlap manufacture

Blacksmithing and horseshoeing

Blast furnace

Brewing or distilling of liquors, except for the case of a brewpub and a microbrewery [Amended 8-18-2015 by Ord. No. 2015-06]

Brick, tile or terra cotta manufacture

Building material storage, except where storage is for sale for local building operations

Candle manufacture

Carbonic gas manufacture

Carpet or rug cleaning

Celluloid or plastic manufacture

Cement, lime, gypsum or plaster of paris manufacture

Chemicals manufacture

Coal tar products manufacture

Coal, wood or coke storage except where consumed on the premises

Coke ovens

Concrete manufacture

Concrete mixing or product manufacture

Cooperage works

Creamery, milk condensing, or cheese manufacture

Crematorium

Creosote treatment or manufacture

Dextrine, glucose and starch manufacture

Disinfectant manufacture

Distillation of bones, coal or wood

Dyestuff manufacture

Dye works employing more than 2 dyers

Enameling, japanning or lacquering, except where liquids applied by hand brush or where not over 1 employee is engaged at this work

Excelsior and fiber manufacture

Explosive manufacture, processing or storage

Exterminator and insect poison manufacture

Fat rendering

Fertilizer manufacture

Fish cleaning, curing, packing, smoking, storage, propagation or handling for commercial purposes

Flour milling

Forge plant

Foundry products manufacture

Garbage, offal or dead animal reductions or dumping

Gas (illuminating or heating) manufacture, storage or bottling

Glass products manufacture

Glue, size or gelatin manufacture

Grain elevators

Ice manufacture or cold storage plant from which ice is sold for delivery away from the premises

Iron, steel, brass or copper foundry or fabricating plant, mills or shops

Junkyards

Lamp black manufacture

Leather tanning or processing

Liquors (malt) manufacture, except for the case of a brewpub and a microbrewery [Amended 8-18-2015 by Ord. No. 2015-06]

Livestock barns or corrals

Manufactured home sales

Massage parlors or health clubs

Meat packing plant

Mobile home parks or trailer courts

Oil cloth or linoleum manufacture

Oiled rubber or leather goods manufacture

Ore dumps or elevators

Paint, oil, shellac, lacquer, turpentine or varnish manufacture

Paper and pulp manufacture

Petroleum products, refining or wholesale storage thereof

Planing mills

Plastics manufacture

Plating works

Potash works

Poultry killing, dressing or live storage except for retail sales on premises

Power plants

Printing ink manufacture

Pyroxylin manufacture

Railroad freight or other yards or shops

Raw hides or skins, storage, curing or tanning

Repair shop for motor vehicles unless it is operated in connection with a licensed motor vehicle dealership

Rock crushing, stone mill or quarry

Rolling mills, feed grinding

Rubber or gutta-percha manufacture

Salt works

Sauerkraut or pickling manufacture

Sausage manufacture

Saw and planing mill

Shipyards, other than for the sale, storage and maintenance of pleasure craft not exceeding 75 feet in length or 80 gross tons in weight

Shoddy manufacture or wool scouring

Shoe blacking and stove polish manufacture

Smelting of tin, copper, zinc or iron ores

Soap manufacture

Soda or washing compound manufacture

Stable, riding academy, livestock corral, barn for livestock except on farms of 10 or more acres

Stamped or enameled ware manufacture

Stockyards or slaughter of animals

Storage or baling of scrap paper, iron, bottles, rags or junk

Sugar refining

Sulfuric, nitric or hydrochloric acid manufacture

Tallow, grease or lard manufacture or refining from animal fat

Tar distillation or manufacture

Tar roofing or waterproof manufacture

Tavern, liquor store or warehouse

Tobacco (chewing) manufacture or treatment

Vinegar manufacture

Wool pulling or scouring

Yeast plant

Those uses which have been declared a nuisance in any court of record, or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise

B. Height regulations. In a Light Industrial District, no building shall be hereafter erected or structurally altered so as to exceed four stories or 50 feet in height.

C. Area regulations.

(1) Front yards. Every lot in a Light Industrial District shall have a front yard with a depth of not less than 15 feet, except that where lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than six feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, and provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet.

(2) Side yards.

(a) Where a lot abuts upon the side of a lot in a residence district, there shall be a side yard of not less than six feet in width.

(b) No building or use which is excluded from a Commercial District shall be permitted within 10 feet of any lot in a residence district.

(c) Every side yard that is provided where not required by these regulations shall not be less than six feet in width.

(3) Rear yards. No rear yard shall be required except as follows:

- (a) Every rear yard that is provided but which is not required by these regulations shall be not less than six feet in depth.
- (b) Where the rear of a lot abuts on the side of a lot in a residential district, there shall be a rear yard of not less than six feet in depth.
- (4) Total lot area. There is no minimum lot size or minimum lot width.
- D. Off-street parking. Off-street parking requirements shall be regulated as set forth in Article IV, Off-Street Parking.
- E. **Architectural requirements. Brewpubs and micro-breweries.** All mechanical equipment ~~for brewpubs~~ shall be screened using architectural features consistent with the principal structure **or housed within completely enclosed buildings.** [Added 8-18-2015 by Ord. No. 2015-06].

SECTION 2. Article VII. Conditional Uses.

§ 475-56 Purpose and authority.

- A. In recognition that there are certain uses which because of their unique characteristics cannot be properly limited to any particular district or districts, there are hereby established conditional uses for all districts. Such conditional uses shall be either uses publicly operated or traditionally affected with a public interest or uses entirely private in character of such a nature that they are compatible as an accessory use with the designated premises and shall not present problems to neighboring property or public facilities. **These problems cannot be predetermined or controlled by general regulations. In addition, these conditional uses cannot always be confined to specific zoning districts. Therefore, in order to ensure compatibility with the neighborhoods in which they may be located, it is necessary that these conditional uses not be permitted as a matter of right, but only after appropriate review and approval as provided by this Section.**
- B. (2) **Authority to Grant.** Following due notice and a public hearing, conditional uses may be granted by the Village Board, as provided under the provisions of the Section, in the respective zoning districts in which they are permitted.

§ 475-57 Petition.

- A. **Petitioner.** Any natural person or corporation having a freehold interest, or an exclusive possessory interest, or a contractual interest legally enforceable to become a freehold or exclusive possessory interest, may file a petition for one or more of the conditional uses of the land as herein provided. **Such petition shall be made similar to a petition for a change of zoning and shall include a statement in writing together with adequate evidence to show that the proposed conditional use will conform to the standards hereinafter set forth.**

B. **Public Hearing.** The Village may prescribe from time to time a form for such petition. A public hearing shall be held on the proposed conditional uses, similar to a hearing as held on a petition for change of zoning, and notice of the time and place of such hearing shall be published as a Class 2 notice.

C. **Application.** An application for a conditional use shall be filed with the office of the Village Clerk on a form prescribed by the Village Board. The application will include the information prescribed by the Village Board as well as a written statement by the applicant and appropriate supporting materials sufficient to demonstrate that the proposed use will conform to the standards set in **Subsection 475-58** below.

The application will also be accompanied by a designated filing fee. A schedule of fees has been set by the Village Board and is available in the office of the Village Clerk.

(1) **Application Materials.** Where appropriate, any or all of the following materials shall accompany an application for a conditional use. An applicant shall confer with the Zoning Administrator prior to submittal to determine which materials are necessary for the specific application.

(2) **Application Process.** Upon receipt of a proper application and appropriate supporting materials, the Plan Commission shall review and provide a recommendation to the Village Board. The Village Board shall then schedule and hold a public hearing for the conditional use request. The Village Board shall make a final decision on the application following the public hearing.

§ 475-58 **Standards.**

No conditional use shall be granted unless it shall be found that:

- A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare and will not otherwise conflict with the purpose and intent of this Section;
- B. The conditional use will not substantially reduce the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and shall not substantially diminish or impair property values within the neighborhood;
- C. Adequate facilities, access roads, drainage, parking, and any other necessities have been or are being provided;
- D. Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets; and
- E. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for permitted uses in the zoning district.

EF. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

§ 475-59 Conditions and guarantees.

Prior to the granting of any conditional use, the Village may impose such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified above, and in all cases in which conditional uses are granted the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

The regulations that are established and any conditions and restrictions that are imposed shall be expressly set forth in the resolution granting the conditional use and shall govern the development, use and occupancy of the property, subject to such other required permits and approvals, including, but not limited to Site Plan and Design Review under **Article X** of this chapter and building, stormwater, and erosion control permits.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect upon approval and publication as provided by law.

Approved and adopted this 16th day of January, 2018.

James F. Rafter, Village President

ATTEST:

Debra M. Baenen, Village Clerk

DATE OF PUBLICATION:
