



# Zoning Ordinance Update

Public Review Draft



DECEMBER 17, 2019

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## ARTICLE I. INTRODUCTORY PROVISIONS

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### 475-01 TITLE

This chapter of the village code is known and may be cited and referred to as the “zoning ordinance.”

### 475-02 AUTHORITY

This zoning ordinance is adopted under powers granted and limitations imposed by Wisconsin law, including Section 61.35, Section 62.23(7) and Section 236.45 of the Wisconsin Statutes.

### 475-03 EFFECTIVE DATE

The provisions of this zoning ordinance become effective on [INSERT DATE], except as otherwise expressly stated.

### 475-04 APPLICABILITY AND JURISDICTION

The provisions of this zoning ordinance apply to all public and private use and development of properties within the boundaries and jurisdiction of the Village of Allouez, except as provided by state or federal law or as otherwise expressly stated in this zoning ordinance, and excluding public right-of-way unless otherwise expressly stated.

### 475-05 PURPOSES

This zoning ordinance is adopted for the purposes of:

- A. Protecting and promoting the public health, safety, morals and general welfare; and
- B. Implementing the policies and goals of the comprehensive plan and other relevant, officially adopted plans of the village.

### 475-06 MINIMUM REQUIREMENTS

- A. The provisions of this zoning ordinance are the minimum requirements deemed necessary to carry out its stated purposes.
- B. In addition to the requirements of this zoning ordinance, all uses, buildings and structures must comply with all other applicable ordinances, laws and regulations.
- C. References in this zoning ordinance to other governmental regulations do not constitute a complete list of such regulations. Any such references do not imply that the village is responsible for enforcing regulations imposed by other government authorities.

### 475-07 COMPLIANCE REQUIRED

All of the following are subject to compliance with applicable provisions of this zoning ordinance:

- A. Lots created or modified;
- B. The use of land, buildings and structures; and
- C. Buildings and structures erected, located, moved, reconstructed, extended or structurally altered.

### 475-08 CONFLICTING PROVISIONS

- A. **State or Federal Regulations.** If the provisions of this zoning ordinance are inconsistent with or conflict with state or federal law or regulation, the applicable state and federal law or regulation governs.

**B. Other Village Regulations.** If the provisions of this zoning ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the village, the more restrictive provision governs unless otherwise expressly stated. The more restrictive provision is the one that imposes more stringent controls.

**C. Private Agreements and Covenants.** If the provisions of this zoning ordinance impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of this zoning ordinance govern. The village is not responsible for monitoring or enforcing agreements or covenants among private parties.

**475-09 LANGUAGE AND ORDINANCE CONSTRUCTION**

See 475-150.

**475-10 ZONING MAP**

**A. Establishment.** The location and boundaries of the districts defined in this zoning ordinance must be established by ordinance and shown on a geographic coverage layer that is maintained as part of a geographic information system (GIS) under the direction of the planning and zoning administrator. This “zoning” geographic coverage layer constitutes the village’s official zoning map.

**B. Maintenance and Updates.** The planning and zoning administrator is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of any ordinance establishing or amending zoning district boundaries.

**C. Boundaries.** Zoning boundary lines must be described by legal description or by a map that accompanies the ordinance establishing the district or amending the district boundaries. When a legal description is used, the boundary is deemed to extend to the centerline of abutting streets. When a map is used, boundary lines must be established by dimensions, property lines, recorded lot lines, or the centerline of abutting streets, alleys, or railroad rights-of-way, as those features were of record at the time of adoption.

**D. Map Interpretations.** Where any uncertainty exists about a zoning boundary that was established by legal description, the legal

description accompanying the amending ordinance governs. In other cases, the planning and zoning administrator is authorized to make an interpretation of the boundaries. The following rules apply to all zoning map interpretations:

- (1) Boundaries shown as approximately following the centerlines of streets, highways, alleys or other public rights-of-way must be construed as following such centerlines.
- (2) Boundaries shown as approximately following platted lot lines must be construed as following such lot lines.
- (3) Boundaries shown as approximately following village limit lines must be construed as following those lines.
- (4) Boundaries shown as approximately following railroad lines must be construed to be midway between the main tracks.
- (5) Boundaries shown as approximately following the shoreline or centerline of a river, stream, lake or other watercourse must be construed as following the actual shoreline or centerline of the watercourse. If, after establishment of the boundary, the shoreline or centerline of the water-course moves as a result of natural processes, the boundary must be construed as moving with the shoreline or centerline of the watercourse.

**E. Annexed Land.** When land is annexed or otherwise brought into the zoning jurisdiction of the village it must be assigned a zoning classification based on the comprehensive plan, existing land uses, any applicable annexation agreement or other relevant considerations.

**475-11 TRANSITIONAL PROVISIONS**

The provisions of this section address the transition to this zoning ordinance from the zoning ordinance in effect immediately before the effective date specified in 475-03.

**A. Applications, Permits and Approvals**

- (1) Any building, development or structure for which a building permit was issued or a complete building permit application had been accepted for processing before the effective date specified in 475-03 may be completed in conformance with the issued

building permit and other applicable permits and conditions, even if such building, development or structure does not comply with provisions of this zoning ordinance. If the building, development or structure is commenced but not completed within the time allowed under the original building permit and any authorized permit extension, the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

- (2) Complete applications for variances, exceptions, special permits, conditional uses, site plans, and other zoning-related approvals that are pending approval on the effective date specified in [475-03](#) must be reviewed wholly under the terms of the zoning ordinance in effect immediately preceding the effective date specified in [475-03](#).
- (3) The building inspector is authorized to issue permits for construction or development approved before the effective date specified in [475-03](#) and for developments pending approval before that effective date even if such building, development or structure does not fully comply with provisions of this zoning ordinance. If building is not commenced and completed within the time allowed under the permit and any authorized permit extension, then the building, development or structure may be constructed, completed and occupied only if it complies with the regulations of this zoning ordinance.

**B. Violations.** The adoption of this zoning ordinance does not affect any pending or future suit, proceeding or prosecution of, or action to abate, violations of the previous zoning ordinance that occurred before the effective date specified in [475-03](#).

**475-12 SEVERABILITY**

If one or more provisions of this zoning ordinance, or the application of this zoning ordinance is held to be unlawful, invalid, unenforceable, or preempted by applicable state or federal law or regulations, such provisions are deemed to be severed from this zoning ordinance. The remaining ordinance provisions remain in full force and effect.

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## ARTICLE II. RESIDENTIAL DISTRICTS

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### 475-20 GENERAL

**A. The Districts.** The village’s residential zoning districts are listed in [Table 2-1](#). When this zoning ordinance refers to “residential” zoning districts or “R” zoning districts, it is referring to these districts (see also the NX district in [Article III](#)).

**Table 2-1: Residential (R) Districts**

Symbol	Residential District Name
R1-75 <sup>1</sup>	Single-Dwelling Detached District
<u>R1-50</u>	<u>Single-Dwelling Detached District</u>
R2 <sup>2</sup>	Two-Unit Residential District

#### B. District Descriptions

- (1) **General.** Residential zoning districts are primarily intended to maintain and promote a variety of housing opportunities for individuals and households and to maintain and promote the desired physical character of existing and developing neighborhoods. While the districts primarily accommodate residential uses, some nonresidential (public/civic) uses are also allowed.
- (2) **R1, Single-Dwelling Detached Districts.** The R1 districts are primarily intended to accommodate detached houses. The number suffix attached to R1 district names is a shorthand reference to the minimum lot frontage (in feet) required for detached houses. When this ordinance refers to “R1” districts it is referring to all R1 districts.
- (3) **R2, Two-Unit District.** The R2 district is primarily intended to accommodate two-unit, twinhouses and detached houses.

**C. Allowed Uses.** Uses are allowed in R districts in accordance with the use regulations of [Article VII](#).

#### D. Allowed Building Types

- (1) Allowed residential uses must occupy residential buildings, which are allowed in R districts in accordance with [Table 2-2](#).
- (2) Allowed public and civic uses must occupy civic buildings, which are allowed in R districts, as indicated in [Table 2-2](#).

**Table 2-2: R District Building Types**

Building Type	Districts		See Section
	R1	R2	
● = permitted   - = prohibited			
<b>RESIDENTIAL BUILDINGS</b>			
Detached house	●	●	<a href="#">475-21</a>
<u>Twinhouse</u>	-	●	<a href="#">475-22</a>
Two-unit house	-	●	<a href="#">475-23</a>
Multi (3+)-unit building	-	-	See NX district regulations of <a href="#">Article III</a>
Backyard cottage	●	●	<a href="#">475-24</a>
<b>NONRESIDENTIAL BUILDINGS</b>			
Civic Building	●	●	<a href="#">475-25</a>

<sup>1</sup> Existing “A” residence district.

<sup>2</sup> Existing “B” residence district.

**475-21 DETACHED HOUSES**

- A. Description.** A detached house is a residential building, other than a manufactured housing unit or mobile home, that contains only one dwelling unit and is located on a single lot not occupied by other principal buildings.
- B. Where Allowed.** Detached houses are allowed in all R districts.
- C. Lot and Building Regulations.** Detached houses are subject to compliance with the lot and building regulations of [Table 2-3](#).

**Table 2-3: Detached Houses in R Districts**

Regulation	R1-75	R1-50 and R2
<b>(1) Lot</b>		
Minimum Lot Area (square feet)	7,500	<u>5,000</u>
Minimum Lot Frontage (feet)	75	<u>40</u>
Minimum Lot Width (feet)	65	<u>50</u>
<b>(2) Principal Building Siting</b>		
Minimum Principal Building Setbacks (feet)		
Front [1]	30	<u>25</u>
Street Side (corner lot)	50% of front yard depth of the lot abutting the rear lot line	
Interior Side (per side/total)	6/14	<u>6/14</u>
Rear (% of lot depth)	20 [2]	<u>20 [2]</u>
<b>(3) Accessory Building Siting and Size</b>		
Street Side Setback	Same as front yard depth of the lot abutting the rear lot line	
Minimum Interior Side Setback (feet)	4	<u>4</u>
Minimum Rear Setback (feet)	2	2
<b>(4) Maximum Building Coverage</b>		
All Buildings, Interior Lots (% of lot area)	40	<u>40</u>
All Buildings, Corner Lots (% of lot area)	50	<u>50</u>
Accessory Buildings (% of rear yard area)	30 [3]	<u>30 [4]</u>
<b>(5) Maximum Building Height</b>		
Principal Building (stories/feet)	2.5/35 [5]	<u>2.5/35</u>
Accessory Building (feet)	15	<u>15</u>
<del>Minimum Dwelling Unit Floor Area (square feet)<sup>3</sup></del>		
<del>1-BR, 2-BR or 3-BR units</del>	<del>1,000</del>	<del>1,000</del>
<del>4-BR units</del>	<del>1,300</del>	<del>1,300</del>
<del>5-BR units</del>	<del>1,600</del>	<del>1,600</del>
<del>6-BR units</del>	<del>2,000</del>	<del>2,000</del>
<b>(6) Minimum Facade Transparency</b>		
<u>Front (%)</u>	<u>15</u>	<u>15</u>
<u>Street Side (%)</u>	<u>10</u>	<u>10</u>

[1] See also the contextual setback provisions in [475-151.G\(3\)](#)

[2] Rear setback may not be less than 15 feet and is not required to exceed 30 feet.

[3] Accessory building may not exceed 1,200 square feet in floor area.

[4] Accessory building may not exceed 900 square feet in floor area.

[5] Buildings occupied by permitted public or civic uses may be up to 75 feet in height if interior side setbacks are increased by at least 2 feet for each foot of building height in excess of 35 feet.

3 Minimum dwelling unit size requirements seem outmoded and possibly counterproductive. They are recommended for elimination.

**475-22 TWINHOUSES**

- A. **Description.** A Twinhouse is a residential building occupied by 2 dwelling units, each of which is located on its own lot with a common or abutting wall along the dwelling units' shared lot lines. Each dwelling unit has its own external entrance.
- B. **Where Allowed.** Twinhouses are allowed in the R2 district.
- C. **Lot and Building Regulations.** Twinhouses are subject to compliance with the lot and building regulations of Table 2-4 and the supplemental twinhouse regulations of 475-26.

**Table 2-4: Twinhouses in R2 District**

Regulation	R2
<b>(1) Lot</b>	
Minimum Lot Area (square feet)	<u>3,750</u>
Minimum Lot Frontage (feet)	<u>25</u>
Minimum Lot Width (feet)	30
<b>(2) Principal Building Siting</b>	
Minimum Principal Building Setbacks (feet)	
Front [1]	25
Street Side (corner lot)	50% of front yard depth of the lot abutting the rear lot line
Interior Side	<del>8</del> <u>6</u> [2]
Rear (% of lot depth)	20[3]
<b>(3) Accessory Building Siting</b>	
Street Side Setback	Same as front yard depth of the lot abutting the rear lot line
Minimum Interior Side Setback (feet)	4
Minimum Rear Setback (feet)	2
<b>(4) Maximum Building Coverage</b>	
All Buildings, Interior Lots (% of lot area)	40
All Buildings, Corner Lots (% of lot area)	50
Accessory Buildings (% of rear yard area)	30
<b>(5) Maximum Building Height</b>	
Principal Building (stories/feet)	<del>3/40</del> <u>2.5/35</u> [4]
Accessory Building (feet)	<u>15</u>
<b>(6) Minimum Dwelling Unit Floor Area (square feet)</b>	
<del>1 BR or 2 BR</del>	<del>750</del>
<del>3 BR units</del>	<del>1,300</del>
<del>4 BR units</del>	<del>1,400</del>
<del>per BR in excess of 4</del>	<del>400</del>
<b>(7) Minimum Facade Transparency</b>	
<u>Front (%)</u>	<u>15</u>
<u>Street Side (%)</u>	<u>10</u>

[1] See also the contextual setback provisions in 475-151.G(3).  
 [2] Interior side setback applies only to end units (i.e., on non-attached side)  
 [3] Rear setback may not be less than 15 feet and is not required to exceed 30 feet.  
 [4] Buildings occupied by permitted public or civic uses may be up to 75 feet in height if interior side setbacks are increased by at least 2 feet for each foot of building height in excess of 35 feet.

**475-23 TWO-UNIT HOUSES**

- A. Description.** A two-unit house is a residential building located on a single lot and occupied by 2 dwelling units.
- B. Where Allowed.** Two-unit houses are allowed in the R2 district.
- C. Lot and Building Regulations.** Two-unit houses are subject to compliance with the lot and building regulations of [Table 2-5](#).

**Table 2-5: Two-unit Houses in R2 District**

Regulation	R2
<b>(1) Lot</b>	
Minimum Lot Area (square feet)	<del>9,000</del> <u>7,500</u>
5Minimum Lot Frontage (feet)	<del>90</del> <u>75</u>
Minimum Lot Width (feet)	<del>65</del> <u>65</u>
<b>(2) Principal Building Siting</b>	
Minimum Principal Building Setbacks (feet)	
Front [1]	25
Street Side (corner lot)	50% of front yard depth of the lot abutting the rear lot line
Interior Side	6
Rear (% of lot depth)	20 [2]
<b>(3) Accessory Building Siting</b>	
Street Side Setback	Same as front yard depth of the lot abutting the rear lot line
Minimum Interior Side Setback (feet)	4
Minimum Rear Setback (feet)	2
<b>(4) Maximum Building Coverage</b>	
All Buildings, Interior Lots (% of lot area)	40
All Buildings, Corner Lots (% of lot area)	50
Accessory Buildings (% of rear yard area)	30
<b>(5) Maximum Building Height</b>	
Principal Building (stories/feet)	<del>3/40</del> <u>2.5/35</u> [3]
Accessory Building (feet)	15
<b>(6) Minimum Dwelling Unit Floor Area (square feet)</b>	
<del>1-BR or 2-BR</del>	<del>750</del>
<del>3-BR units</del>	<del>1,300</del>
<del>4-BR units</del>	<del>1,400</del>
<del>per BR in excess of 4</del>	<del>400</del>
<b>(7) Minimum Facade Transparency</b>	
<del>Front (%)</del>	<del>15</del>
<del>Street Side (%)</del>	<del>10</del>

[1] See also the contextual setback provisions in [475-151.G\(3\)](#).  
 [2] Rear setback may not be less than 15 feet and is not required to exceed 30 feet.  
 [3] Buildings occupied by permitted public or civic uses may be up to 75 feet in height if interior side setbacks are increased by at least 2 feet for each foot of building height in excess of 35 feet.

**475-24 BACKYARD COTTAGES**

- A. Description.** A backyard cottage is a small accessory residential building or portion of such a building occupied by a single, self-contained accessory dwelling unit. Backyard cottages are located on the same lot as but not attached to a detached house. See also “Secondary Suites” in [475-78.K](#).
- B. Where Allowed.** Backyard cottages are allowed in all R districts but only on lots occupied solely by a detached house.
- C. Lot and Building Regulations.** Backyard cottages are allowed in all R districts, subject to compliance with the lot and building regulations of [Table 2-6](#).

**Table 2-6: Backyard Cottages**

Regulation	R Districts
<b>(1) Lot</b>	
Minimum Lot Area (square feet)	Same as required for detached house in the subject zoning district
Minimum Lot Frontage (feet)	
Minimum Lot Width (feet)	
<b>(2) Building Siting</b>	
Minimum Principal Building Setbacks (feet)	
Front[1]	Permitted in rear yard only
Street Side (corner lot)	Same as front yard depth of the lot abutting the rear lot line
Interior Side (per side/total)	6
Separation from principal building (feet)	10
<b>(3) Building Size</b>	
Maximum Building Height (feet)	20 [1]
Maximum Floor Area (square feet)	700 [2]

[1] Or height of principal building, whichever is less.

[2] Building size may also be limited to applicable overall and rear yard building coverage limits.

- (4) Zoning District Regulations.** Backyard cottages are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this ordinance.
- (5) Number.** No more than one backyard cottage is permitted on a single lot. Backyard cottages are not permitted on lots occupied by a secondary suite (see [475-78.K](#)).
- (6) Parking.** No additional parking is required for a backyard cottage. Any parking that is provided is subject to the same regulations that apply to the principal dwelling unit (detached house).
- (7) Owner Occupancy and Rental.** At least one of the dwelling units on a lot occupied by a backyard cottage must be occupied by an owner with at least a 50% interest in the subject property. The owner must occupy either the principal dwelling unit or the backyard cottage as their permanent residence for a majority of the time each calendar year.
- (8) Deed Restriction.** Prior to issuance of a permit establishing a backyard cottage, the owner of the subject property must file an affidavit with the planning and zoning administrator and record a deed restriction stating that the owners of the subject property agree (1) to comply with the owner occupancy, rental and other applicable restrictions of this ordinance; and (2) to notify all prospective purchasers of such requirements. The deed restriction runs with the land is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The affidavit and deed restriction must be in a form prescribed by the planning and zoning administrator. Proof of deed restriction recording must be provided to the planning and zoning administrator before any building permits are issued for the backyard cottage.

**475-25 CIVIC BUILDINGS**

- A. **Description.** A civic building is a building occupied by a public or civic use (as defined in [14-72](#)).
- B. **Where Allowed.** Civic buildings are allowed in all R districts.
- C. **Lot and Building Regulations.** Civic buildings are subject to compliance with the lot and building regulations of [Table 2-7](#).

**Table 2-7: Civic Buildings in R Districts**

Regulation	R1-75	R1-50	R2
<b>(1) Lot</b>			
Minimum Lot Area (square feet)	7,500	<u>5,000</u>	<u>5,000</u>
Minimum Lot Frontage (feet)	75	<u>50</u>	<u>50</u>
Minimum Mean Lot Width (feet)	65	<u>50</u>	<u>50</u>
<b>(2) Principal Building Siting</b>			
Minimum Principal Building Setbacks (feet)			
Front [1]	30	<u>30</u>	<u>30</u>
Street Side (corner lot)	50% of front yard depth of the lot abutting the rear lot line		
Interior Side (per side/total)	6/14	<u>5/12</u>	<u>5/12</u>
Rear (% of lot depth)	20 [2]	<u>20 [2]</u>	<u>20 [2]</u>
<b>(3) Accessory Building Siting</b>			
Street Side Setback	Same as front yard depth of the lot abutting the rear lot line		
Minimum Interior Side Setback (feet)	4	<u>4</u>	<u>4</u>
Minimum Rear Setback (feet)	2	<u>2</u>	<u>2</u>
<b>(4) Maximum Building Coverage</b>			
All Buildings, Interior Lots (% of lot area)	40	<u>40</u>	<u>40</u>
All Buildings, Corner Lots (% of lot area)	50	<u>50</u>	<u>50</u>
Accessory Buildings (% of rear yard area)	30	<u>30</u>	<u>30</u>
<b>(5) Maximum Building Height</b>			
Principal Building (feet)	<u>75</u> [3]	<u>35</u> [3]	<u>35</u> [3]
Accessory Building (feet)	15	<u>15</u>	<u>15</u>

[1] See also the contextual setback provisions in [475-151.G\(3\)](#).

[2] Rear setback may not be less than 15 feet and is not required to exceed 30 feet.

[3] Buildings may be up to 75 feet in height if interior side setbacks are increased by at least 2 feet for each foot of building height in excess of 35 feet.

**475-26 OTHER APPLICABLE REGULATIONS**

Buildings and uses and uses in R districts are subject to all other applicable regulations of this zoning ordinance, including the following:

- A. **Accessory Uses and Structures.** See [475-78](#).
- B. **Parking, Garages and Driveways.** See [Article VIII](#).
- C. **Landscaping and Screening.** See [475-92](#).
- D. **Signs.** See [Article X](#).

**E. Building Design.**

(1) **General.** All residential buildings must be placed on a permanent foundation and have a minimum facade width of 24 feet, as measured along the front and street-sides of the building.

**(2) Doors and Windows.**

- (a) All residential buildings must have at least one entrance door on a street-facing building facade and comply with applicable minimum transparency requirements.
- (b) Existing window and door openings on front or street-side facades of residential buildings may not be boarded-up, closed or filled (wholly or partially), except on a temporary basis, not to exceed 45 days in duration.
- (c) Existing window and door openings may be relocated or resized if such openings remain on the same building facade and overall facade transparency requirements are met.

(3) **Temporary Mobile Storage Units.** Temporary mobile storage units are allowed in R zoning districts, subject to compliance with all of the following regulations:

- (a) Temporary mobile storage units are permitted for a period not to exceed a total of 90 days within any calendar year unless a valid building or construction permit is in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 120 days or until the permit expires, whichever occurs first. If a dwelling unit on the subject lot has been damaged by natural disaster act of God, the planning and zoning administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits.
- (b) No more than one temporary mobile storage unit may be located on any R-zoned lot.

- (c) Temporary mobile storage units on R-zoned lots may not exceed 16 feet in length, 8 feet in width, or 8.5 feet in height.
- (d) Temporary mobile storage units must be set back at least 5 feet from all property lines.
- (e) Temporary mobile storage units must be placed on an improved all-weather surface, generally asphalt, brick pavers, or concrete. Storage units are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
- (f) No materials may be stacked or stored on the exterior of the mobile storage unit and no running gear or transport trailer may be stored on site outside of a completely enclosed building.
- (g) Shipping containers may be not used as mobile storage units or as principal or accessory buildings or structures in R districts.

**F. Supplemental Regulations for Twinhouses**

- (1) Each twinhouse dwelling must be serviced by separate and independent sewer, water and electrical systems.
- (2) One twin house dwelling unit side wall shall be located along the zero setback lot line, and this wall shall be shared as a common or abutting wall with the abutting twin house dwelling unit.
- (3) Walls separating attached twinhouse dwelling unit must minimum fire rating of one hour.
- (4) Each twinhouse dwelling lot must be paired with only one other lot.
- (5) A declaration of covenants, conditions and restrictions, or an agreement regarding maintenance and other matters, must, if any new lots are created, be submitted with the plat to the plan commission. Such declaration or agreement must be in such form as required by the plan commission and include at least provisions providing for

the maintenance and repair of the common or abutting wall and for decoration and maintenance of the exterior, including the roof, of the attached twinhouse dwelling unit. The declaration or agreement must be recorded.

- (6) If any twinhouse is damaged or destroyed, any reconstruction or repair must comply with all applicable requirements of this zoning ordinance.
- (7) An application for approval of subdivision plat subdivision must be filed concurrently with the zoning permit application for construction of the attached twinhouse dwelling units if new lots are to be created. The subdivision plat may not be finally approved until construction of the twinhouse dwelling units has been completed.

## ARTICLE III. MIXED-USE DISTRICTS

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### 475-30 DISTRICTS

**A. Districts Established.** The village's mixed-use zoning districts are listed in [Table 3-1](#). When this zoning ordinance refers to “mixed-use” zoning districts or “X” zoning districts, it is referring to these districts.

**Table 3-1: MIXED-USE (X) DISTRICTS**

SYMBOL	DISTRICT NAME
MX1 <sup>1</sup>	Village Center Mixed-Use
MX2 <sup>2</sup>	Neighborhood Mixed-Use
MXR <sup>3</sup>	Riverfront Mixed-Use
GXR <sup>4</sup>	Riverfront Office-Residential Mix
GX <sup>5</sup>	Neighborhood Office-Residential Mix
NX <sup>6</sup>	Residential Mix

#### B. District Descriptions

Mixed-use districts are primarily intended to allow a mix of uses within appropriately scaled buildings to maintain and promote the desired physical character

- 1 Replaces existing Commercial (E) district at village center
- 2 Replaces some existing Commercial (E) and Highway Business (G) districts
- 3 Replaces some existing Commercial (E) and Highway Business (G) districts along riverfront
- 4 Replaces some existing Professional Office (C) and Light Industrial (F) districts along riverfront
- 5 Replaces some existing Commercial (E) and Professional Office (C) districts
- 6 Replaces High Density district

of the village center, neighborhood nodes and corridors within the village.

- C. MX1, Village Center Mixed-Use District.** The MX1 (village center mixed-use) district is intended to implement the desired character of the village center with storefronts on the ground-story and upper-story residential and office uses.
- D. MX2, Neighborhood Mixed-Use District.** The MX2 (neighborhood mixed-use) district is intended to reinforce the character along smaller corridors and neighborhood nodes adjacent to residential neighborhoods, where a mix of small-scaled, traditional storefront buildings and commercial buildings with residential elements (i.e. pitched roofs, landscape yards) occur or are desired.
- E. MXR, Riverfront Mixed-Use District.** The MXR (riverfront mixed-use) district is intended for use on parcels between Riverside Drive or South Monroe Avenue and the river to promote development that both fronts the river and the street.
- F. GXR, Riverfront Office-Residential Mix District.** The GXR (office-residential mix) district is intended for use on parcels between Riverside Drive or South Monroe Avenue and the river to promote development that both fronts the river and the street.
- G. GX, Neighborhood Office-Residential District.** The GX (neighborhood office-residential mix)

district is intended for areas with a mix of small-scale residential and/or office buildings at nodes or along corridors.

- H. **NX, Residential Mix District.** The NX (residential mix) district is intended for nodes of a mix of medium intensity residential buildings.

**475-31 REGULATIONS OF GENERAL APPLICABILITY**

The regulations of this section (475-31) apply to all building types.

**A. Allowed Uses**

Uses are allowed in X districts in accordance with the use regulations of [Article VII Uses](#). Some building types have additional limitations on permitted uses.

**B. Allowed Building Types**

- (1) **Building Types.** Unless otherwise expressly stated, all buildings must comply with the building regulations that apply to a building type allowed in the subject zoning district per [Table 3-2](#).
- (2) **Existing Buildings.** Buildings existing on the effective date of this ordinance may continue per [Article XIII](#).
- (3) **Selecting a Building Type.** For expansions and renovations to buildings existing on the effective date of this ordinance, the planning and zoning administrator must approve the selection of a building type allowed in the district within which the building is located. Refer to [Table 3-2](#).

- C. **Permanent Structures.** All buildings constructed must be of permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this ordinance.

- D. **Build to the Corner.** All buildings are required to occupy street corners of a lot, defined by the intersection of the two build-to zones or setback lines along streets.

- E. **Building Design Regulations.** All X district buildings must comply with the building and site design regulations of [Article IX](#).

- F. **Accessory Structure Regulations.** Except as defined in the building type regulations, accessory

structures are subject to the regulations of [Article VII Uses](#).

- G. **Exceptions and Exemptions.** The following exceptions and exemptions may apply to the building type regulations.

- (1) **Design Exceptions.** General administrative design exceptions to building type regulations are allowed as indicated in [475-116](#). Specific administrative and public hearing design exceptions are also expressly identified in this article.

- (2) **Outdoor Recreation Uses.** Outdoor parks and recreation and outdoor participant sports and recreation uses are exempt from compliance with building type regulations, except that:

- (a) Buildings must comply with the building regulations that apply to a building type allowed in the subject zoning district, [except the minimum primary frontage coverage](#).
- (b) Side and rear setbacks for any applicable building type must be used for all structures.

- (3) **Utility Structures.** The following structures are not required to comply with regulations applicable to a specific building type, [except minimum side and rear setbacks](#).

- (a) Cell tower structures
- (b) Utility stations

- H. **Treatment of Yards.** Paved vehicular areas are limited to specific locations in accordance with the applicable building type regulations. The following additional regulations govern the required treatment of yard areas around buildings.

- (1) **Landscape, Patio, Sidewalks.** All yards must consist of landscape areas, patio space, or sidewalk space, unless otherwise expressly stated. Yard area may not exceed the maximum levels of imperviousness and semi-perviousness established for the subject building type.

- (2) **Driveways.** See [475-86](#) for driveway design and location regulations. Driveways may cross through yards as follows:

- (a) Where permitted as access to the lot by the building type regulations, driveways may cross perpendicularly through the front or street side yards.
- (b) In all X districts, driveways may cross perpendicularly through the side and rear yards to connect to parking lots on adjacent lots.
- (c) Driveways accessing rear yard garages are permitted within the side or rear yard setback, up to the property line. If the driveway is shared, the minimum side yard must be provided outside the driveway.
- (3) **Side Yard Parking Lots.** Side yard parking lots, where allowed, may not encroach into the front yard area or into the minimum required side setback.
- (4) **Rear Yards.** Minimum rear and side yard setbacks apply to parking lots located in the rear yard, unless otherwise stated.
- I. **Primary Frontages.** A primary frontage establishes the fronts of lots and buildings, and where to locate the principal entrance to the building. A primary frontage designation requires the highest level of facade treatment and restricts locations for parking, driveways, and garage entrances. Primary frontages must be provided as follows:
  - (1) **Mapped Street Frontages.** Primary frontage requirements must be met in those locations

designated on the primary street map. The primary street map is an element of the village’s official zoning map and subject to the zoning map regulations of [475-10](#).

- (2) **No Primary Frontages.** Lots with no primary street frontage must treat at least one street frontage, determined by the planning and zoning administrator, as a primary frontage.
- (3) **Open Space Frontage.** Where a lot or parcel contains or abuts open space designated as a PI district, the frontage of a building abutting the open space must comply with primary frontage requirements.
- (4) **River or Trail Frontage.** River or trail frontage must be treated as primary frontage unless otherwise stated.
- (5) **Other Public Ways.** Pedestrian ways and paseos to parking lots through parcels, blocks, or buildings must be treated as street frontage, unless a reduction in transparency or the use of alternative facade materials are approved as an administrative design exception in accordance with the procedures of [475-116](#).
- (6) **Multiple Primary Frontages.** If multiple primary frontages and no other non-primary frontages exist for a lot, one primary frontage may be designated by the planning and zoning administrator as a non-primary frontage subject to all of the following:

Table 3-2: X District Building Types

Building Type	DISTRICTS						Regulations
	MX1	MX2	MXR	GXR	GX	NX	
● = permitted   - = prohibited							
Storefront	●	●	-	-	-	-	<a href="#">475-32</a>
Commercial Cottage	-	●	-	-	●	-	<a href="#">475-33</a>
General Building	-	-	-	-	●	●	<a href="#">475-34</a>
Riverfront Building	-	-	●	●	-	-	<a href="#">475-35</a>
Row Building	-	-	●	●	●	●	<a href="#">475-36</a>
Civic Building	-	●	●	●	●	●	<a href="#">475-32</a>

- (a) The configuration of other parcels along the street, including fronts of buildings and locations of vehicular access, are more consistent with non-primary requirements; and
  - (b) No plans for primary street designation in the future exist for the proposed non-primary frontage.
- (7) **Corners.** At corners of buildings on streets and public ways, primary frontage treatments, including such items as, but not limited to, ground-story transparency, facade materials, building facade regulations, must be continued around the corner along the non-primary street or public way for a minimum of 30 feet.
- (8) **Non-Primary Frontages.** Non-primary street frontages may utilize the regulations that apply to primary street frontages.
- J. Streetscape.** Streetscape is required for all areas between buildings and street curbs, installed continuously along street frontages. The streetscape must include the following:
- (1) Street trees per 475-92.C.
  - (2) Pavement must be small unit pavers, concrete scored in less than 4-foot increments, or other similar material approved by the planning and zoning administrator.
  - (3) Street furnishings must be provided with a minimum of 2 benches and one trash receptacle per 300 feet of street frontage.
  - (4) Planters and other streetscape items are encouraged.
- K. Trash, Recycling, Refuse Locations.** Unless otherwise defined by the building type, all trash, recycling, and other refuse areas must be located and treated as follows:
- (1) Trash, recycling, and other refuse areas must be located in the rear yard of the lot.
  - (2) When no rear yard exists or when the rear yard is less than 10 feet in depth, trash, recycling, and other refuse areas may be located in the rear portion of an interior side yard.
- (3) Trash, recycling, and other refuse areas may be located inside the building with access doors off the rear or interior side facade. Access doors may be located off a non-primary frontage facade if approved as an administrative design exception in accordance with the procedures of 475-116. Access doors must be opaque, screening a minimum of 80 of the opening.
- (4) Where visible from any street, trash, recycling, and refuse areas must be screened as follows:
- (a) A 6-foot (minimum) opaque screen, such as a masonry wall, metal screen, or wood fence, must be installed on 3 sides;
  - (b) Additional height may be required for the required screen, as determined by the planning and zoning administrator to fully screen the appurtenance(s).
  - (c) Openings visible from the street must include gates.
  - (d) When located within a parking lot or other large paved area, landscape areas are required on 3 sides.
- L. Other Applicable Articles.** The following other articles are applicable.
- (1) **Building Design.** See Article IX for design regulations applicable to all building types. These provisions address such features as building materials, windows, roof types, and balcony design.
  - (2) **Measurements and Definitions.** See Article XV for definitions and how to measure certain building regulations.

**475-32 STOREFRONT BUILDING**

- A. **Intent.** Storefront buildings are highly pedestrian-oriented, mixed-use buildings. Key elements include ground-story storefront windows and multiple entrances along primary streets, with retail stores, eating and drinking establishments, and a variety of service uses to encourage a high level of pedestrian activity. Upper-story uses are flexible. Parking is generally located in the rear, screened from the primary street by the building.
  
- B. **Regulations.** Storefront buildings are allowed in those districts indicated in [Table 3-2](#) and are subject to the regulations of general applicability specified in [475-31](#) and the building type-specific regulations of [Table 3-3](#), below (further illustrated in [Figure 3-2](#)). See [475-151](#) for how compliance with applicable regulations is measured.

**Figure 3-1 - Storefront Building Examples**  
(examples may not comply with all regulations)



**Table 3-3: STOREFRONT BUILDING REGULATIONS**

	MX1 DISTRICT	MX2 DISTRICT	
<b>BUILDING &amp; PARKING SITING</b>			
<b>1</b> Minimum Primary Frontage Coverage (%)	60	55	See <a href="#">475-32C</a> for allowed courtyards.
<b>2</b> Primary Frontage Build-to Zone (feet)	5 to 15*	5 to 20*	See <a href="#">475-31</a> for explanation of primary and non-primary frontages.
<b>3</b> Non-Primary Frontage Build-to Zone (feet)	0 to 10*	0 to 15*	*See <a href="#">475-32C</a> for minimum streetscape area. *See <a href="#">475-32C</a> for allowance for outdoor dining/seating.
<b>4</b> Minimum Side Setback (feet)	7.5; 15 for building abutting R district		
<b>5</b> Minimum Rear Setback (feet)	10; 25 for building abutting R district		
<b>6</b> Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	80 15	90 10	
<b>7</b> Surface or Accessory Parking Yard Location	Rear yard, limited side yard		See <a href="#">475-151</a> for explanation of limited side yard parking. See <a href="#">475-151</a> for definitions of yards.
<b>8</b> Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		
<b>9</b> Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20; not required in any basement or half story		See <a href="#">475-15</a> for definition of occupied space.
<b>10</b> Refuse & Recycling, Utilities, & Loading Yard Location	Rear only		See <a href="#">Article IX</a> for screening regulations.
Permitted Driveway Access Location	Non-primary street; one off primary street per 200 feet of primary street frontage		
<b>11</b> Permitted Garage Entry Facade Location	Rear, interior side, or non-primary street facade		See <a href="#">475-31</a> for driveway access exception.

**Figure 3-2 - Storefront Building**

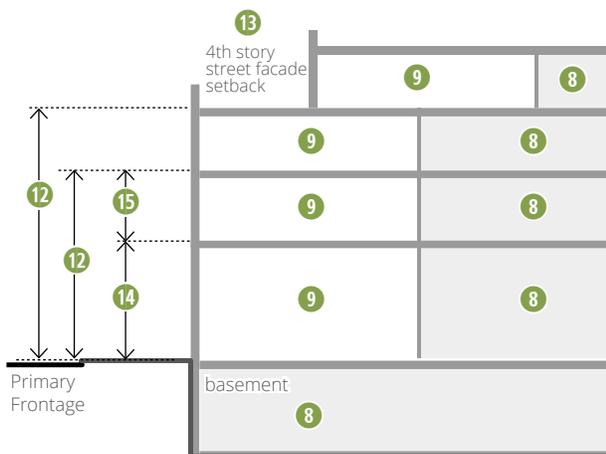
Building & Parking Siting



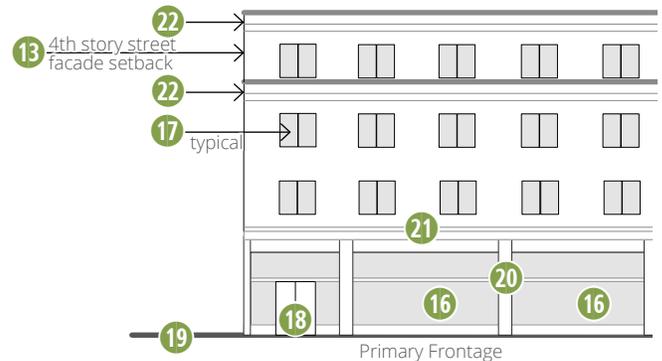
Table 3-3: STOREFRONT BUILDING REGULATIONS

	MX1 DISTRICT	MX2 DISTRICT	
<b>HEIGHT</b>			
12 Overall: Minimum Height (stories) Maximum Height (stories)	2 <u>3, 5, 4; additional 5th story permitted with public hearing design exception approval</u>	1 2.5	
13 Upper Stories Set Back	<u>Above 3 stories, minimum 15-foot depth on street facades; and above 2.5 stories, set back minimum 50 feet of any R1 district lot line</u>	none	See <a href="#">475-151</a> for explanation of measuring height. Maximum height is measured along primary street frontage.  <u>Note tower cap type allows additional limited height.</u>  Storie heights are measured floor to floor.
14 Ground-Story: Minimum Height (feet) Maximum Height (feet)	14 20	14 18	
15 All Other Stories: Minimum Height (feet) Maximum Height (feet)	9 14	9 12	
<b>FACADE &amp; CAP REQUIREMENTS</b>			
16 Minimum Transparency: Ground-Story Primary Frontage Facades (%)	70, measured between 2 and 8 feet above sidewalk; blank wall limitations apply	55, measured between 2 and 8 feet above sidewalk; blank wall limitations apply	<a href="#">475-31</a> requires primary frontage treatment to turn corners.  See <a href="#">475-151</a> for explanation of measuring transparency and blank wall limitations.
17 Minimum Transparency: All Street Facades and Main Parking Facades (%)	15, measured per story of all stories; <u>blank wall limitations apply</u>		See <a href="#">475-116</a> for administrative design exception for blank wall limitations.
18 Minimum Primary Frontage Principal Entrances	Principal entrances 1 per every 60 feet of facade, recessed between 3 and 8 feet		See <a href="#">475-91.K</a> for Principal Entryway regulations.
19 Entrance/Ground-Story Elevation (feet)	Within 1.5 of sidewalk grade <u>along primary frontage facade</u>		
20 Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 60 of facade width		See <a href="#">475-91.L</a> for building articulation, including building variety.
21 Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground-story on any street facade		
22 Permitted Cap Types	Parapet, flat; tower permitted	Parapet, flat, pitched; tower permitted	See <a href="#">475-38</a> for cap type regulations.

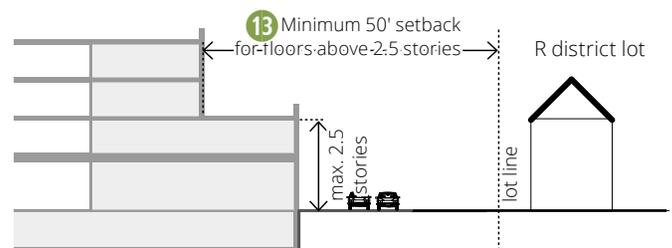
Height



Facade Design



Side and Rear R District Setback



**C. Supplemental Storefront Building Regulations.**

The supplemental regulations of this subsection apply to storefront buildings.

- (1) **Courtyards.** One courtyard, maximum of 30 percent of facade width or 30 feet wide, whichever is more, may count towards the minimum primary frontage coverage.
- (2) **Build-to Zone Expansion**
  - (a) **Streetscape.** A minimum streetscape area, measured from the back of street curb into the lot, of 15 feet is required along all street frontages. Where expansion of the streetscape area is required, the build-to zone may be measured from edge of the minimum streetscape area, except as defined below for outdoor dining/seating.
  - (b) **Outdoor Dining/Seating.** The primary street build-to zone may expand to up to 30 feet from the lot line for a maximum of 20% of the frontage to allow for additional seating or sidewalk.
- (3) **Pedestrian Pathway.** Direct, continuous separate pedestrian pathways are required connecting the sidewalk along the primary frontage to each shop door on any parking lot frontage, and dividing parking lots into segments no longer than 300 feet in length. The pathway must include the following:
  - (a) Street trees are required along the pedestrian pathway per [475-92.C](#). Pavement must be small unit pavers, concrete scored in less than 4-foot increments, or other similar material approved by the zoning administrator.
  - (b) Perpendicular crossings of parking drives are permitted, but the crossing pavement must match the pathway.
  - (c) Paths parallel to parking must be located in a raised median or island.
- (4) **Limited Side Yard Parking.** Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, permitted in the interior side yard. Maximum width of a double-loaded aisle is 63 feet and 43 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. A landscape buffer is required in accordance with [475-92.D](#).
- (5) **Warehouse-Retail Space.** Taller floor to floor heights may be permitted for warehouse-retail space with approval of an administrative design exception per [475-116](#) and where all other primary frontage ground-story requirements are met:
  - (a) The maximum height of the primary or main parking frontage for up to a 24-foot wide segment may be 28 feet.
  - (b) When the primary and main parking frontage ground-story maximum height is met per the occupied space depth required in [475-36.B.9](#) and the maximum height of any non-primary street is met per the "all stories" height, the remainder of the ground-story may have a maximum height of 28 feet.
  - (c) The taller space may not front any other street.
  - (d) The taller space may not be more than 30 feet from any other side, or rear lot line.
- (6) **Double Frontage Lots.** Double frontage lots (see definition in [475-156](#)) that are deeper than 120 feet and share a primary frontage with an R district must provide the following:
  - (a) The Row building type must front the adjacent R district primary street.
  - (b) The Storefront building lot must incorporate an interior alley, lane, or drive to provide access to both the Storefront building parking and the garage/parking for the Row building.
  - (c) The rear of all buildings must be fully screened by building from both primary streets, unless an administrative design exception is approved per [475-116](#).

**475-33 COMMERCIAL COTTAGE BUILDING**

- A. **Intent.** The commercial cottage is a smaller scaled building type with characteristics similar to residential houses, such as a pitched roof, a front stoop or porch, and yard surrounding, to allow it to fit into an existing specific context. Uses in this building type are specifically set to function adjacent to residential.
- B. **Regulations.** Commercial cottage buildings are allowed in those districts indicated in [Table 3-2](#). Commercial cottage buildings are subject to the regulations of general applicability specified in [475-31](#) and the building type-specific regulations of [Table 3-4](#) (further illustrated in [Figure 3-5](#)). See [475-151](#) for how compliance with applicable regulations is measured.

**Figure 3-3 - Commercial Cottage Examples**  
(examples may not comply with all regulations)



**Table 3-4: COMMERCIAL COTTAGE BUILDING REGULATIONS**

	MX2 DISTRICT	GX DISTRICT	
<b>BUILDING &amp; PARKING SITING</b>			
<b>1</b> Maximum Building Width (feet)	60	60	See <a href="#">475-33C</a> for allowed connections between buildings.
<b>2</b> Primary Frontage Build-to Zone (feet)	10 to 25*	5 to 20 *	See <a href="#">475-31</a> for explanation of primary and non-primary frontages. *See <a href="#">475-33C</a> for minimum streetscape area.
<b>3</b> Non-Primary Frontage Build-to Zone (feet)	5 to 15*	0 to 20*	*See <a href="#">475-33C</a> for allowance for outdoor dining/seating.
<b>4</b> Minimum Side Setback (feet)	5, 10 for building abutting R district		
<b>5</b> Minimum Rear Setback (feet)	7.5; 15 for building abutting R district		
<b>6</b> Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 10	60 15	
<b>7</b> Surface or Accessory Parking Yard Location	Rear, limited side		See <a href="#">475-151</a> for explanation of limited side yard parking. See <a href="#">475-151</a> for definitions of yards.
<b>8</b> Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of ground story		
<b>9</b> Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all floors; not required in any basement or half story		See <a href="#">475-15</a> for definition of occupied space.
<b>10</b> Refuse & Recycling, Utilities, & Loading Yard Location	Rear		See <a href="#">Article IX</a> for screening regulations.
<b>11</b> Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley Rear or non-primary street facade		See <a href="#">475-31</a> for driveway access exception.

**Figure 3-5 - Commercial Cottage Building**

Building & Parking Siting

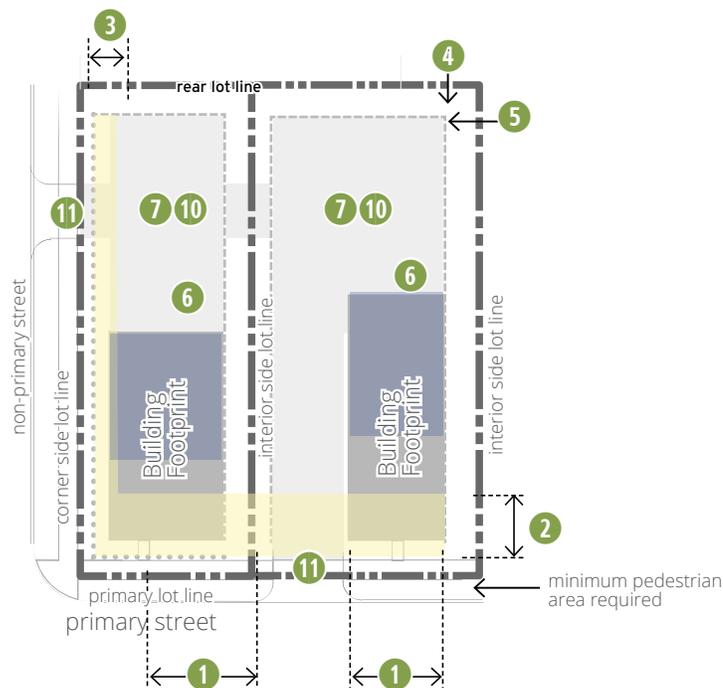
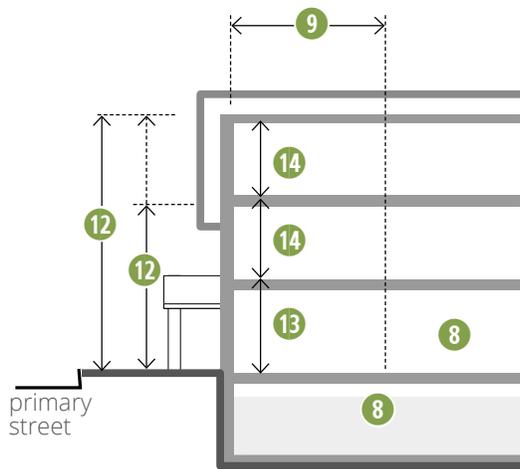


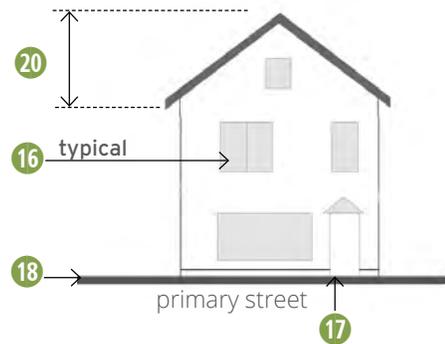
Table 3-4: COMMERCIAL COTTAGE BUILDING REGULATIONS

		MX2 DISTRICT	GX DISTRICT	
<b>HEIGHT</b>				
12	Overall: Minimum Height (stories)	1	1	See <a href="#">475-151</a> for explanation of measuring height.
	Maximum Height (stories)	3 2.5	2.5	
13	Ground-Story: Minimum Height (feet)	9	9	Stories are measured floor to floor.
	Maximum Height (feet)	15	12	
14	All Other Stories: Minimum Height (feet)	8.5	8.5	
	Maximum Height (feet)	11	11	
<b>FACADE &amp; CAP REQUIREMENTS</b>				
15	Minimum Primary Frontage Ground Story Transparency (%)	45, measured between 2 and 8 feet above sidewalk	Not required	475-31 requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per <a href="#">475-151</a> .
16	Minimum Transparency: All Street Facades (%)	15, measured per story of all stories		
17	Minimum Primary Frontage Principal Entrances	1 per building; Stoop, minimum 4 ft. wide and 3 ft. deep OR porch, minimum 6 ft. wide by 4 ft. deep		See <a href="#">475-91.K</a> for Principal Entryway regulations.
18	Entrance/Ground-Story Elevation (feet)	Principal entrance and the ground-story must be within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)		See <a href="#">475-151</a> for measuring.
19	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	none required		See <a href="#">475-91.L</a> building articulation, including building variety.
20	Permitted Cap Types	Pitched; tower permitted		See <a href="#">475-38</a> for cap type regulations.

Height



Facade Design

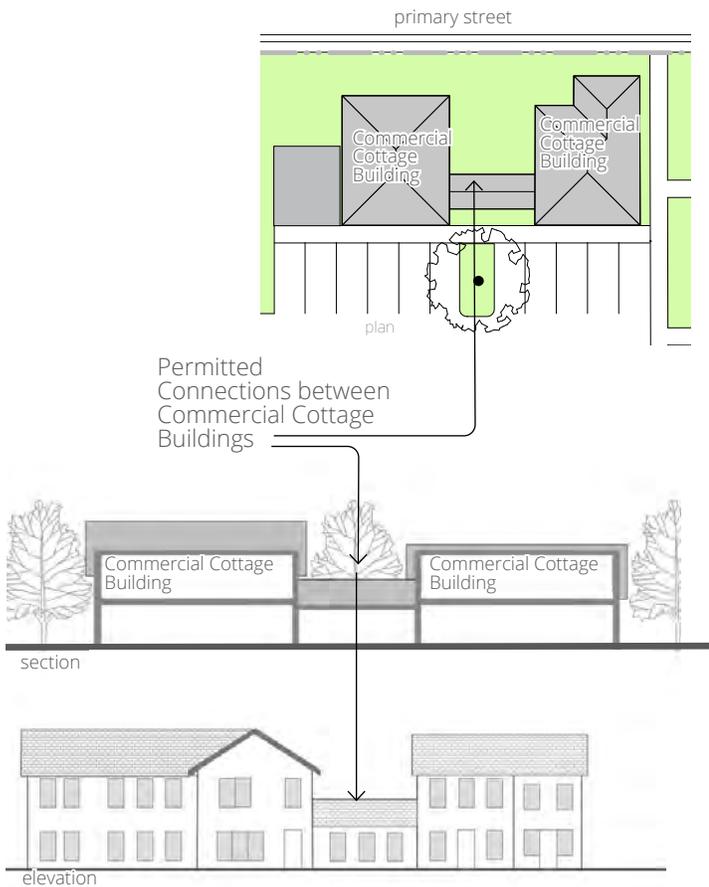


**C. Supplemental Commercial Cottage Building Regulations.** The supplemental regulations of this subsection apply to commercial cottage buildings.

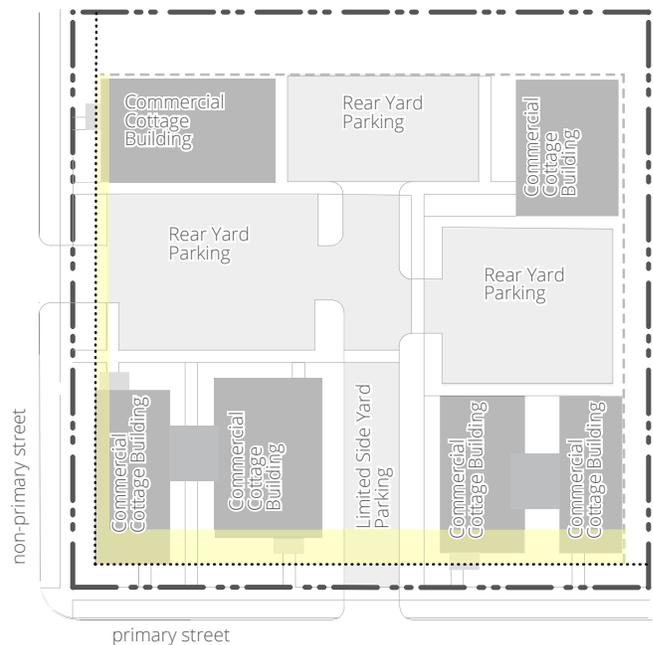
- (1) **Permitted Connections between Buildings.** Multiple commercial cottage buildings may be connected by a single story enclosed building segment, a maximum of 15 feet in depth, setback from the front facade at least 12 feet. See [Figure 3-6](#).
- (2) **Shared Driveways/Alley.** For lots without access to a non-primary street or alley, one driveway per lot is permitted from the primary street. If multiple abutting lots are under common ownership or control, shared driveways must be used, with a maximum of one shared driveway off a primary street for 2 lots and a maximum of 2 driveways off a primary street for 3 or more lots.

- (3) **Build-to Zone Expansion.** A minimum streetscape area, measured from the back of street curb into the lot, of 15 feet is required along all street frontages. Where expansion of the streetscape area is required, the build-to zone may be measured from edge of the minimum streetscape area, except as defined below for outdoor dining/seating.

**Figure 3-6 - Commercial Cottage Building: Connections**



**Figure 3-7 - Commercial Cottage Building: Multiple Buildings on a Deep Lot**



**475-34 GENERAL BUILDING**

- A. **Intent.** The general building type is a basic building that can accommodate a wide range of uses, from residential for apartment and/or condominium buildings to office buildings. The General building type does not call for ground-floor storefront glass, but requires the same minimum level of transparency on the ground and upper stories. Additionally, unlike the Storefront building type, the ground-story may be elevated above the sidewalk level.
  
- B. **Regulations.** General buildings are allowed in those districts indicated in [Table 3-2](#). General buildings are subject to the regulations of general applicability specified in [475-31](#) and the building type-specific regulations of [Table 3-5](#) (further illustrated in [Figure 3-9](#)). See [475-151](#) for how compliance with applicable regulations is measured.

**Figure 3-8 - General Building Examples**  
(examples may not comply with all regulations)



Table 3-5: GENERAL BUILDING REGULATIONS

	GX DISTRICT	NX DISTRICT	REFERENCES
<b>BUILDING SITING</b>			
1 Minimum Primary Frontage Coverage (%)	60	65	See 475-34C for allowed courtyards.
2 Maximum Building Width (feet)	none	250	See 475-91.L for building articulation, including building variety.
3 Primary Frontage Build-to Zone (feet)	5 to 20*	10 to 20	See 475-31 for explanation of primary and non-primary frontages. See 475-34C for minimum streetscape area. See 475-34C for allowance for outdoor dining/seating.
4 Non-Primary Frontage Build-to Zone (feet)	5 to 35*	5. to 35*	
5 Minimum Side Setback (feet)	5; 10, if abutting other building type		
6 Minimum Rear Setback (feet)	25		
7 Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	65 25	65 25	
8 Surface or Accessory Parking Yard Location	Rear, limited side, center on through lot	Rear, center on through lot	See 475-151 for explanation of limited side yard parking. See 475-151 for definitions of yards.
9 Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		See 475-15 for definition of occupied space.
10 Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement		
11 Refuse & Recycling, Utilities, & Loading Yard Location	Rear, center on through lots		See Article IX for screening regulations.
12 Permitted Driveway Access Location Permitted Garage Entry Facade Location	Non-primary street, one per 200 l.f. of primary street frontage Rear or non-primary street facade		See 475-31 for driveway access exception.

Figure 3-9 - General Building

Building & Parking Siting

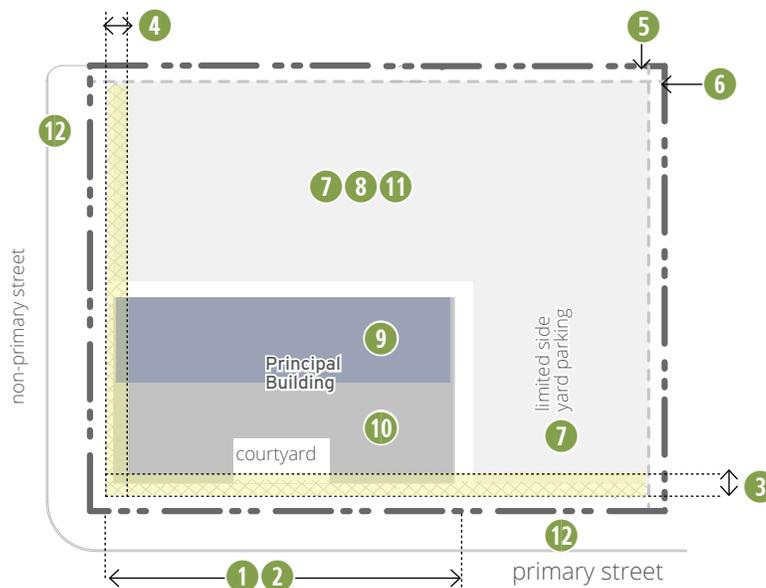


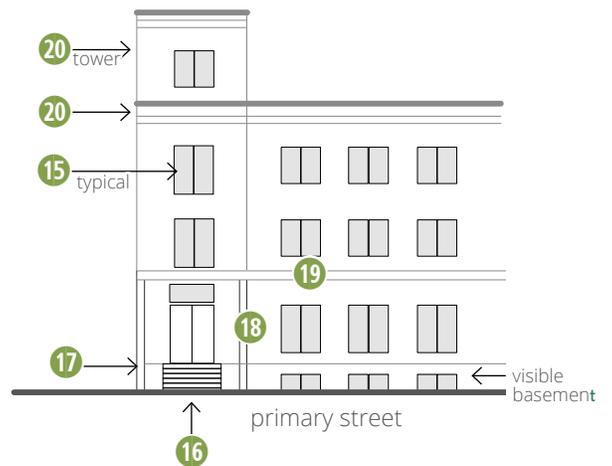
Table 3-5: GENERAL BUILDING REGULATIONS

	GX DISTRICT	NX DISTRICT	REFERENCES
<b>HEIGHT</b>			
13 Overall: Minimum Height (stories) Maximum Height (stories)	1 3.5	1 2.5 3.5; 2.5 when lot is within 100 feet of an R1 district	See 475-151 for explanation of measuring height.
14 All Stories: Minimum Height (feet) Maximum Height (feet)	9 12	10 14	Stories are measured floor to floor.
<b>FACADE &amp; CAP REQUIREMENTS</b>			
15 Minimum Transparency: All Street Frontage Facades (%)	15, measured per story of all stories		475-31 requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 475-151.
16 Minimum Primary Frontage Principal Entrances	One per every 90 of building facade, off a stoop, minimum 6 wide and 3 deep		See 475-91.K for Principal Entryway regulations.
17 Entrance/Ground-Story Elevation (feet)	Within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)		See 475-151 for measuring.
18 Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 100 of facade width		See 475-91.L for building articulation, including building variety.
19 Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground-story on any street facade		
20 Permitted Cap Types	Parapet, flat, pitched; tower permitted		See 475-38 for cap type regulations.

Height



Facade Design



**C. Supplemental General Building Regulations.**

The supplemental regulations of this subsection apply to general buildings.

- (1) **Courtyards.** One courtyard, maximum of 30 percent of facade width or 30 feet wide, whichever is more, may count towards the minimum primary frontage coverage.

(2) **Build-to Zone Expansion**

- (a) **Streetscape.** A minimum streetscape area, measured from the back of street curb into the lot, of 15 feet is required along all street frontages. Where expansion of the streetscape area is required, the build-to zone may be measured from edge of the minimum streetscape area, except as defined below for outdoor dining/seating.

- (b) **Outdoor Dining/Seating.** The primary street build-to zone may expand to up to 30 feet from the lot line for a maximum of 20% of the frontage to allow for additional seating or sidewalk.

- (3) **Pedestrian Pathway.** Direct, continuous separate pedestrian pathways are required connecting the sidewalk along the primary frontage to each shop door on any parking lot frontage, and dividing parking lots into segments no longer than 300 feet in length. The pathway must include the following:

- (a) Street trees are required along the pedestrian pathway per [475-92.C](#). Pavement must be small unit pavers, concrete scored in less than 4-foot increments, or other similar material approved by the zoning administrator.

- (b) Perpendicular crossings of parking drives are permitted, but the crossing pavement must match the pathway.

- (c) Paths parallel to parking must be located in a raised median or island.

- (4) **Limited Side Yard Parking.** Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 63 feet and 43 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. A landscape buffer is required in accordance with [475-92.D](#).

**475-35 RIVERFRONT BUILDING**

- A. **Intent.** The Riverfront building is similar to the general building, but also addresses the frontage along Riverside Drive or South Monroe Avenue as well as along the river and trail. The riverfront building includes additional regulations related to the treatment of buildings along the river and trail front. Uses within the buildings are flexible. Parking is generally located on the interior of the lot, screened from the primary street, trails, and the riverfront by buildings.
  
- B. **Regulations.** Riverfront buildings are allowed in those districts indicated in [Table 3-2](#). Riverfront buildings are subject to the regulations of general applicability specified in [475-31](#) and the building type-specific regulations of [Table 3-3](#) (further illustrated in [Figure 3-11](#)). See [475-151](#) for how compliance with applicable regulations is measured.

**Figure 3-10 - Riverfront Building Examples**  
(examples may not comply with all regulations)

Street frontage.



Street frontage.



Street frontage.



River frontage.



Table 3-6: RIVERFRONT BUILDING REGULATIONS

	MXR DISTRICT	GXR DISTRICT	
<b>BUILDING &amp; PARKING SITING</b>			
1 Minimum Primary Frontage Coverage (%)	80	80	See 475-35C for allowed courtyards. See 475-35C for primary frontages in MXR.
2 Primary Frontage Build-to Zone (feet) River/Trail Frontage Build-to Zone (feet)	5 to 20 15 to 25	10 to 30 15 to 30	See 475-31 for explanation of primary and non-primary frontages. See 475-35C for minimum streetscape area. See 475-35C for allowance for outdoor dining/seating.
3 Non-Primary Frontage Build-to Zone (feet)	10 to 20	15 to 25	
4 Minimum Side Setback (feet)	5	7.5; 15 abutting R district	
5 Minimum Rear Setback (feet)	not applicable		See 475-35C for riverfront facade treatment.
6 Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	80 15	80 15	See Chapter 453 for floodway and floodplain regulations.
7 Surface or Accessory Parking Yard Location	Interior yard, limited side yard		See 475-151 for explanation of limited side yard parking. See 475-151 for definitions of yards.
8 Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories		
9 Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20; not required in any basement or half story		See 475-15 for definition of occupied space.
10 Refuse & Recycling, Utilities, & Loading Yard Location	Interior only		See Article IX for screening regulations.
11 Permitted Driveway Access Location Permitted Garage Entry Facade Location	One per 200 feet of primary street frontage Interior or interior side facade		See 475-31 for driveway access exception.
<b>HEIGHT</b>			
12 Overall: Minimum Height (stories) Maximum Height (stories)	2 5; additional 6th story permitted with public hearing design exception approval		See 475-35C for explanation of measuring height for this building type and conditions of design exception approval.
12 Upper Stories Set Back at R1 District	Above 3.5 stories, set back minimum 50 feet of any R1 district lot line		

Figure 3-11 - Riverfront Building

Building & Parking Siting

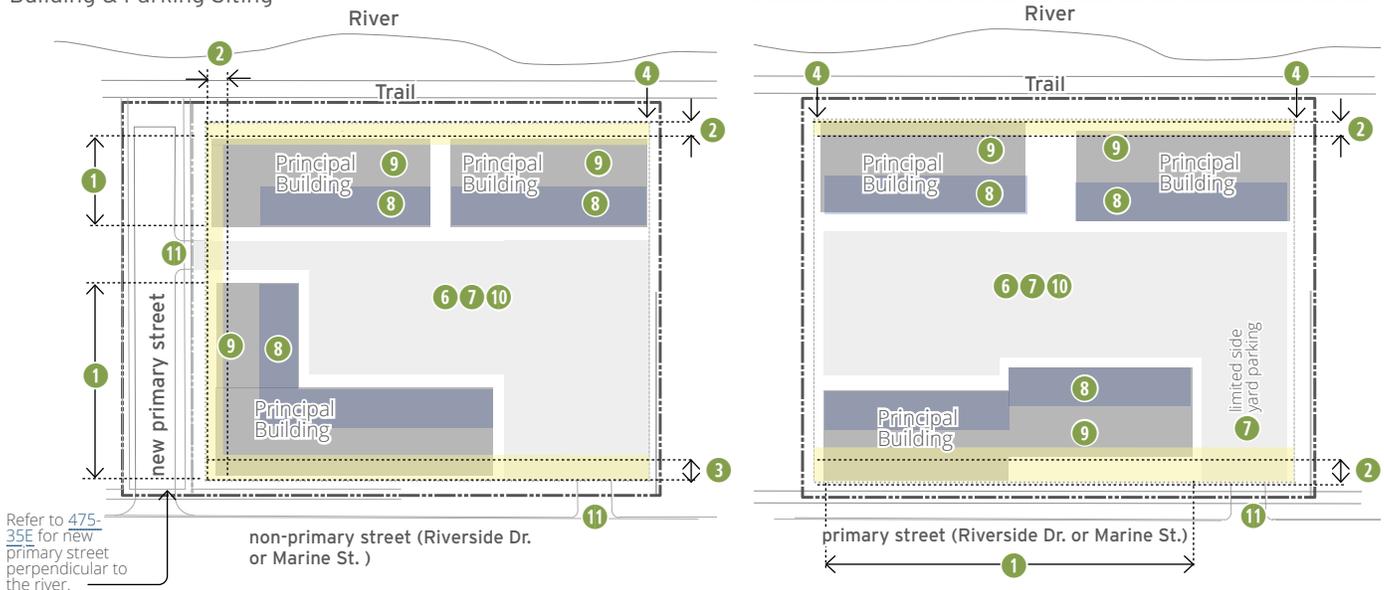
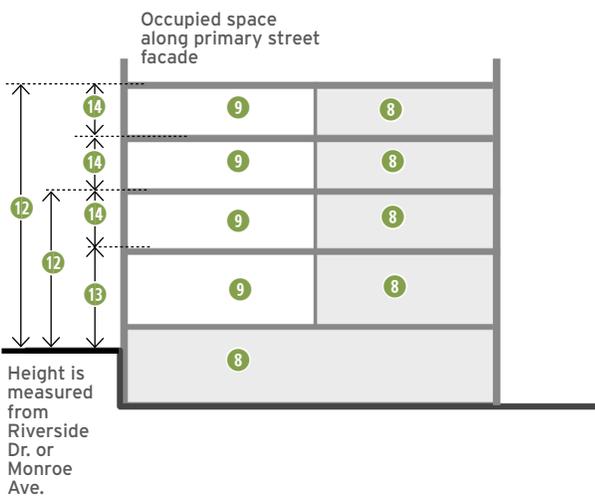


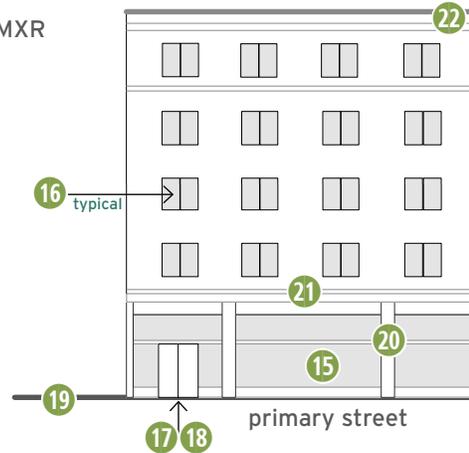
Table 3-6: RIVERFRONT BUILDING REGULATIONS

		MXR DISTRICT	GXR DISTRICT	
13	Ground-Story: Minimum Height (feet) Maximum Height (feet)	14 18	9 14	Stories are measured floor to floor.
14	All Other Stories: Minimum Height (feet) Maximum Height (feet)	9 12	9 12	
<b>FACADE &amp; CAP REQUIREMENTS</b>				
15	Minimum Transparency: Ground-Story Primary River/Trail Frontage Facades (%)	55, measured between 2 and 8 feet above sidewalk	15, measured per story	475-31 requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 475-151.
16	Minimum Transparency: All Street Facades & River/Trail Frontage Facades (%)	15, measured per story of all stories		
17	Minimum Primary Frontage Principal Entrances	Principal entrances 1 per every 60 feet of facade, recessed between 3 and 8 feet, up to 8 feet wide	Principal entrances 1 per every 120 feet of facade	See 475-91.K for Principal Entryway regulations.
18	Minimum River/Trail Frontage Principal Entrances	Principal entrances 1 per every 150 feet of facade		
19	Entrance/Ground-Story Elevation (feet)	Within 1.5 of adjacent sidewalk or trail grade	Within 30" of adjacent street sidewalk or trail average elevation OR between 30" and 5 with visible basement (transparency required)	See 475-151 for measuring.
20	Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 60 of facade width	One shadow line per every 120 of facade width	See 475-91.L for building articulation, including building variety.
21	Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of the top of the ground-story on any street facade		
22	Permitted Cap Types	Parapet, flat, pitched; tower permitted		See 475-38 for cap type regulations.

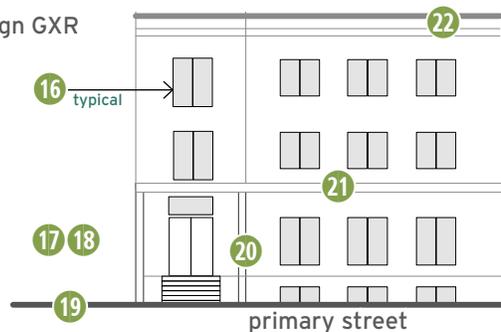
Height



Facade Design MXR



Facade Design GXR



**C. Supplemental Riverfront Building**

**Regulations.** The supplemental regulations of this subsection apply to riverfront buildings.

- (1) **New Primary Street.** Riverside Drive, Marine Street, and S. Monroe Avenue may be treated as non-primary with a new primary street under the following conditions.
  - (a) The new primary street must be located perpendicular to Riverside Drive, Marine Street, or S. Monroe Avenue.
  - (b) The new primary street must be a minimum of 200 feet in length.
  - (c) The new primary street must terminate at open space with a view of the river.
  - (d) One driveway may be located off the new primary street.
  - (e) The new street may be public or private, but may not be gated.
  - (f) The new street shall meet the base street regulations in [475-51.H.](#)
- (2) **Courtyards.** One courtyard, maximum of 30 of facade width or 30 feet wide, whichever is more, may count towards the minimum primary frontage coverage.
- (3) **Reduced Minimum Primary Frontage Coverage.** In MXR, for lots narrower than 200 feet, as measured along Riverside or S Monroe, minimum frontage coverage may be reduced to 50 percent.
- (4) **Build-to Zone Expansion**
  - (a) **Streetscape.** A minimum streetscape area, measured from the back of street curb into the lot, of 15 feet is required along all street frontages. Where expansion of the streetscape area is required, the build-to zone may be measured from edge of the minimum streetscape area, except as defined below for outdoor dining/seating.
  - (b) **Outdoor Dining/Seating.** The primary street build-to zone may expand to up to 30 feet from the lot line for a maximum of 20% of the frontage to allow for additional seating or sidewalk.
- (5) **Measuring Height along Riverfront.** The Riverfront building overall height is measured from the back of curb of Riverside Drive or South Monroe Avenue. Floor-to-floor heights apply to all stories. Up to 1.5 additional stories may be visible from the riverfront.
- (6) **Limited Side Yard Parking.** Limited side yard parking means one double- or single-loaded aisle, with the centerline of the aisle perpendicular to the street, is permitted in the interior side yard. Maximum width of double-loaded is 60 feet and 40 feet for single-loaded, measured along the right-of-way. Parking may be angled or head-in. A landscape buffer is required in accordance with [475-92.D.](#)

**475-36 ROW BUILDING**

- A. **Intent.** The row building type is similar to the general building, but is smaller in scale and divided into a series of vertical units each with separate entrances. Townhouses, rowhouses, or live-work units exemplify this building type. This building type also includes riverfront/trail treatment regulations.
- B. **Regulations.** Row buildings are allowed in those districts indicated in [Table 3-2](#). Row buildings are subject to the regulations of general applicability specified in [475-31](#) and the building type-specific regulations of [Table 3-7](#) (further illustrated in [Figure 3-13](#)). See [475-151](#) for how compliance with applicable regulations is measured.

**Figure 3-12 - Row Building Examples**  
(examples may not comply with all regulations)



Live-Work  
Row Building  
Examples



Table 3-7: ROW BUILDING REGULATIONS

	GXR	GX	NX	REFERENCES
<b>BUILDING SITING</b>				
For the purposes of the Row building type, a building consists of multiple units.				
1 Minimum Primary Frontage Coverage (%)	80	75	75	See 475-36C for allowed courtyards and layout with multiple buildings on a deeper lot.
2 Maximum Building Width (feet)	8 units or 200 feet, whichever is less			Building width is measured along primary frontage.
3 Primary & River Frontage Build-to Zone (feet)	0 to 20	10 to 20	5 to 20	See 475-31 for explanation of primary and non-primary frontages.
4 Non-Primary Frontage Build-to Zone (feet)	5 to 15	5 to 35	5. to 35	
5 Minimum Side Setback (feet) Minimum Space between Buildings (feet)	5; 10, if abutting other building type 15			
6 Minimum Rear Setback (feet)	15; 0 adjacent to alley	25; 5 adjacent to alley		
7 Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	75 15	65 15	65 15	
8 Surface or Accessory Parking Yard Location	Rear, center on through lot			See 475-151 for explanation of limited side yard parking. See 475-151 for definitions of yards.
9 Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories			
10 Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 for all full height floors; not required in any basement			See 475-15 for definition of occupied space.
11 Refuse & Recycling, Utilities, & Loading Yard Location	Rear		Center, side	See Article IX for screening regulations.
12 Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only; if no alley exists, one off non-primary street Rear			See 475-31 for driveway access exception.

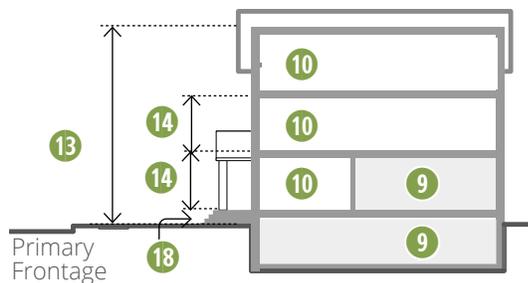
Figure 3-13 - Row Building



Table 3-7: ROW BUILDING REGULATIONS

	GXR	GX	NX	REFERENCES
<b>HEIGHT</b>				
13 Overall: Minimum Height (stories) Maximum Height (stories)	2 3.5	1 2.5	1 3.5	See 475-151 for explanation of measuring height.
14 Upper Stories: Minimum Height (feet) Maximum Height (feet)	10 14	9 12	10 14	Stories are measured floor to floor.
<b>FACADE &amp; CAP REQUIREMENTS</b>				
15 Minimum Transparency: All Street & River Frontage Facades (%)	15, measured per story of all stories			475-31 requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 475-151.
16 Minimum Primary & River Frontage Principal Entrances	Each unit requires one principal entrance on a street, courtyard, or open space facade. Minimum of one principal entrance required per 30 of primary street facade.			See 475-91.K for Principal Entryway regulations.
17 Principal Entrance Configuration	Entry doors must be off a stoop, minimum 4 wide and 3 deep, OR a porch, minimum 8 wide & 5 deep. No more than 2 entry doors may be located off each stoop or porch.			
18 Entrance/Ground-Story Elevation (feet)	Within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)			See Article XIV for measuring.
19 Ground-Story Vertical Facade Divisions on Primary Frontage Facades	One shadow line per every 60 feet of street facade width or every 2 units, whichever is less			See 475-91.L for building articulation, including building variety.
20 Horizontal Facade Divisions on Primary Frontage Facades	One shadow line within 3 feet of any visible basement on any street facade			
21 Permitted Cap Types	Parapet, flat, pitched; one tower permitted per building			See 475-38 for cap type regulations.

Height



Facade Design



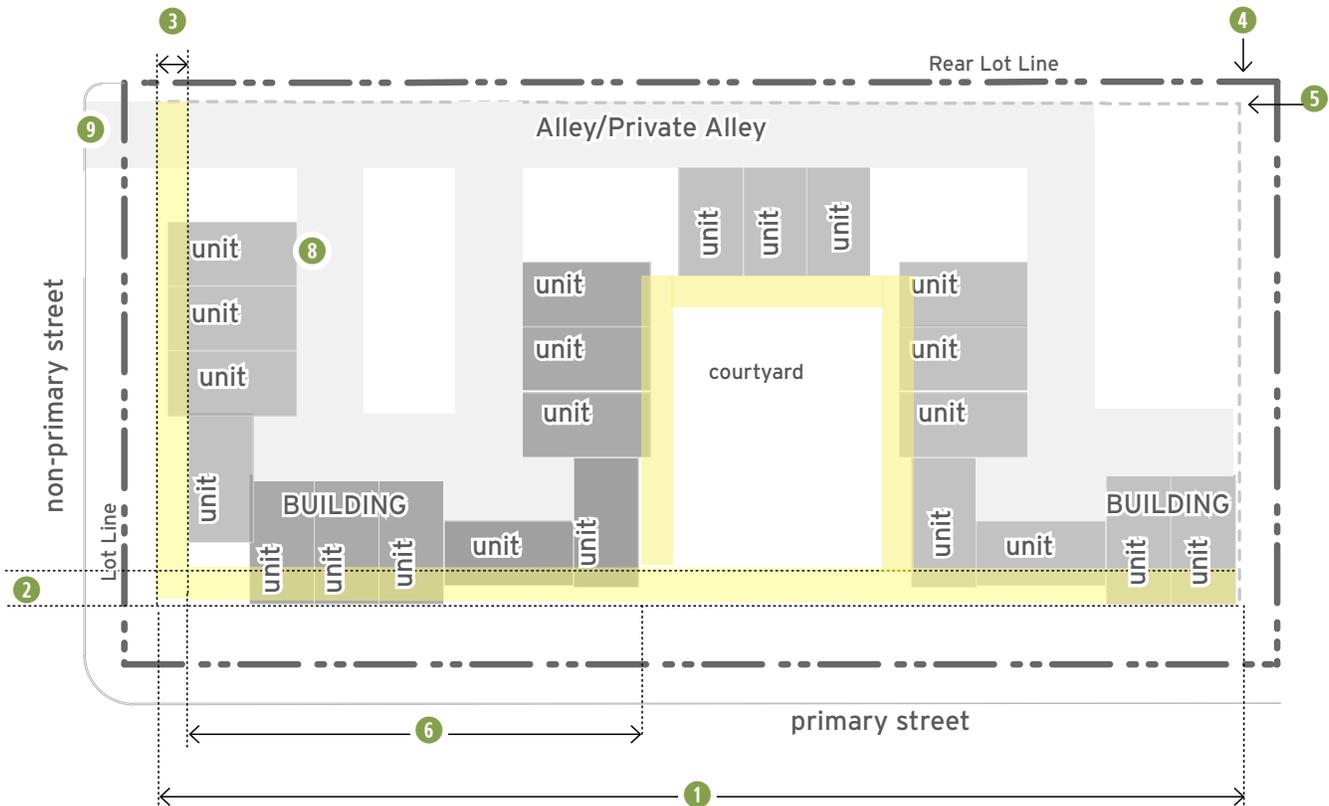
C. **Supplemental Row Building Regulations.** The supplemental regulations of this subsection apply to row buildings.

- (1) **Courtyards.** One courtyard, maximum of 30% of facade width or 30 feet wide, whichever is more, may count towards the minimum primary frontage coverage for the Row building.
- (2) **Front Facades and Entrances.** Each unit must have a facade located within the primary build-to zone, except 1 of every 3 units may front a courtyard, open space,

or non-primary street with its principal entrance. See [Figure 3-14](#).

- (3) **Build-to Zone at Courtyards.** For units fronting courtyards or open space, the build-to zone is measured from the edge of the courtyard or lot line of the open space. See [Figure 3-14](#).
- (4) **Build-to Zone Expansion.** A minimum streetscape area, measured from the back of street curb into the lot, of 15 feet is required along all street frontages. Where expansion of the streetscape area is required, the build-to zone may be measured from edge of the minimum streetscape area, except as defined below for outdoor dining/seating.

Figure 3-14 - Row Building: Courtyard Layout Example



**475-37 CIVIC BUILDING**

- A. **Intent.** The civic building type regulations are the most flexible building type regulations and are intended to allow for singular, more iconic designs. The civic building type is allowed only for buildings occupied by civic and institutional uses.
  
- B. **Regulations.** Civic buildings are allowed in those districts indicated in [Table 3-2](#). Row buildings are subject to the regulations of general applicability specified in [475-31](#) and the building type-specific regulations of [Table 3-8](#) (further illustrated in [Figure 3-16](#)). See [475-151](#) for how compliance with applicable regulations is measured.

**Figure 3-15 - Civic Building Examples**  
(examples may not comply with all regulations)



**Table 3-8: CIVIC BUILDING REGULATIONS**

	ALL LOCATIONS	REFERENCES
<b>BUILDING SITING</b>		
1 Minimum Primary Frontage Coverage (%)	none required	
2 Primary Frontage Setback (feet)	15	See 475-31 for explanation of primary and non-primary frontages.
3 Non-Primary Frontage Setback (feet)	10	See 475-37C for minimum streetscape area.
4 Minimum Side Setback (feet)	15	
5 Minimum Rear Setback (feet)	15	
6 Maximum Site Impervious Coverage (%) Additional Semi-Pervious Coverage (%)	None required	
7 Surface or Accessory Parking Yard Location	Rear, limited side yard	See 475-151 for explanation of limited side yard parking. See 475-151 for definitions of yards.
8 Allowed Parking Location within Building	Permitted fully in any basement and behind required occupied space of all other stories	See 475-15 for definition of occupied space.
9 Minimum Depth of Occupied Building Space along Primary Frontage Facade (feet)	20 all full height floors; not required in any basement	
10 Refuse & Recycling, Utilities, & Loading Yard Location	Rear yard, limited side yard	See Article IX for screening regulations.
11 Permitted Driveway Access Location Permitted Garage Entry Facade Location	Alley only Rear or side facade	See 475-31 for driveway access exception.

**Figure 3-16 - Civic Building**

**Building & Parking Siting**

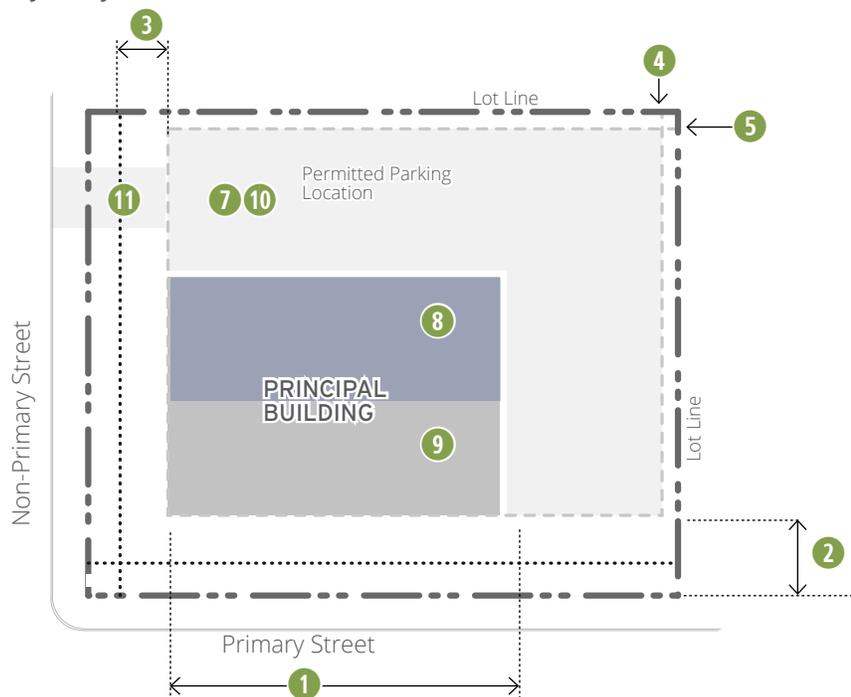
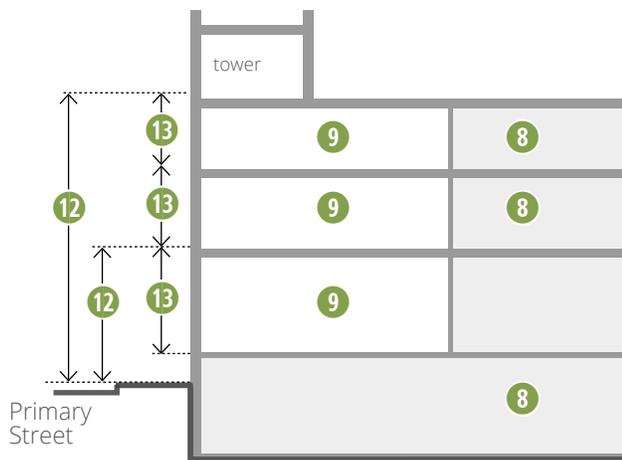


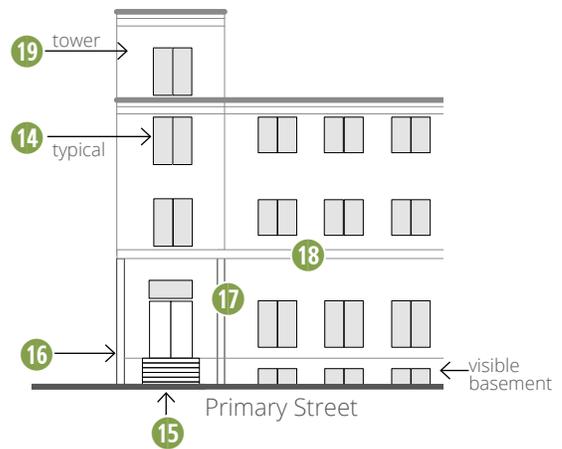
Table 3-8: CIVIC BUILDING REGULATIONS

		ALL LOCATIONS	REFERENCES
<b>HEIGHT</b>			
12	Overall: Minimum Height (stories) Maximum Height (stories)	1 3.5	See 475-151 for explanation of measuring height
13	All Stories: Minimum Height (feet) Maximum Height (feet)	9, 15 for single story building 18, 24 for single story building	Stories are measured floor to floor.
<b>FACADE &amp; CAP REQUIREMENTS</b>			
14	Minimum Transparency: All Street Facades & Facades Visible from any Street (%)	15, measured per story of all stories (including half stories)	475-31 requires primary frontage treatment to turn corners. Blank wall limitations apply to primary frontage facades per 475-151.
15	Minimum Primary Frontage Principal Entrances	Principal entrance required on primary frontage facade	See 475-91.K for Principal Entryway regulations.
16	Entrance/Ground-Story Elevation (feet)	Principal entrance and 80 of the ground-story must be within 30" of adjacent street sidewalk average elevation OR between 30" and 5 with visible basement (transparency required)	
17	Ground-Story Vertical Facade Divisions on Primary Frontage & Main Parking Facades	No requirement; one deep shadow line recommended per every 60 of facade width, whichever is less	See 475-91.L for building articulation, including building variety.
18	Horizontal Facade Divisions on Primary Frontage & Main Parking Facades	No requirement; one deep shadow line recommended within 3 ft. of any visible basement	
19	Permitted Cap Types	Parapet, pitched, flat, other with administrative design exception per 475-116; tower permitted	See 475-38 for cap type regulations.

Height



Facade Design



**475-38 CAP TYPES**

**A. General Regulations**

- (1) The major components of any roof must comply with the regulations established for one of the types of cap types permitted for the subject building type.
- (2) Roofs for bay or bow windows and dormers are not required to comply with cap type regulations.
- (3) Terraces, green roofs, rooftop gardens, and other outdoor facilities are permitted on any roof, except any permanently covered area is considered a story. Where the cover is visible from any public way or open space, it must comply with the regulations applicable to the subject type. The tower may be applied to these outdoor areas.

**B. Parapet Cap**

A parapet is a low wall projecting above a building's roof along the perimeter of the building on all street facades and facades visible from the street or any open or civic space (see [Figure 3-17](#)).

- (1) **Parapet Height.** Height is measured from the top of the upper story to the top of the parapet. Minimum height is 2 feet with a maximum height of 6 feet. Horizontal shadow lines. A shadow line must define the parapet from the upper stories of the building and must also define the top of the cap. See [475-156](#) for definition of shadow line.
- (2) **Occupied Building Space.** Occupied building space is not allowed behind a parapet cap.
- (3) **Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances must be located towards the rear or interior of the parapet roof. The parapet must screen the mechanicals from the elevation of the sidewalk across the street

**C. Flat Cap**

A flat cap is a visibly flat roof with overhanging eaves (see [Figure 3-18](#)).

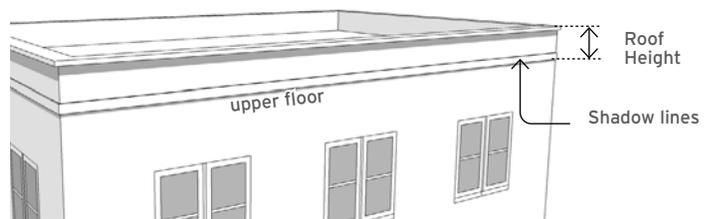
- (1) **Configuration.** The roof may not include a visible slope from the street and eaves are required on all primary and non-primary frontage facades and facades visible from

the street, any open space, or any civic space.

- (2) **Eave Depth.** Eave depth is measured from the building facade to the outside edge of the eave. Eaves must have a depth of at least 14 inches.
- (3) **Eave Thickness.** Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves must be a minimum of 6 inches thick.
- (4) **Interrupting Vertical Walls.** Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
  - (a) No more than one-third of the front facade may consist of an interrupting vertical wall.
  - (b) Vertical walls must extend no more than 8 feet above the top of the eave.
- (5) **Occupied Building Space.** Occupied building space may not be located behind a flat cap.
- (6) **Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances must be located behind the interrupting vertical wall with no visibility on any street elevation drawing.

- D. Pitched Cap.** A pitched cap is a sloped or pitched roof, where the slope occurs on all street facades,

**Figure 3-17 - Example of a Parapet Cap Type**



**Figure 3-18 - Example of a Flat Cap Type**



any open space facade, and civic space facade. Slope is measured with the vertical rise divided by the horizontal span or run (see [Figure 3-19](#)).

- (1) **Pitch Measure.** The roof may not be sloped less than a 4:12 (rise:run) or more than 14:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.
- (2) **Configurations.** Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
  - (a) Butterfly (inverted gable roof) and shed roofs are not permitted, unless an administrative design exception is approved.
  - (b) Gambrel and mansard roofs are not permitted.
- (3) **Parallel Ridge Line.** A gabled end or perpendicular ridge line must occur at least every 100 feet of roof when the ridge line runs parallel to the front lot line. (See [Figure 3-19](#)).
- (4) **Roof Height.** Roofs without occupied building space and/or dormers must have a maximum height on primary and non-primary frontage facades equal to no more than 1.5 times the subject building's upper-story floor to floor height.
- (5) **Occupied Building Space.** Occupied building space may be incorporated behind a pitched

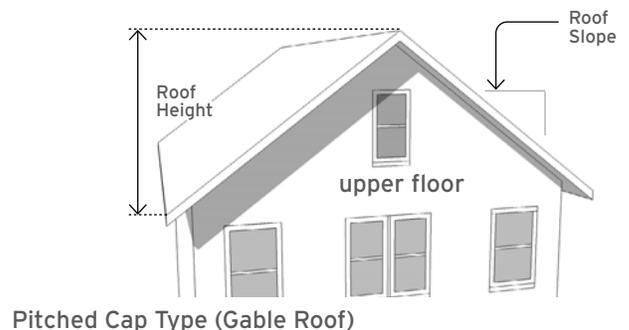
cap. If used, the occupied space counts as a half story.

- (6) **Rooftop Appurtenances.** With the exception of solar panels, any rooftop appurtenances must be recessed within the pitched roof with no visibility on any street elevation drawing.

**E. Other Caps.** Special cap type designs not otherwise defined in this section may be approved as an administrative design exception, subject to the following:

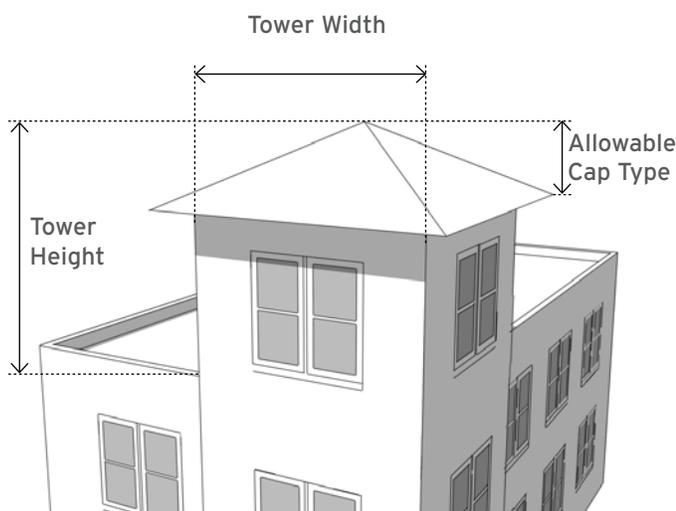
- (1) The building or portion of building approved as an alternative cap type must be determined to warrant a separate status from the majority of buildings in the zone, with a correspondence between the form of the cap and the building use, such as a dome for a planetarium, a dome for a place of worship, or a unique, singular roof for a more distinctive performing arts venue.
- (2) The approved alternative cap type may not create additional occupiable space beyond that permitted by the building type.
- (3) The shape of the roof must be different from those expressly defined in this section, such as a dome, spire, or vault, and not a gabled roof, hipped roof, roof with parapet, or flat roof.

**Figure 3-19 - Examples of Pitched Cap Type**



- F. Towers.** A tower is a vertical element, polygonal (simple), rectilinear or cylindrical in plan used with other types of cap types (see [Figure 3-20](#)).
- (1) **Location and Quantity.** Unless otherwise defined in the building type tables, the following regulations apply:
    - (a) A maximum of 2 towers total are permitted within 15 feet of all street facades
    - (b) Two additional towers are permitted a minimum of 30 feet from a street facade.
    - (c) Tower locations are typically limited to allowing towers associated with the facade design and visible from the street, and those more functional towers located beyond the facade.
    - (d) Towers may not be located within any required step-back per the building type.
  - (2) **Tower Height.** Maximum height, measured from the top of the parapet or eave to the top of the tower shaft not including the cap, is the equivalent of the height of one upper floor of the building to which the tower is applied.
  - (3) **Tower Width.** Maximum width along all facades is one-third the width of the front facade or 30 feet, whichever is less.
  - (4) **Tower Spacing.** Towers must be generally spaced from other towers a minimum of 60 feet and specifically by a minimum of 120 feet along a primary or non-primary frontage facade.
  - (5) **Transparency.** Towers that comply with the minimum floor-to-floor to height of the building type and are located within 30 feet of a facade must comply with the minimum transparency requirements of the building.
  - (6) **Horizontal Shadow Lines.** A shadow line is required between the 4th and 5th stories of any tower and at the cap of the tower.
  - (7) **Occupied Building Space.** Towers may be occupied by the same uses allowed in upper stories of the building type to which it is applied, unless otherwise stated.
  - (8) **Rooftop Appurtenances.** No rooftop appurtenances are permitted on tower roofs.
  - (9) **Tower Cap.** The tower may be capped by the parapet, pitched, or flat cap type.

**Figure 3-20 - Example of a Tower**



**DRAFT**

**ARTICLE IV. RESERVED**



## ARTICLE V. OVERLAY DISTRICTS

475-50 GENERAL.....5-1  
 475-51 MDP, MASTER DEVELOPMENT PLAN OVERLAY ..... 5-1

### 475-50 GENERAL

**A. Purpose.** As the name implies, overlay zoning districts “over-ly” applicable base zoning district classifications to alter some or all of the base zoning regulations that apply to particular sites. Overlay districts work to modify or supplement the regulations imposed by the applicable base zoning district when necessary to address special situations or accomplish specific objectives. Overlay zoning is intended to be used when the base zoning applied to an area remains generally appropriate, but when an additional, modified or eliminated requirement could help implement village planning goals or address an area-specific planning, design or land use issues.

#### B. Interpretation

- (1) All applicable regulations of the underlying base zoning district apply to property in an overlay district unless otherwise expressly stated in the overlay district regulations.
- (2) When overlay regulations conflict with regulations that otherwise apply in the underlying base zoning district, the regulations of the applicable overlay govern. If property is classified in multiple overlay districts and the regulations of one overlay district conflict with the regulations of another overlay district, the more restrictive regulation governs.

**C. Procedure.** The boundaries of overlay zoning districts must be shown on the official zoning map. The following procedures apply to the establishment, amendment or termination of all overlay districts unless otherwise expressly stated.

- (1) Overlay district regulations must be established, amended or terminated in accordance with the zoning ordinance text amendment procedures of 475-111.
- (2) Except as otherwise expressly stated, zoning map amendments establishing, expanding or

reducing the boundaries of an overlay district or terminating all or part of an overlay district must be processed in accordance with the zoning map amendment procedures of 475-112.

### 475-51 MASTER DEVELOPMENT PLAN OVERLAY (MDP)

**A. Applicability.** The master development plan (MDP) overlay regulations of this section (475-51) apply to any site over 3 acres in area and any site plan that includes a new public or private street.

**B. Purpose and Intent.** The MDP overlay regulations are intended to promote walkable development patterns by ensuring that larger parcels are developed with a system of streets, blocks and open spaces and a mix of zoning districts.

**C. Approval Procedures.** A master development plan (MDP) application must be processed in accordance with the mandatory development plan procedures of 475-113. Design exceptions defined within 475-51 shall be approved during the mandatory development plan approval process.

**D. Platting and Division of Land.** All regulations in Chapter 46 apply, unless otherwise expressly stated in this section (475-51).

- (1) All streets must be located on parcel(s) or rights-of-way separate from development lots and platted.
- (2) Streets may be dedicated to the village or held privately and maintained by the applicant/owner, subject to any agreements with the village.
- (3) Public access easements are required for all streets held privately.
- (4) All civic space required by this section (475-51) must be located on a separate parcel and platted. Civic space may be dedicated to the village or held privately and maintained

by the applicant/owner, subject to any development agreements with the village.

- (5) Alleys, drives, or service lanes are not required to be located on a separate parcel, unless they are dedicated to the village or provide access to multiple development parcels under potentially separate ownership.

#### **E. Rezoning**

- (1) Proposed zoning districts must meet the requirements of this ordinance.
- (2) Primary street designations must be mapped separately and submitted in the rezoning process for inclusion on the village's primary streets map.
- (3) Proposed open space must be zoned with a PI designation.
- (4) Implementation of the conceptual site plan may be phased, i.e. submitted as separate rezonings; however, the rezoning area must match the subdivision plat area.

**F. Site Plan Review.** After approval of both the subdivision plat and the rezoning, site plan review is required for each parcel to be developed within the master plan development based upon the zoning district and applicable requirements. Multiple parcels may be submitted together and approved as one site plan.

**G. Blocks, Street, and Lot Configuration.** An interconnected system of streets and blocks is required for all MDP sites.

- (1) **Block Size.** Block length may not exceed 600 feet or a perimeter of 1,800 feet. Deviations from these dimensions may be approved for sites with natural or existing constraints in accordance with the public hearing design exception procedures of [475-116](#). Exceptions may be approved under the following conditions:
  - (a) A deeper block is required to allow parking on the interior.
  - (b) Natural constraints, such as waterways, slopes, or other natural features, exist precluding the location of a new street.
  - (c) Abutting development conditions affect the developability of the applicable site.

- (d) Study of the extension of the system of streets and blocks illustrates an adjustment to the requirements of the site.

- (2) **Access Points.** A minimum of two access points must be provided for the development, with a minimum of one per every 1,600 feet of boundary, except along rail corridors or limited access highways. An access point is a new street connecting to an existing street.
- (3) **Extend Existing Streets.** Streets must connect and continue existing streets from adjoining areas. Future connections must be considered and temporary dead end streets may be supplied for future extension with zoning administrator approval.
- (4) **Cul-de-Sacs and Dead End Streets.** Cul-de-sac and temporary dead end streets require a public hearing design exception and are allowed only when necessitated by natural features or site constraints, including but not limited to waterways, or highways. If allowed, pedestrian connections and landscape plantings may be required.
- (5) **Block and Lot Configuration.** All lots must have frontage along a street, unless otherwise specified.
  - (a) The shape of blocks and lots should be generally rectangular in order to accommodate typically rectilinear buildings, but may vary due to natural features or site constraints.
  - (b) With the exception of blocks containing open space, blocks must typically be fronted with lots or buildings on at least two faces, preferably on the longest street faces.
  - (c) Flag lots are prohibited.
  - (d) The configuration of the blocks may consider alley and service drive inclusion per [475-51.I.](#)
  - (e) Blocks may be established including already existing lots and those lots may retain their existing zone designation.
  - (f) Consider lot and block orientation for maximum energy efficiency, depending on the building type. For example,

block orientation along an east-west longitudinal axis will encourage development of long mixed-use buildings oriented along an east-west axis, with smaller east and west facing facades, able to take advantage of passive solar technology.

- (6) **Views.** Views down streets must be considered when laying out streets and locating open space, parking, and buildings.
- (1) **Rears of Buildings.** The location of open space and streets may not create views of the rear of buildings or parking behind buildings.
- (2) **Street Termini.** The lot across from a street terminating at a T-shaped

intersection must include a civic space type at that intersection or a building facade type at that intersection. The portion of that building facade aligned with the intersection must be treated as a primary frontage and should be treated with a building element such as a tower, bay, or courtyard. A parking structure or a surface parking lot may not terminate the view down a street.

- (7) **Civic Space.** Refer to 475-51.K for open space regulations, including street frontage regulations. Open space, existing and new, must be fronted with streets to provide more visibility and access.

H. Streets and Public Ways

Figure 5-1 - Typical Base Street

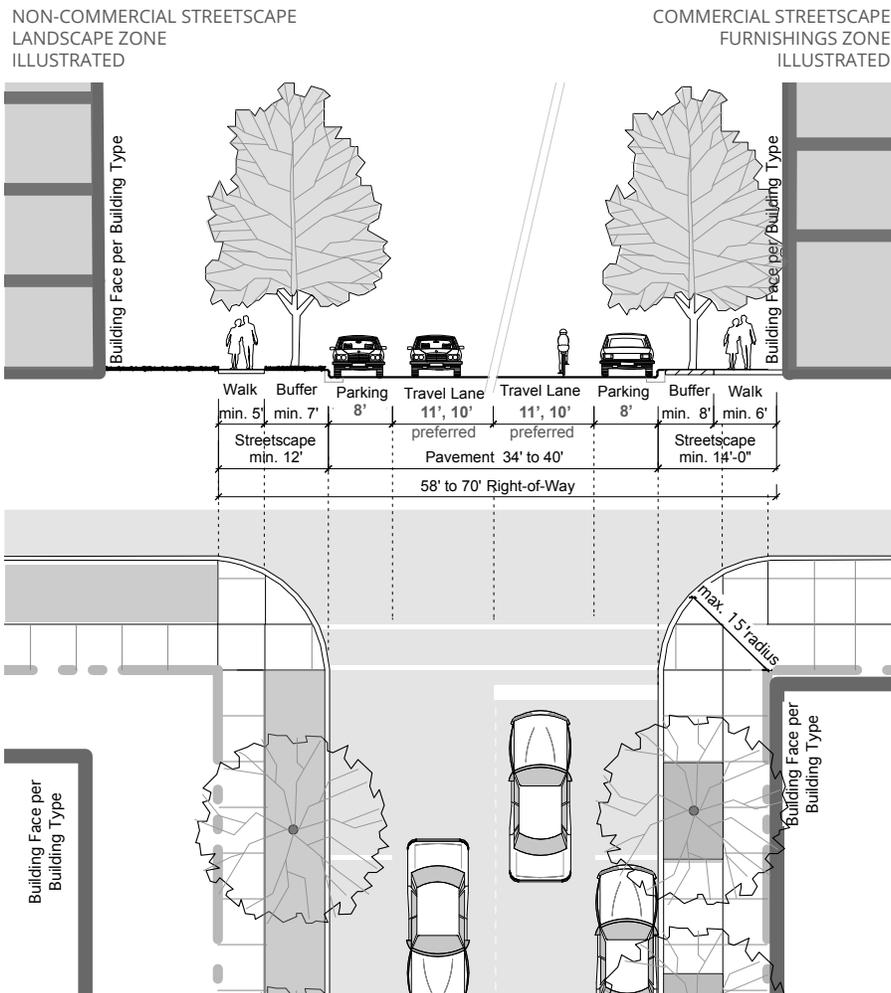
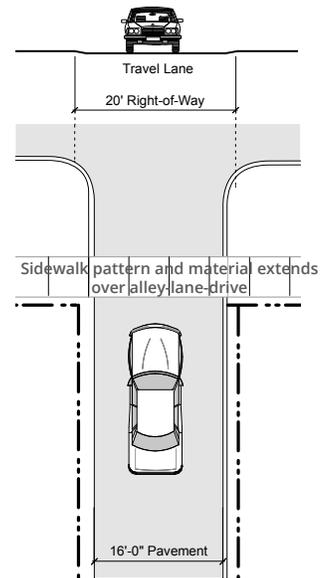


Figure 5-2 - Typical Alley, Lane, or Service Drive



Complete streets provide for multiple modes of access throughout the village. All streets, whether publicly dedicated or privately held, must meet the following regulations.

(1) **Base Street Regulations.** The base street type is illustrated in [Figure 5-1](#). The zoning administrator may require additional street right-of-way or configuration based on existing context and circulation needs. The base street defines the minimum components of any new street on the interior of the development and includes the following:

(1) **On-Street Parking.** On-street parallel parking must be provided on both sides of all new streets in the MDP site. Back-in or head-in, angled parking is acceptable in lieu of parallel parking. On-street parking on one side of the street may be approved by the zoning administrator where existing natural or man-made constraints exist.

(2) **Streetscape**

(1) The minimum dimension required for streetscapes along nonresidential ground stories is 14 feet, with a clear sidewalk width of at least 6 feet and an 8-foot street tree and furnishings zone.

(2) Along residential ground stories, the minimum is 13 feet with a clear sidewalk of at least 5 feet and a 8-foot landscape zone (parkway).

(3) **Maximum Pavement Width.** The maximum pavement width for all streets internal to the development is 38 feet. Pavement widths wider must include a median in the middle to provide pedestrian refuge and/or bulb-outs to reduce the crossing widths to less than 38 feet.

(4) **Reduced Minimum Pavement.** When only one lane of on-street parking is approved, the minimum pavement width for a two-way street is 28 feet and the minimum right-of-way width is 54 feet.

(5) **Exceptions.** A public hearing design exception may be approved for other street configurations per [475-116](#).

(2) **Mid-Block Pedestrian Paths.** Mid-block pedestrian paths may be located on blocks within the development that are longer than the maximum block sizes, approved by the zoning administrator during the MDP approval process.

(3) **Street Crosswalks.** Crossings at all street intersections must include a clear pedestrian path across streets (crosswalks) with accessibility ramps at curbs, demarcated by paint, stamped patterns, or pavers. Raised crosswalks are encouraged.

(4) **Curb Radii.** Intersections must be designed for actual turning radius of the typical design vehicle as opposed to the maximum design vehicle. Small curb radii at intersections shorten pedestrian crossing distances and reduce vehicle turning speeds, increasing pedestrian safety.

(a) Where on-street parking is provided with no bulb-out, a radius no greater than 5 feet is required.

(b) Where on-street parking is provided with a bulb-out or where no on-street parking is provided, a radius no greater than 10 feet is required.

(5) **Bicycle Accommodations.** New streets within the development must accommodate bicycle access per the Village’s most recent bicycle policy. Bicycle accommodations must be included on through streets and higher activity streets. On non-commercial and lower activity streets, bicycles may share vehicular lanes.

I. **Alleys, Lanes, or Service Drives.** Alleys, lanes, or service drives should be provided through all blocks to provide vehicular access to all lots:

(1) Parking drives and parking structure drives may serve as alleys/lanes if the drive is continuous through the block with at least 2 access points and serves all lots on the block.

(2) A single point of access is all that is required and a non-primary street is available for access.

(3) Natural or existing constraints limit the block depth and no more than 2 vehicular access points are required for the lots on the block.

J. **Primary Street Designation.** The orientation and location of buildings on lots is determined by the primary street designation. Some building regulations are specific to the primary street frontage. Primary street frontages are treated as the front of the building and the lot.

- (1) **Minimum Designation.** A minimum of 50% of a combination of the new streets on the MDP site and existing streets fronting the development must be designated as primary streets. A public hearing design exception may be approved for up to a 20% reduction in the minimum requirement for streets treated as primary. Refer to [475-116](#) for the public hearing design exception process.
- (2) **Building Frontage.** Primary streets must be designated so that all building lots front at least one primary street, except up to 20% of the lots may front a non-primary street.
- (3) **Civic Space Frontage.** Where practicable, streets along civic space must be designated as primary streets to ensure buildings front the open space.
- (4) **Driveways and Alleys/Lanes.** Driveways and alleys/lanes to lots should not be located off a primary street, except when the parcel is fronted by more than two primary streets and/or there is no other alternative access.

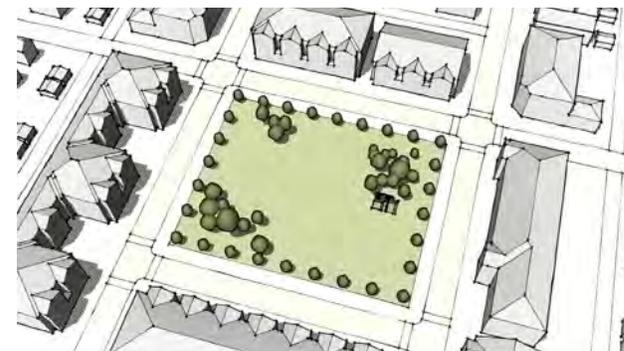
K. **Civic and Open Space.** All developments where an approved MDP is required must provide the following open space.

- (1) **Required Amount.** The following minimum amount of open space must be provided:
  - (a) A minimum of 10% of the total master plan site must be provided as one of the civic space types, and
  - (b) One type of civic space is required within a 500-foot distance, as measured continuously along a sidewalk, from the principal entrance of all residential and live-work units and all other buildings. The intent is to provide usable open space within a short walkable distance for all occupants and visitors.
  - (c) Existing usable natural area or open space, more than 1/4 of an acre and meeting one of the civic space types

Figure 5-3 - Examples of Civic Space Types



Example of a PLAZA



Example of a GREEN



Example of a GREENWAY

defined in this subsection, may fulfill the requirements if the distance requirement is met.

(2) **Civic Space Types.** The following types of civic space are permitted. A mix of types is required, with not more than 3 of any one type utilized. Refer to [Figure 5-3](#) for example images.

- (a) **Plaza.** A plaza is a generally hardscaped area (minimum 60% coverage),

minimum 5,000 square feet in area, with either street, pedestrian, or river right-of-way or building frontage on all sides and at least one side the equivalent of 25% of the perimeter fronting a primary street. A single plaza may not fulfill the minimum open space regulations; if a plaza is utilized to meet the distance requirement, another open space must be incorporated in another location on the site.

- (b) **Square.** A square is a combination of hardscape and landscape (approximately 50% and 50% respectively), minimum 1/4 acre in size, and surrounded by street frontage on all sides.
- (c) **Green.** A green is a generally landscaped space (minimum 70%), minimum 1/2 acre with street right-of-way on at least 50% of the perimeter.
- (d) **Greenway.** A greenway is a linear landscape space, minimum 2 acres in total with minimum 30 feet wide and minimum average 60 feet wide, and with street right-of-way on at least 30% of the perimeter.
- (e) **Park.** A park is a larger, generally landscaped space, a minimum of 2

acres in size, with at least 25% of the perimeter on street right-of-way.

- (3) **Trails.** Refer to any village open space and/or trail plans, and any existing trails surrounding the site, to provide connections through and within the site for continuous trails.

**L. Layout & Location of Building Type Sites.**

The master development plan (MDP) must define locations of building types to meet the following regulations.

- (1) **Permitted Districts.** Permitted districts include any district. Refer to [Article II](#) and [Article III](#) for district descriptions and regulations.
- (2) **Determination of Type.** The type of Master Development applied to the site is determined by the existing zoning designation on the parcel. Refer to [Table 5-1](#) for the types.
- (3) **MDP Rezoning.** The general location of all districts proposed for the MDP site must be located within boundary lines or lot lines on the plan and must fulfill the regulations of this section ([475-51](#)).
- (4) **General Layout of Districts.** The following general layout regulations apply:

**Table 5-1: Types of Master Developments**

Type of Master Development (MD)	Existing Zoning District	Allowed Zoning Districts										Refer to Section	
		MX1	MX2	MXR	GX	GXR	NX	R1	R2	PI1	PI2		
<b>Mixed-Use MD</b>	MX1	R			P		P				R	P	<a href="#">475-51.L.(6)</a>
	MX2		R		P		P				R	P	
<b>Office MD</b>	GX		L		R		P				R	P	<a href="#">475-51.L.(7)</a>
<b>Mixed Residential MD</b>	NX		L		P		R			L	R	P	<a href="#">475-51.L.(8)</a>
<b>Neighborhood</b>	R1, R2		L		P	L	P	P	P	P	R	P	<a href="#">475-51.L.(9)</a>

R = Required per specific development type requirements.  
 P = Allowed or permitted per specific development type requirements.  
 L = Allowed but limited per specific development type requirements.

- (a) The same districts should generally face each other across streets, including existing districts.
  - (b) More intense districts located on blocks with less intense districts should be located on block ends.
  - (c) Changes in districts should generally occur at a rear boundary line, at an alley, or at corner parcels.
- (5) MX Districts Layout and Locations.** The following layout regulations are applicable to any site.
- (a) The MX1 district is only permitted where MX1 is a base zoning district.
  - (b) MX districts (MX1, MX2, and MXR) should generally be located within 200 feet of any major transportation corridor.
  - (c) Small nodes of MX2 and GX districts, maximum 20,000 square feet, may be located within the development at intersections of collector streets.
  - (d) GX and NX districts may be used as transitions between MX and existing single-family residential districts.
- (6) Mixed-Use Master Developments.** Mixed-use Master Developments are required on applicable parcels (per [475-51.A](#)) where an MX zoning designation exists on the zoning map. Refer to [Table 5-1](#) for the allowed zoning districts available for use in the Master Developments.
- (a) MX1 District. A minimum of 40,000 square feet of area shall be zoned MX1 when the existing zoning is MX1. Refer to [475-51.L](#) for location and layout.
  - (b) MX2 District. A minimum of 40,000 square feet of area shall be zoned MX2 when the existing zoning is MX2. Refer to [475-51.L](#) for location and layout.
  - (c) Other Districts. Other districts are allowed per [Table 5-1](#).
  - (d) P Districts. P districts shall be designated for open space as required in [475-51.K](#).
- (7) Office Master Developments.** Office Master Developments are required on applicable parcels (per [475-51.A](#)) with a GX zoning designation on the zoning map. Refer to [Table 5-1](#) for the allowed zoning districts available for use in the Master Developments.
- (a) GX District. A minimum of 40,000 square feet of area shall be zoned GX. Refer to [475-51.L](#) for location and layout.
  - (b) MX2 Districts. The MX2 district, where allowed per [Table 5-1](#), is limited to a node at one street intersection of no more than 20,000 square feet of area or 10 percent of the total net land area, whichever is greater. Refer to [475-51.L](#) for location and layout.
  - (c) Other Districts. Other districts are allowed per [Table 5-1](#).
  - (d) P Districts. P districts shall be designated for open space as required in [475-51.K](#).
- (8) Mixed Residential Master Developments.** Mixed Residential Master Developments are required on applicable parcels (per [475-51.A](#)) with an NX zoning designation on the zoning map. Refer to [Table 5-1](#) for the allowed zoning districts available for use in the Master Developments.
- (a) NX District. A minimum of 40,000 square feet of area shall be zoned NX when the existing zoning is NX. Refer to [475-51.L](#) for location and layout.
  - (b) MX2 District. The MX2 district, where allowed per [Table 5-1](#), is limited to a node at one street intersection of no more than 20,000 square feet of area or 10 percent of the total net land area, whichever is greater. Refer to [475-51.L](#) for location and layout.
  - (c) R2 District. The R2 district is allowed per [Table 5-1](#) only on developments over 15 acres in size. The R2 district is limited to no more than 30% of the total MDP.
  - (d) Minimum Required Residential Mix. With more than 10 gross acres of residential districts, at least 2 residential building types (General or Row building) shall be used. Each residential building type shall occupy a minimum of 10% of the total MDP..

- (e) Other Districts. Other districts are allowed per [Table 5-1](#).
- (f) P Districts. P districts shall be designated for open space as required in [475-51.K](#).

**(9) Neighborhood Master Developments.**

Neighborhood Master Developments are required on applicable parcels (per [475-51.A](#)) with an R zoning designation on the zoning map. Refer to [Table 5-1](#) for the allowed zoning districts available for use in the Master Developments.

- (a) MX2 District. The MX2 district, where allowed per [Table 5-1](#), is limited to a node at one street intersection of no more than 20,000 square feet of area or 10 percent of the total net land area, whichever is greater. The intersection shall be located along a major road (Riverside, Webster, Allouez, Libal, or per the zoning administrator). Refer to [475-51.L](#) for location and layout.
- (b) Minimum Required Residential Mix. With more than 5 gross acres of residential districts, at least 2 residential districts (NX, R1, R2) shall be designated. Each residential building type shall occupy a minimum of 10% of the total MDP.
- (c) P Districts. P districts shall be designated for open space as required in [475-51.K](#).

## ARTICLE VI. SPECIAL PURPOSE DISTRICTS

475-60 GENERAL.....6-1  
 475-61 PI-1, NEIGHBORHOOD-SCALE PUBLIC AND INSTITUTIONAL DISTRICT..6-1  
 475-62 PI-2, CAMPUS-SCALE PUBLIC AND INSTITUTIONAL DISTRICT.....6-1

### 475-60 GENERAL

- A. **Purpose.** Special purpose zoning districts are tools for addressing unique areas or accomplishing special planning and zoning goals. Special purpose districts are base zoning classifications; they do not “over-lay” other base zoning districts.
- B. **Establishment.** Special purpose districts may be established, amended or removed only in accordance with the zoning map amendment procedures of [475-112](#).

### 475-61 PI-1, NEIGHBORHOOD-SCALE PUBLIC AND INSTITUTIONAL DISTRICT<sup>1</sup>

- A. **Purpose.** The PI-1, Neighborhood-scale Institutional and Public district is intended to accommodate small-scale, low-intensity public, civic, and institutional uses that are commonly found in or near residential neighborhoods.
- B. **Mapping.** The PI-1 district designation may be applied regardless of ownership of the land on which the use is located. PI-1 zoning is intended to identify the public or institutional use of the subject property, not necessarily the ownership or control of the property.
- C. **Permitted Uses.** Uses are allowed in the PI-1 district in accordance with the use regulations of [Article VII](#).
- D. **Lot and Building Regulations**
  - (1) **Maximum District Area.** In order to maintain the intended low-intensity, neighborhood-scale character of the PI-1 district, the maximum contiguous PI-1 zoned area may not exceed 3 acres.
  - (2) **Lot and Building Regulations.** The size, location, and design of all buildings, structures, activity areas and other site improvements must comply with the lot and building regulations of the most restrictive

abutting zoning district, except that no minimum lot area or lot width requirements apply in an PI-1 district.

- (3) **Other Regulations.** Development in an PI-1 district is subject to all other applicable regulations of this zoning ordinance, including parking, landscaping and other regulations of general applicability.

### 475-62 PI-2, CAMPUS-SCALE PUBLIC AND INSTITUTIONAL DISTRICT

- A. **Purpose.** The PI-2, Campus-scale Institutional and Public district is intended to accommodate development and expansion of large public, civic and institutional uses, while minimizing the potential for adverse impacts on surrounding areas.
- B. **Mapping.** The PI-1 district designation may be applied regardless of ownership of the land on which the use is located. PI-2 zoning is intended to identify the public or institutional use of the subject property, not necessarily the ownership or control of the property.
- C. **Allowed Uses.** Uses are allowed in the PI-2 district in accordance with the use regulations of [Article VII](#). Other uses may if expressly approved as part of an institutional master plan.
- D. **Development Review**
  - (1) **Applicability.** Unless otherwise expressly exempted, development review and approval is required before the issuance of any building or development permit in the PI-2 district. To comply with the development review requirements of this section, applicants must submit and secure approval of an overall institutional master plan in accordance with the requirements of this section.

<sup>1</sup> New

(2) **Exemptions.** The following are exempt from the development review requirements of this section:

- (a) Development that complies with a valid, approved institutional master plan;
- (b) Interior building alterations if the alteration will not result in an increase in the number of employees or the creation of or need for additional parking spaces; and
- (c) Exterior building modifications that will not result in an increase in the number of employees or the creation of or need for additional parking spaces

**E. Lot and Building Regulations**

(1) **Transitional Areas.** The size, location, and design of all buildings, structures, activity areas and other site improvements located within 150 feet of the boundary of any abutting R zoning district, are subject to the abutting R district's lot and building regulations, except that no minimum lot area or lot width requirements apply in the PI-2 district.

(2) **Interior Site Areas.** Areas of an PI-2-zoned site located more than 150 feet from the boundary of an abutting R zoning district are governed by the regulations approved at the time of institutional master plan approval. Institutional master plans must include the applicant's detailed description of the regulations proposed to be used.

(3) **Multiple Principal Building and Uses.** Multiple principal uses and buildings are allowed on a single lot in the PI-2 district.

**F. Institutional Master Plans**

(1) **Purpose.** Institutional master plan requirements provide a framework for development of public, civic and institutional uses in campus-like settings. Approval of an institutional master plan is intended to protect the character and integrity of adjacent areas while allowing flexibility in site development and design that is not possible when development occurs on a lot-by-lot or building-by-building basis.

(2) **Planning Area.** An institutional master plan must include all land located within the proposed PI-2 district and depict all land uses within the area extending out at least 300 feet from the PI-2 district boundary.

(3) **Existing Property and Uses.** The institutional master plan must include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the institutional master plan. At a minimum, the following information shall be required:

- (a) Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;
- (b) Land and building uses;
- (c) Gross floor area;
- (d) Building heights;
- (e) Landscaping and lighting; and
- (f) Off-street parking and loading facilities.

(4) **Uses and Development Envelope.** The institutional master plan must include a description of all proposed land uses to be allowed and the land area and development envelope within which future development will occur. The development envelope must be described in writing and through the use of drawings or models. The plan must include the following in describing the development envelope:

- (a) Floor area;
- (b) Height;
- (c) Setbacks;
- (d) Total open space; and
- (e) Total number of motor vehicle and bicycle parking spaces to be provided.

(5) **Transportation Plan.** The institutional master plan must include a study that identifies traffic and parking impacts associated with the proposed use and a plan for mitigation of transportation-related impacts, including consideration of motorized and nonmotorized travel

- (6) **Approval Procedures.** Institutional master plans require review and approval in accordance with the development plan procedures of [475-113](#).

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## ARTICLE VII. USES

475-70 PRINCIPAL USES ALLOWED ..... 7-1  
 475-71 USE CLASSIFICATIONS ..... 7-5  
 475-72 RESIDENTIAL USES ..... 7-5  
 475-73 PUBLIC AND CIVIC USES ..... 7-6  
 475-74 COMMERCIAL USES ..... 7-7  
 475-75 INDUSTRIAL USES ..... 7-12  
 475-76 AGRICULTURAL USES ..... 7-13  
 475-77 OTHER USES ..... 7-13  
 475-78 ACCESSORY USES ..... 7-14  
 475-79 TREE HOUSES AND PLAY HOUSES ..... 7-20

### 475-70 PRINCIPAL USES ALLOWED

A. **Use Table.** Principal uses are allowed in accordance with [Table 7-1](#).

#### B. Interpreting the Use Table

(1) **Use Classification System.** Uses are listed in the first column of [Table 7-1](#). This zoning ordinance classifies uses into categories and subcategories, as explained in 475-71. In some cases, specific use types are listed in addition to the use categories and subcategories.

#### (2) Permitted Uses

(a) Uses identified with a “●” are permitted as-of-right in the subject zoning district, subject to compliance with any supplemental regulations identified in the final column of [Table 7-1](#) and with all other applicable regulations of this zoning ordinance.

(b) Uses identified with a “◐” are permitted as-of-right in the subject zoning district but only when located above the ground-floor. Such uses are prohibited on the ground-floor.

(3) **Conditional Uses.** Uses identified with “C” are allowed only if reviewed and approved in accordance with the conditional use procedures of [475-114](#).

(4) **Prohibited Uses.** Uses identified with an “-” are expressly prohibited. Uses that are not listed in the table and that cannot be reasonably interpreted (as stated in [475-71](#)) to fall within any defined use category or subcategory are also prohibited.

(5) **Reference.** The final (“Reference”) column of [Table 7-1](#) includes a cross-reference to the use definition and any applicable supplemental use regulations that apply to the use. Unless otherwise expressly stated, compliance with supplemental use regulations is required regardless of whether the use is permitted as-of-right or requires conditional use approval. Bracketed numbers also refer to use-specific conditions, which are included as footnotes immediately following the use table.

(6) **Accessory Use.** Accessory uses are generally not identified by [Table 7-1](#). Customary accessory uses are allowed in conjunction with principal uses permitted by right or by conditional use approval, subject to compliance with all applicable accessory use regulations of [475-78](#).

**TABLE 7-1 – PRINCIPAL USE TABLE**

USE CATEGORY	Districts										Definition & Regulations
	Residential		Mixed-use						Special		
Use Subcategory	R1	R2	NX	GX	GXR	MXR	MX2	MX1	PI-1	PI-2	
Specific Use Type											
<b>RESIDENTIAL</b>											See <a href="#">475-72</a>
<b>Household Living</b>											
Single-Household	●	●	●	●	●	●	●	●	○	-	-
Two-Household	-	●	●	●	●	●	●	●	○	-	-
Three+-Household	-	-	●	●	●	●	●	●	○	-	-
<u>Live-Work</u>	-	-	-	●	●	●	●	●	-	-	-
<b>Group Living<sup>1</sup></b>											
Adult Family Home	●	●	●	●	●	○	○	○	-	-	-
Community Living Arrangement	●	●	●	●	●	○	○	○	-	-	-
Foster Home	●	●	●	●	●	○	○	○	-	-	-
Group Living not otherwise classified	-	-	●	●	●	○	○	○	-	-	-
<b>PUBLIC AND CIVIC</b>											See <a href="#">475-73</a>
<b>Cemetery</b>	●	●	●	-	-	-	-	-	●	●	-
<b>Club or Lodge</b>	-	●	●	●	●	○	○	○	●	●	-
<b>College or University</b>	-	-	-	●	●	○	○	○	-	●	-
<b>Hospital</b>	-	-	-	●	●	○	○	○	-	●	-
<b>Library or Cultural Exhibit</b>	●	●	●	●	●	●	●	●	●	●	-
<b>Parks and Recreation</b>	●	●	●	●	●	●	●	●	●	●	-
<b>Recyclable Material Drop-off Station</b>	-	-	-	-	-	-	-	-	○	●	●
<b>Religious Assembly</b>	●	●	●	●	●	●	●	-	●	●	-
<b>Safety Service</b>	-	-	-	●	●	●	●	-	●	●	-
<b>School</b>	●	●	●	●	●	○	○	○	●	●	-
<b>Utilities and Public Service Facilities</b>											
Minor	●	●	●	●	●	●	●	●	●	●	-
Major	-	-	-	-	-	-	-	-	Ⓢ	Ⓢ	-
<b>COMMERCIAL</b>											See <a href="#">475-74</a>
<b>Animal Service</b>											
Boarding	-	-	-	●	●	-	-	-	-	-	-
Grooming	-	-	-	●	●	●	●	●	-	-	-
Veterinary	-	-	-	●	●	●	●	●	-	-	-
<b>Assembly and Entertainment</b>											
Small	-	-	-	●	●	●	●	●	-	-	-

KEY: ● = permitted by right | ○ = permitted only above ground-floor | Ⓢ = conditional use - = prohibited

<sup>1</sup> Some group living uses subject to spacing (dispersal) and other state regulations. Need to discuss.

TABLE 7-1 – PRINCIPAL USE TABLE											
USE CATEGORY	Districts										Definition & Regulations
Use Subcategory	Residential		Mixed-use						Special		
Specific Use Type	R1	R2	NX	GX	GXR	MXR	MX2	MX1	PI-1	PI-2	
Large	-	-	-	●	●	●	-	●	-	-	
<b>Business or Trade School</b>	-	-	-	●	●	●	●	●	-	-	
<b>Commercial Service</b>											
Consumer Maintenance and Repair	-	-	-	●*	●*	●	●	●	-	-	
Personal Service	-	-	-	●	●	●	●	●	-	-	
Studio or Instructional Service	-	-	-	●	●	●	●	●	-	-	
<b>Day Care</b>											
Family Day Care Home	●	●	-	●	●	●	●	●	-	-	
Group Day Care Center	-	-	-	●	●	●	●	●	-	-	
<u>Adult Day Care Facility</u>	-	-	-	●	●	●	●	-	-	-	
<b>Eating and Drinking Places</b>											
Restaurant	-	-	-	●*	●*	●	●	●	-	-	<a href="#">475-74-F</a>
Bar	-	-	-	-	●*	●	●	●	-	-	<a href="#">475-74-F</a>
<b>Financial Service</b> (except as below)											
Convenient Cash Business	-	-	-	-	-	●*	●*	●*	-	-	<a href="#">475-74-G</a>
Pawnshop	-	-	-	-	-	●*	●*	●*	-	-	<a href="#">475-74-G</a>
<b>Funeral or Mortuary Service</b>											
Funeral or Mortuary Service	-	-	-	●	●	-	-	-	-	-	
<b>Lodging</b>											
Bed & Breakfast	-	-	●	●	●	●	●	●	-	-	
Short-term Rental	●	●	●	●	●	●	●	●	-	-	
Hotel	-	-	-	●	●	●	●	●	-	-	
<b>Medical Service</b>											
Medical Service	-	-	-	●	●	●	●	●	-	-	
<b>Office</b>											
Office	-	-	-	●	●	●	●	●	-	-	
<b>Parking, Non-accessory</b>											
Parking, Non-accessory	-	-	-	Ⓢ	Ⓢ	Ⓢ	Ⓢ	Ⓢ	-	-	
<b>Retail Sales</b>											
Convenience Goods	-	-	-	●*	●*	●	●	●	-	-	<a href="#">475-74-M</a>
Consumer Shopping Goods	-	-	-	●*	●*	●	●	●	-	-	<a href="#">475-74-M</a>
Building Materials and Supplies	-	-	-	-	-	●	●	-	-	-	
<b>Sports &amp; Recreation, Participant</b>											
Indoor	-	-	-	●	●	●	●	●	-	-	
Outdoor	-	-	-	●	●	●	●	●	-	-	
<b>Vehicle Sales and Service</b>											
Fueling Station	-	-	-	-	-	-	Ⓢ	-	-	-	
Vehicle Sales	-	-	-	-	-	-	Ⓢ	-	-	-	

KEY: ● = permitted by right | ● = permitted only above ground-floor | Ⓢ = conditional use - = prohibited

<b>TABLE 7-1 – PRINCIPAL USE TABLE</b>											
<b>USE CATEGORY</b>	<b>Districts</b>										<b>Definition &amp; Regulations</b>
<b>Use Subcategory</b>	<b>Residential</b>		<b>Mixed-use</b>						<b>Special</b>		
<b>Specific Use Type</b>	<b>R1</b>	<b>R2</b>	<b>NX</b>	<b>GX</b>	<b>GXR</b>	<b>MXR</b>	<b>MX2</b>	<b>MX1</b>	<b>PI-1</b>	<b>PI-2</b>	
Vehicle Rental	-	-	-	-	-	-	●	●	-	-	
Vehicle Maintenance & Repair, Minor	-	-	-	-	-	-	◎	-	-	-	
Vehicle Maintenance & Repair, Major	-	-	-	-	-	-	◎	-	-	-	
<b>INDUSTRIAL</b>											
<b>Fabrication and Production</b>											
Artisan	-	-	-	●	●	●*	●*	●*	-	-	<a href="#">475-75-A</a>
Low-Impact	-	-	-	-	-	-	-	-	-	-	
Greenhouse/Nursery	-	-	-	●*	●*	●*	●*	-	-	-	<a href="#">475-75-A</a>
<b>Storage, Distribution &amp; Wholesaling</b>											
Self-service Storage	-	-	-	◎	-	-	-	-	-	-	
Warehouse	-	-	-	-	-	-	-	-	-	-	
Wholesale Sales and Distribution	-	-	-	-	-	-	-	-	-	-	
<b>AGRICULTURAL</b>											
<b>Crop Agriculture</b>	-	-	-	-	-	-	-	-	-	-	
<b>Animal Agriculture</b>	-	-	-	-	-	-	-	-	-	-	
<b>Community Garden</b>	●	●	●	●	●	●	●	●	●	●	
<b>OTHER</b>											
<b>Drive-in/Drive-through Service</b>	-	-	-	●*	●*	●*	●*	●*	-	-	<a href="#">475-77-A</a>

**KEY:** ● = permitted by right | ● = permitted only above ground-floor | ◎ = conditional use - = prohibited

**475-71 USE CLASSIFICATIONS**

- A. General.** This section describes the system used to classify principal uses in this zoning ordinance.
- B. Use Categories.** This zoning ordinance classifies principal land uses into 7 major groupings. These major groupings are referred to as “use categories.” The use categories are as follows:
  - (1) Residential (see [475-72](#)).
  - (2) Public and Civic (see [475-73](#)).
  - (3) Commercial (see [475-74](#)).
  - (4) Industrial (see [475-75](#)).
  - (5) Agricultural (see [475-76](#)).
  - (6) Other (see [475-77](#)).
- C. Use Subcategories.** Each use category is further divided into more specific “subcategories.” Use subcategories classify principal land uses and activities based on common functional, product or physical characteristics, such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions.
- D. Specific Use Types.** Some use subcategories are further broken down to identify specific types of uses that are regulated differently than the subcategory as a whole.
- E. Classification of Uses**
  - (1) The planning and zoning administrator is authorized to classify uses on the basis of the use category, subcategory and specific use type descriptions of this article.
  - (2) When a use cannot be reasonably classified into a use category, subcategory or specific use type, or appears to fit into multiple categories, subcategories or specific use types, the planning and zoning administrator is authorized to determine the most similar and thus most appropriate use category, subcategory or specific use type based on the actual or projected characteristics of the principal use or activity in relationship to the use category, subcategory and specific use type descriptions provided in this article. In making such determinations, the planning and zoning administrator must consider:

- (a) The types of activities that typically occur in conjunction with the use;
  - (b) The types of equipment and processes to be used;
  - (c) The existence, number and frequency of residents, customers or employees;
  - (d) Parking demands or the use; and
  - (e) Other factors deemed relevant to a use determination.
- (3) If a use can reasonably be classified in multiple categories, subcategories or specific use types, the planning and zoning administrator is authorized to categorize each use in the category, subcategory or specific use type that provides the most exact, narrowest and appropriate “fit.”

**475-72 RESIDENTIAL USES**

The residential use category includes uses that provide for long-term residential occupancy by individual households or by groups of people.

- A. Household Living.** Household living is residential occupancy of a dwelling unit by a single household for tenancy periods of 30 consecutive days or more, including, single household, two-household, three-household, three-plus household and live-work uses.
  - (1) **Single-Household.** One principal dwelling unit on a single lot, which may also include an accessory dwelling unit in the form of a secondary suite or backyard cottage, where such units are allowed.
  - (2) **Two-Household.** Two principal dwelling units on a single lot.
  - (3) **Three+-Household.** Three or more principal dwelling units occupying a single building on a single lot.
  - (4) **Live-Work.** A building or space within a building used jointly for residential and nonresidential uses allowed within the subject zoning district.
- B. Group Living.** Group living is residential occupancy of a building or any portion of a building by a group other than a household. Tenancy is typically arranged on a long-term (30-day or longer) basis. Buildings or spaces occupied

by group living uses contain individual rooms with private or shared bathroom facilities and may also contain shared kitchen facilities, and/or common dining and living areas for residents. Residents may or may not receive any combination of care, training, or treatment, but those receiving such services must reside at the site. Examples of group living uses include fraternities, sororities, convents, community living arrangements, adult family homes, foster homes, treatment foster homes, monasteries and nursing homes.

- (1) **Adult Family Home.** As defined in Section 50.01(1), Wisconsin Statutes
- (2) **Community Living Arrangement.** As defined in Section 46.03(22), Wisconsin Statutes
- (3) **Foster Home/Treatment Foster Home.** As defined in Sections 48.02(6) and 48.02(17q), Wisconsin Statutes.

**C. Density Restrictions for Designated Sex Offenders.** Any building or other place intended for human habitation, on a temporary or permanent basis, including, without limitation, buildings occupied by household living uses, buildings occupied by group living uses or buildings occupied by lodging uses may not include more than one individual who is a designated sex offender under the provisions of §§ 301.45 and 301.46, Wis. Stats. This section density restriction does not apply to a designated sex offender who is living with his/her immediate family. For purposes of this section, "immediate family" is defined as the designated sex offender's spouse, parent, grandparent, brother or sister of the whole or half blood, child, stepchild or child by adoption, including children who have been placed in foster care, as defined by the Wisconsin Statutes.

**475-73 PUBLIC AND CIVIC USES**

The public and civic use category includes public, quasi-public, civic and institutional uses.

- A. Cemetery.** Lands and facilities for the interment of humans or domestic household pets, including columbariums and mausoleums.
- B. Club or Lodge.** The use of a building or lot by a membership-based organization that restricts access to its facility to bona fide, dues-paying members and their occasional guests and in which the primary activity is a service not

carried on as a business enterprise. Clubs and lodges are characterized by definite membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

- C. College or University.** Academic institutions of higher learning that are accredited or recognized by the state and offer courses of general or specialized study.
- D. Hospital.** Uses providing medical or surgical care to patients and offering inpatient (overnight) care.
- E. Library or Cultural Exhibit.** Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art or library collections of books, manuscripts and similar materials operated by a public or quasi-public agency.
- F. Parks and Recreation.** Recreational, social or multi-purpose uses associated with public parks and open spaces, including playgrounds, playfields, play courts, community centers and other facilities typically associated with public parks and open space areas. Also includes public and private golf courses and tennis clubs.
- G. Recyclable Material Drop-off Station.** An establishment that (1) accepts consumer recyclable commodities directly from the consuming party; (2) is staffed by personnel during times when recyclables are accepted from consumers; and (3) stores materials temporarily before transferring them to recyclable material processing facilities. Recyclable material drop-off bins are regulated as accessory uses/structures. Establishments engaged in long-term storage or processing of recyclable materials are classified as industrial uses.
- H. Religious Assembly.** The conduct of organized religious services. Examples include synagogues, temples, mosques and churches.
- I. Safety Service.** Establishments that provide fire, police or life protection services, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations and police stations.
- J. School.** Public and private schools at the primary, elementary, middle school or high school level

that provide basic, compulsory, state-mandated education.

#### K. Utilities and Public Service Facilities

- (1) **Minor.** Infrastructure services that require location in or very near the area where the service is provided. Minor utilities and public service facilities do not regularly have employees at the site and typically have few if any impacts on surrounding areas. Typical uses include: underground electric distribution substations; electric transformers; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication warning/broadcast facilities.
- (2) **Major.** Infrastructure services that typically have substantial visual or operational impacts on nearby areas. Typical uses include high-voltage electric substations, utility-scale power generation facilities and utility-scale water storage facilities, such as water towers and reservoirs.

#### 475-74 COMMERCIAL USES

The commercial use category includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use subcategories are as follows.

- A. **Animal Service.** Uses that provide goods and services for care of animals, including the following use subcategories:
  - (1) **Boarding.** The keeping of and care for any number of companion animals for remuneration or profit. Typical uses include boarding kennels, pet resorts/hotels, doggy or pet day care facilities, foster care homes, dog training centers and animal rescue shelters. Any building or structure in which animals are kept or exercised must be set back at least 100 feet from any R-zoned lot.
  - (2) **Grooming.** Grooming of companion animals, including dog bathing and clipping salons and pet grooming shops. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.

- (3) **Veterinary.** Animal hospitals and veterinary clinics staffed by veterinarians. No outside animal runs or kennels are allowed unless located in a zoning district that permits boarding, in which case the regulations that apply to animal boarding must be met.

- B. **Assembly and Entertainment.** Buildings and other facilities that accommodate public assembly for spectator-oriented sports, amusement, or entertainment events. Typical uses include event centers, theaters and cinemas.

- (1) **Small.** Assembly and entertainment uses with a seating or occupant capacity of no more than 250 persons.

- (2) **Large.** Assembly and entertainment uses with a seating or occupant capacity of more than 250 persons.

- C. **Business or Trade School.** Uses in an enclosed building that focus on teaching the skills needed to perform a particular job. Examples include schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses. Schools and other training facilities that involve outdoor work or training activities are classified as industrial services.

- D. **Commercial Service.** Uses that provide low-impact repair, maintenance and improvement services to individual consumers and small businesses.

- (1) **Consumer Maintenance and Repair Service.** Uses that provide maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business). Typical uses include laundry and dry cleaning pick-up shops, tailors, taxidermists, dressmakers, shoe repair, picture framing shops, copy shops, locksmiths, vacuum repair shops, electronics repair shops and similar establishments. Business that offer repair and maintenance service for large equipment or technicians who visit customers' homes or places of business are classified as an "industrial service."

- (1) **Supplemental Use Regulations.**  
Consumer maintenance and repair

service uses subject to supplemental use regulations, as indicated in [Table 7-1](#), are allowed only on the ground story and may occupy no more than 25% of the ground story floor space.

- (2) **Personal Service.** Uses that provide personal support and improvement services. Typical uses include barbers, hair and nail salons, tanning salons, travel agencies, and day spas. Also includes uses involved in providing tattoos, piercing and similar forms of body art.
  - (3) **Studio or Instructional Service.** Uses that focus on providing individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities. Also includes dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.
- E. Day Care.** Uses licensed by the state and providing care and supervision for children or adults away from their primary residence for more than 4 hours and less than 24 hours per day.
- (1) **Day Care Facility, Adult.** A day care for elderly and/or functionally impaired adults.
  - (2) **Day Care Home, Family.** A day care for 8 or fewer individuals under 7 years of age.
  - (3) **Day Care Center, Group.** A day care for 9 or more individuals under 7 years of age.
- F. Eating and Drinking Places.** An establishment that serves food or beverages for on- or off-premise consumption as its principal business.
- (1) **Supplemental Use Regulations.** Eating and drinking places subject to supplemental use regulations, as indicated in [Table 7-1](#), are allowed only on the ground story and may occupy no more than 25% of the ground story floor space.
  - (2) **Restaurant.** An establishment that serves food or beverages for on- or off-premise consumption as its principal business. Typical examples of restaurant uses include principal use restaurants, cafés, cafeterias, ice cream/ yogurt shops, donut shops and coffee shops.

- (3) **Bar.** Uses that cater primarily to adults 21 years of age and older and that sell and serve beer, wine or alcoholic liquor for on-premise consumption as their principal business. Typical uses include bars, taverns, brewpubs, tasting rooms and nightclubs. Also includes smoking lounges, hookah lounges, and similar establishments, whether conducted as a principal or accessory use.

**G. Financial Service.** Uses related to the exchange, lending, borrowing and safe-keeping of money. Automatic teller machines, kiosks and similar facilities that do not have on-site employees or amplified sound are not classified as financial service uses if they meet the criteria for classification as an accessory use (see [475-78](#)). Typical examples of financial service use types are financial institutions, convenient cash businesses and pawnshops:

- (1) **Financial Institution.** Any business authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions. This term does not include a convenient case business or pawnshop.
- (2) **Convenient Cash Business.** An individual or individuals, firm, partnership, association, corporation, limited liability company or any other business entity licensed pursuant to Wis. Stats. Secs. 218.05 or 138.09, engaged in the "payday loan business," "title loan business," "currency exchange business" (also known as "check cashing"), or any other substantially similar business.
  - (a) A currency exchange business, in accordance with Sec. 218.05, Wis. Stats., is any business except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under Ch. 186, Wis. Stats. pursuant to a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community

currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidence of money.

- (b) A payday loan business is a business that provides unsecured loans with an initial term of ninety-one days or less in which the amount borrowed does not exceed two thousand dollars and is usually for a period from the time of the loan until the borrowers next payday for which the lender charges either fees or interest for the loan.
- (c) A title loan business is any business providing loans to individuals in exchange for receiving title to the borrower’s motor vehicle as collateral.

(3) **Pawnshop.** An entity engaged in whole or in part in the business of lending money on the security of pledged goods or in the business of purchasing tangible personal property on a condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time, or in the business of purchasing tangible personal property from persons or sources other than manufacturers or licensed dealers.

H. **Funeral and Mortuary Service.** Uses that provide services related to the death of a human or companion animal, including funeral homes and mortuaries.

I. **Lodging.** Uses that provide temporary overnight sleeping accommodations or lodging for guests paying a fee or other form of compensation for a period of less than 30 consecutive days. Lodging uses sometimes provide food or entertainment, primarily to registered guests. Lodging use types

include: bed & breakfast inns, hotels and motels, short-term rentals and overnight shelters.

- (1) **Bed & Breakfast Inn.** A lodging establishment in a detached house in which the resident owner/operator offers accommodations and meal service to overnight guests for compensation.
- (2) **Hotel.** A lodging establishment other than a bed & breakfast inn or short-term rental. Guest rooms in hotels are accessed via internal corridors.
- (3) **Homeless Shelter.** A lodging use that provides temporary room and board for homeless individuals. Such uses may also provide counseling services.

(1) **Supplemental Use Regulations.**

Homeless shelters are subject to the following supplemental use regulations:

- (1) A property owner wishing to locate a homeless shelter on their property must notify the village administrator and also receive signed approval from the building inspector, directed enforcement officer, and fire inspector prior to allowing occupancy of the shelter. The village administrator must notify the village board at the board’s next regularly scheduled or special-called meeting.
- (2) Homeless shelters may not operate for more than 14 days in a calendar year on a single property.
- (3) Homeless shelters must comply with all applicable federal and state statutes and village ordinances, including all applicable building and fire codes, all maximum occupancy restrictions, and all residential density restrictions for designated sex offenders.
- (4) The property owner must be the applicant for a homeless shelter and must prepare and file, with the planning and zoning administrator, the facility’s management policies, including at least the following:
  - i. Resident eligibility and identification process;

- ii. Location of the habitable room on the property;
- iii. Any on-site programming and activities offered;
- iv. Timing and placement of outdoor activities;
- v. Any proposed outdoor lighting changes or outdoor lighting needs;
- vi. Any additional anticipated traffic outside of normal daytime hours (7:00 a.m. through 10:00 p.m.);
- vii. Standards governing expulsions;
- viii. Hours of operation and standard lights-out;
- ix. Policies regarding safety and security including emergencies;
- x. Smoking policy, including identification of areas where smoking is to be permitted;
- xi. Volunteer and donation procedures;
- xii. Communications with the village and the neighborhood;
- xiii. Estimated number of residents for each night;
- xiv. Number of staff or volunteers working at all times;
- xv. Designated point of contact and contact information; and
- xvi. Dates of operation.

**(4) Short-term Rental.** A residential dwelling that is offered for rent for a fee and for more than 6 but fewer than 29 consecutive days.

**J. Medical Service.** Personal health services including prevention, diagnosis and treatment services for humans, as provided by physicians, dentists, nurses and other health personnel. Surgical, rehabilitation and other medical centers that do not involve overnight patient stays are included in this use subcategory, as are medical and dental laboratories, blood banks, kidney dialysis centers and the design, fabrication and assembly of optical, dental, orthopedic and cosmetic devices used for treatment of medical-related issues. Medical service uses are performed in an office setting with no overnight care. Ancillary sales of medical products is allowed in association with a medical service use.

**K. Office.** Uses that focus on providing executive, management, administrative and professional services other than those included in the medical service use subcategory. Also includes broadcast and recording studios and uses engaged in scientific research and testing services leading to the development of new products and processes that do not involve the mass production, distribution or sale of such products or involve the use of hazardous materials or processes.

**L. Parking, Non-Accessory.** Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or visitors to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

**(1) Supplemental Use Regulations.** Non-accessory parking uses requiring conditional use approval are subject to the following regulations:

- (a)** The non-accessory parking may not be located on a corner parcel or on a lot abutting another non-accessory parking lot; and
- (b)** The width of the non-accessory parking facility may not exceed 80 feet along any primary street frontage.

**M. Retail Sales.** Uses involving the sale, lease or rental of new or used goods to the ultimate consumer. Examples of specific retail use types include retail sales of convenience goods, consumer shopping goods and building supplies and equipment.

**(1) Convenience Goods.** Retail sales uses that sell or otherwise provide (1) sundry goods; (2) products for personal grooming and for the day-to-day maintenance of personal health or (3) food or beverages for off-premise consumption, retail bakeries and similar uses that provide incidental and accessory food and beverage service as part of their primary retail sales business. Typical uses include convenience stores, grocery stores, drug stores, specialty food stores, wine or liquor stores, newsstands and florists.

(1) **Supplemental Use Regulations.** Retail sales of convenience goods subject to supplemental use regulations, as indicated in [Table 7-1](#), is allowed only on the ground story and may occupy no more than 25% of the ground story floor space.

(2) **Consumer Shopping Goods.** Retail sales uses that sell or otherwise provide wearing apparel, fashion accessories, furniture, household appliances and similar consumer goods, large and small, functional and decorative, for use, entertainment, comfort or aesthetics. Typical uses include clothing stores, department stores, appliance stores, TV and electronics stores, bike shops, book stores, costume rental stores, stationery stores, art galleries, hobby shops, hardware stores (less than 10,001 square feet) furniture stores, pet stores and pet supply stores, shoe stores, antique shops, secondhand stores, record stores, toy stores, sporting goods stores, variety stores, video stores, musical instrument stores, medical supplies, office supplies and office furnishing stores and wig shops.

(1) **Supplemental Use Regulations.** Retail sales of consumer shopping goods subject to supplemental use regulations, as indicated in [Table 7-1](#), is allowed only on the ground story and may occupy no more than 25% of the ground story floor space.

(3) **Building Supplies and Equipment.** Retail sales uses that sell or otherwise provide goods to repair, maintain or visually enhance a structure or premises and that include more than 10,000 square feet of gross floor area or that involve outdoor storage of goods. Typical uses include home improvement stores and garden supply stores.

**N. Sports & Recreation, Participant.** Provision of sports or recreation primarily by and for participants. (Spectators are incidental). Examples include bowling alleys, health clubs, skating rinks, billiard parlors, miniature golf courses, batting cages, and go-cart tracks.

(1) **Indoor.** Participant sports and recreation uses conducted entirely within buildings.

(2) **Outdoor.** Participant sports and recreation uses conducted wholly or partially outside of buildings.

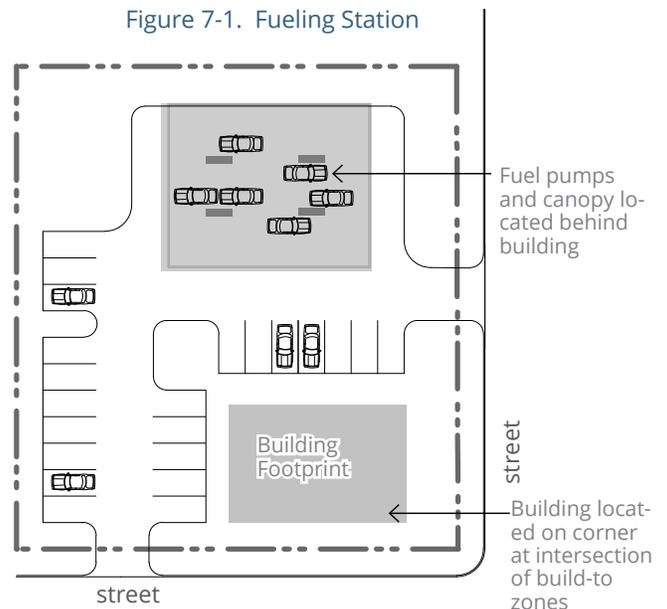
**O. Vehicle Sales and Service**

(1) **Fueling Station.** A use engaged in retail sales of vehicle fuels for personal vehicles, other than fleet fueling facilities and truck stops, which are regulated as industrial service uses.

(1) **Supplemental Use Regulations.** Fueling stations subject to supplemental use regulations, as indicated in [Table 7-1](#), must comply with the following supplemental use regulations:

- (1) Fueling pumps must be located in the rear or interior side yard.
- (2) The roof of any pump canopy must match the building materials used on the principal building.
- (3) The maximum overall height of a pump canopy may not exceed 18 feet.
- (4) The principal building must be located within the build-to zone and be located at the corner of any corner lot. The building must comply with all requirements of the building type, except that the minimum primary frontage coverage

Figure 7-1. Fueling Station



requirements and minimum height requirements do not apply.

- (5) Vehicle entrance doors for service bays or car washes are prohibited on the primary street facade.
- (6) In addition to the driveways permitted by the subject building type, one additional driveway is permitted, with a maximum width of 22 feet.
- (2) **Vehicle Sales.** Uses primarily engaged in the sales of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the sale of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.
- (3) **Vehicle Rentals.** Uses primarily engaged in the rental of personal, consumer-oriented motor vehicles, such as automobiles, pick-up trucks, motorcycles and personal watercraft. Note: the rental of large trucks, construction equipment, agricultural equipment, aircraft or similar large vehicles are regulated as trucking and transportation terminals.
- (4) **Vehicle Maintenance and Repair, Minor.** Uses that repair, install or maintain the mechanical components of automobiles, trucks, vans, trailers or motorcycles or that wash, clean or otherwise protect the exterior or interior surfaces of such vehicles. Typical examples include oil-change shops, muffler shops, tire shops, and auto repair shops providing motor and mechanical repair services.
- (5) **Vehicle Maintenance and Repair, Major.** Uses that primarily conduct motor vehicle body work and repairs or that apply paint to the exterior or interior surfaces of motor vehicles by spraying, dipping, flow-coating or other similar means. Typical examples include body and paint shops.

#### **475-75 INDUSTRIAL USES**

The industrial use category includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and

the materials from which they are produced. It also includes uses that store or distribute materials or goods as a principal use.

**A. Fabrication and Production.** Uses primarily involved in the manufacturing, processing, fabrication, packaging, or assembly of goods made for the wholesale market, for transfer to other plants, or for firms or consumers.

(1) **Artisan.** Uses involved in the creation of art works or custom goods by hand manufacturing involving the use of hand tools and small-scale, light mechanical equipment in a completely enclosed building with no outdoor operations, storage or regular commercial truck parking/loading.

(1) **Supplemental Use Regulations.** Artisan fabrication and production uses in X districts must include on-site retail sales with a floor area of at least 1,500 square feet.

(2) **Low-Impact.** Uses that process, fabricate, assemble, treat, or package finished parts or products without the use of explosive or petroleum materials. This subcategory does not include the assembly of large equipment and machinery and has very limited external impacts in terms of noise, vibration, odor, hours of operation, and traffic. Common examples include apparel manufacturing, bakery products manufacturing, bottling plants, ice manufacturing, mattress manufacturing and assembly, microbreweries, micro distilleries, musical instrument manufacturing, newspaper printing and binderies.

(3) **Greenhouse/Nursery.**

**B. Storage, Distribution and Wholesaling.** Uses involved in the storage or movement of goods for themselves or other firms or the sale, lease, or rental of goods primarily intended for industrial, institutional, or commercial businesses.

(1) **Equipment and Materials Storage, Outdoor.** Uses related to outdoor storage of equipment, products or materials, whether or not stored in containers.

(2) **Self-service Storage.** An enclosed use that provides separate, small-scale, self-service storage facilities leased or rented to

individuals or small businesses. Facilities are designed and used to accommodate interior access to storage lockers or drive-up access from passenger vehicles.

(1) **Supplemental Use Regulations.** Self-service storage facilities requiring conditional use approval are subject to the following regulations:

- (1) The buildings along the primary street must comply with applicable building type regulations;
- (2) Metal warehouse buildings that do not meet building type regulations may be incorporated in the rear.

(3) **Warehouse.** Uses conducted within a completely enclosed building that are engaged in long-term and short-term storage of goods and that do not meet the definition of “self-service storage” use.

(4) **Wholesale Sales and Distribution.** Uses engaged in the wholesale sales, bulk storage and distribution of goods. Such uses may also include incidental retail sales and wholesale showrooms. Expressly includes the following uses: bottled gas and fuel oil sales, monument sales, and portable storage building sales.

**475-76 AGRICULTURAL USES**

The agricultural use category includes general farming and community garden uses.

**A. Community Garden<sup>2</sup>**

(1) **Defined.** Areas that are managed and maintained by a group of individuals to grow and harvest food crops or non-food crops (e.g., flowers). A community garden area may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of the group.

(2) **Supplemental Use Regulations.** Community gardens may be principal or accessory uses and are subject to the following supplemental use regulations:

- (a) On-site sales of community garden food products is permitted as an accessory use.
- (b) All equipment must be stored in a completely enclosed building.
- (c) The community garden site must be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
- (d) On-site trash, recyclable and compost containers must be located and maintained as far as practicable from residential dwelling units located on other lots.
- (e) The property must be maintained free of tall weeds and debris. Dead garden plants must be regularly removed and, in any instance, no later than November 1 of each year.
- (f) The perimeter of all community gardens must be fenced.

**B. Animal Agriculture.** Uses that involve the feeding, housing and care of farm animals for private or commercial purposes.

**C. Crop Agriculture.** An area managed and maintained by an individual, group or business entity to grow and harvest food crops or non-food crops (e.g., flowers) for sale or distribution. Farms may be principal accessory uses and may be located on land, on a roof or within a building.

**475-77 OTHER USES**

This category includes uses that do not fit the other use categories or that require distinction from other use classifications.

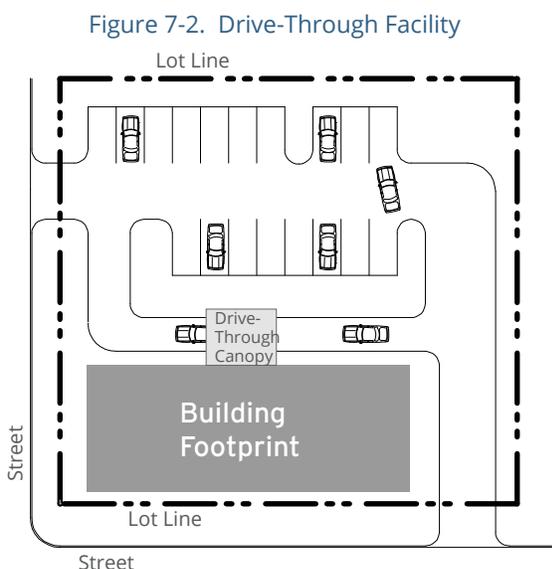
**A. Drive-in and Drive-through Uses.** A use accessory to a principal use that offers service directly to occupants of motor vehicles. Such uses are typically associated with restaurants, banks and pharmacies. Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees or amplified sound are not classified as drive-in or drive-through facilities if they meet the criteria for classification as an accessory use.

<sup>2</sup> New

- (1) **Supplemental Use Regulations.** Drive-in and drive-through facilities are subject to the following supplemental use regulations:
  - (a) The drive-through facility and vehicle stacking lanes must be located on the rear or on the interior side of the building and be sited so that it does not impede or disrupt on-site or off-site motorized or non-motorized traffic movements.
  - (b) The menu board and speaker must be located in the rear or interior side yard.
  - (c) Where the rear of the lot abuts an NX district, the drive-through facility must be setback at least 70 feet from the rear lot line.

**475-78 ACCESSORY USES**

**A. Generally Applicable Regulations**



- (1) **Accessory Uses Allowed.** Accessory uses are allowed only in connection with lawfully established principal uses.
- (2) **Allowed Uses.** Allowed accessory uses are limited to those expressly regulated in this section as well as those that, in the determination of the planning and zoning administrator, satisfy all of the following criteria:

- (a) They are customarily found in conjunction with the principal use of the subject property;
- (b) They are subordinate and clearly incidental to the principal use of the property; and
- (c) They serve a necessary function for or contribute to the comfort, safety or convenience of occupants of the principal use.

- (3) **Time of Construction and Establishment.** Accessory uses may be established only after the principal use of the property is in place.

- (4) **Location.** Accessory uses must be located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated.

**(5) Accessory Buildings and Structures**

- (a) Accessory buildings and structures are subject to the same regulations that apply to principal uses and structures on the subject lot, unless otherwise expressly stated.
- (b) Accessory buildings attached to the principal building by a breezeway, passageway or similar means are considered part of the primary structure and are subject to the lot and building regulations that apply to the principal building.
- (c) Accessory buildings attached by structures less than 30 inches in height or less (e.g., patios, walks, decks without railing) are not considered part of the primary structure and are subject to accessory building and structure regulations.
- (d) Accessory buildings must be separated by a minimum distance of 10 feet from the principal building on the lot, unless the accessory building is located entirely within the area in which the principal building is allowed to be located, in which case no separation is required. Structures less than 30 inches in height are not subject to building separation requirements.

**B. Amateur Radio Service Antennas**

- (1) Amateur radio service antennas and supporting towers are expressly allowed as permitted accessory uses, provided that no such antenna, including any support upon which it is mounted may exceed a combined height of 70 feet.
- (2) All amateur radio service antenna structures must be set back a distance of at least one-half the height of the tower structure from all property lines.

**C. Electric Vehicle Charging Stations<sup>3</sup>**

**(1) General**

- (a) Private (restricted-access) electric-vehicle (EV) charging stations are permitted as accessory uses in all zoning districts.
- (b) Public EV charging stations are permitted as accessory uses to allowed nonresidential uses in all zoning districts.

**(2) Parking**

- (a) Electric vehicle charging stations may be counted toward satisfying minimum off-street parking space requirements.
- (b) Public electric vehicle charging stations must be reserved for parking and charging electric vehicles. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that apply to any other vehicle.

- (3) **Equipment.** Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle or wheelchair movement or create safety hazards on sidewalks.

**(4) Posted Information**

- (a) Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
- (b) Public electric vehicle charging stations must be posted with signs indicating

that the space is reserved for electric vehicle charging purposes only. For purposes of this provision, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment.

- (5) **Maintenance.** Electric vehicle charging stations must be maintained in all respects, including the functioning of the equipment. A phone number or other contact information must be provided on the equipment for reporting when it is not functioning or other problems are encountered.

**D. Firewood Storage. Reserved**

- E. Garage Sales.** Notwithstanding any provision of this zoning ordinance to the contrary, garage, basement, yard or other similar sales may be conducted no more than 4 times each year or once per quarter, and each sale may last no more than 72 consecutive hours.

**F. Geothermal Energy Systems<sup>4</sup>**

- (1) **General.** Geothermal energy systems are permitted as an accessory use in all zoning districts.

**(2) Location**

- (a) Geothermal energy systems must be located entirely within the lot lines of the subject property or within appropriate easements.
- (b) No portion of a geothermal energy system may be located within a stream or stream buffer.

**G. Home Occupations<sup>5</sup>**

- (1) **Purpose.** The home occupation regulations of this section are intended to allow residents to engage in customary home-based work activities, while also helping to ensure that neighboring residents are not subjected to adverse operational and land use impacts (e.g., excessive noise or traffic or public safety hazards) that are not typical of residential neighborhoods.

<sup>3</sup> New

<sup>4</sup> New

<sup>5</sup> The home occupation provisions have been substantially revised and updated.

(2) **Type A and Type B Home Occupations.** Two types of home occupations are defined and regulated under this section:

- (1) **Type A Home Occupations.** Type A home occupations are those in which household residents use their home as a place of work, with no employees, customers or clients coming to the site.
- (2) **Type B Home Occupations.** Type B home occupation are those in which household residents use their home as a place of work and either one non-resident employee or customers come to the site.

(3) **Exemptions**

- (1) **Group Living.** Group living uses are not regulated as home occupations and are not subject to the home occupation regulations of this section. Group living is allowed as indicated in [Table 7-1](#).
- (2) **Family Day Care Homes.** Family day care homes are not regulated as home occupations and are not subject to the home occupation regulations of this section. Family day care homes are allowed only as indicated in [Table 7-1](#).
- (3) **Bed & Breakfast Inn.** Bed & breakfast inns are not permitted as home occupations and are not subject the home occupation regulations of this section. Bed and breakfasts are allowed only as indicated in [Table 7-1](#).
- (4) **Short-Term Rentals.** Short-term rentals are not permitted as home occupations and are not subject the home occupation regulations of this section. Short-term rentals are allowed only as indicated in [Table 7-1](#).

(4) **Prohibited Home Occupations.** The following uses are expressly prohibited as home occupations:

- (a) Any type of sales, assembly, cleaning, maintenance or repair of motorized or nonmotorized vehicles;
- (b) Any type of sales, assembly, cleaning, maintenance or repair of recreational equipment with internal combustion engines or electric motors or of large

appliances (such as washing machines, clothes dryers or refrigerators);

- (c) Dispatch centers or other businesses where employees come to the site and are dispatched to other locations;
- (d) Equipment storage or rental businesses;
- (e) Tow truck services;
- (f) Eating or drinking places;
- (g) Firearms or ammunition manufacturing or sales;
- (h) Funeral or interment services;
- (i) Animal care, grooming or boarding businesses;
- (j) Any use involving the use or storage of vehicles, products, parts, machinery or similar materials or equipment outside of a completely enclosed building;
- (k) Any home-based instruction, teaching or tutoring activity of more than 4 students at one time or any other activity generating more than one customer visit per hour; and
- (l) Any other activity that jeopardizes the health and safety of village residents.

(5) **Where Allowed**

- (a) Type A home occupations are permitted as of right as an accessory use to a principal use in the household living use category. Type A home occupations are subject to the general regulations of paragraph (6) and all other applicable regulations of this section. More than one Type A home occupation is allowed as an accessory use, but the general regulations of paragraph (6) apply to the combined home occupation uses.
- (b) Type B home occupations may be approved as an accessory use to a principal use in the household living use category only as expressly stated in paragraph (7). Type B home occupations are subject to the general regulations of paragraph (6), the supplemental regulations of paragraph (7) and all other applicable regulations of this section.

Multiple Type B home occupations are prohibited as an accessory use to a household living use, and a Type A home occupation may not be conducted with a Type B home occupation.

- (6) **General Regulations.** All Type A and Type B home occupations are subject to the following general regulations:
  - (a) Home occupations must be accessory and secondary to the use of a dwelling unit for residential purposes. They may not change the character of the residential building they occupy or adversely affect the character of the surrounding neighborhood. Home occupations may not, for example, produce light, noise, vibration, odor, parking demand, or traffic impacts to that are not typical of a residential neighborhood in Allouez. Home occupations must be operated so as not to create or cause a nuisance.
  - (b) Any tools or equipment used as part of a home occupation must be operated in a manner or sound-proofed so as not to be audible beyond the lot lines of the subject property.
  - (c) External structural alterations or site improvements that change the residential character of the lot upon which a home occupation is located are prohibited. Examples of such prohibited alterations include construction of parking lots, the addition of commercial-like exterior lighting or the addition of a separate building entrance that is visible from abutting streets.
  - (d) Home occupations and all related activities, including storage (other than the lawful parking or storage of vehicles), must be conducted entirely within the principal building.
  - (e) The area devoted to the conduct of all home occupations present on the property is limited to 2025% of the dwelling unit's floor area.

- (f) No window display or other public display of any material or merchandise is allowed.
- (g) The use or storage of hazardous substances is prohibited, except at the "consumer commodity" level, as that term is defined in 49 C.F.R. Section 171.8.
- (h) Only passenger automobiles, passenger vans and passenger trucks may be used in the conduct of a home occupation. No other types of vehicles may be parked or stored on the premises. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, Fed Ex, et al.) of the type typically used in residential neighborhoods.

**(7) Supplemental Regulations for Type B Home Occupations**

- (a) Type B home occupations are allowed only if reviewed and approved in accordance with the ~~XXX~~ procedures of ~~XXX~~, provided that instruction, teaching or tutoring of no more than 4 students at one time is permitted as or right.
- (b) One nonresident employee is allowed with a Type B home occupation if no customers come to the site at any time. Home occupations that have clients, customers or students coming to the site at any time may not have nonresident employees. For the purpose of this provision, the term "nonresident employee" includes an employee, business partner, co-owner or any other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.

**H. Mobile Storage Units.** Temporary mobile storage units are permitted as a temporary accessory use, subject to issuance of a permit from the village and the following supplemental regulations:

- (1) Temporary mobile storage units are permitted for a period not to exceed a total of 30 days within any calendar year unless a valid building or construction permit is

in place for the subject property, in which case the temporary mobile storage unit may remain in place for a maximum of 90 days or until the permit expires, whichever occurs first. If a dwelling unit on the subject lot has been damaged by natural disaster act of God, the planning and zoning administrator is authorized to grant time extensions of otherwise applicable temporary mobile storage unit time limits.

- (2) No more than one temporary mobile storage unit may be located on any lot.
- (3) Temporary mobile storage units may not exceed 16 feet in length, 8 feet in width, and 8.5 feet in height.
- (4) Temporary mobile storage units must be set back at least 5 feet from all property lines.
- (5) Temporary mobile storage units must be placed on an improved all-weather surface, generally asphalt, brick pavers, or concrete. Units are prohibited within landscape areas, open spaces, stormwater basins, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and development.
- (6) No materials may be stacked or stored on the exterior of the mobile storage unit and no running gear or transport trailer may be stored on site outside of a completely enclosed building.

**I. Residential Composting<sup>6</sup>**

- (1) The composting of landscape waste (including grass clippings, leaves, and chipped brush) and food waste (including discarded fruits, vegetables, and grains) is an allowed accessory use in residential zoning districts, subject to the regulations of this section.
- (2) Only landscape waste generated from plants grown and maintained on the subject lot may be composted. This provision is not intended to prohibit property owners from adding “outside” materials or ingredients to speed or enhance decomposition.

- (3) Only food waste resulting from food preparation or consumption by residents of the subject lot and their visitors may be composted. This provision is not intended to prohibit property owners from adding “outside” materials or ingredients to speed or enhance decomposition. Meat products are prohibited in residential compost bins.
- (4) All food waste must be placed within rodent-resistant compost bins, which are prohibited in front and street side yards and must be set back at least 10 feet from all lot lines.
- (5) Landscape waste compost piles may not exceed 125 cubic feet in volume, and may not exceed 5 feet in height.
- (6) Landscape waste compost piles must be set back at least 10 feet from all lot lines. Landscape waste compost piles that are not contained within a rodent-resistant compost bin must be set back at least 30 feet from all dwelling units on abutting lots.
- (7) Only animal waste from herbivores is allowed within compost piles or bins.
- (8) Burning of compost piles is not allowed.

**J. Satellite Dish Antennas**

- (1) **Applicability.** Satellite dish antennas are subject to compliance with the regulations of this section.
- (2) **Location**
  - (a) In R districts, satellite dish antennas must be located in the rear yard or on the rear of the principal building. If usable communication signals cannot be obtained from the rear location, the satellite dish antenna may be located in the side yard or on the side of the principal building. If usable satellite television communication signals cannot be received by locating the antenna to the rear or side of the principal building, the antenna may be placed in the front yard or on the front-facing roof of the principal building, provided that (a) the dish diameter does not exceed 18 inches and (b) the planning and zoning administrator’s approval is obtained prior to such installation. The planning

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<sup>6</sup> New

and zoning administrator is authorized to approve a front yard location only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.

- (b) In all districts other than R districts, satellite dish antennas may be located anywhere upon a building or within the buildable area of the lot, subject to applicable zoning district setback regulations.

### (3) Other Regulations

- (a) In all R districts, satellite dish antennas may not exceed 36 inches in diameter.
- (b) A ground-mounted satellite dish antenna may not exceed 20 feet in height including any platform or structure upon which the antenna is mounted or affixed.
- (c) Roof-mounted satellite dish antenna may not exceed the height of the elevation of the ridge line of the principal structure.
- (d) If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitations imposed by this section, such satellite dish antennas may be installed at a greater height, provided that the height is approved by the planning and zoning administrator. The planning and zoning administrator is authorized to approve a greater height upon a showing by the applicant that installation at a height greater is necessary for the reception of usable communication signals.
- (e) All satellite dish antennas must comply with all manufacturers' specifications, be located on non-combustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.

### K. Secondary Suites

- (1) **Description.** Secondary suites are accessory dwelling units contained wholly within the principal dwelling unit on the property (i.e., detached house).

- (2) **Applicability.** All secondary suites are subject to compliance with the regulations of this section.
- (3) **Where Allowed.** Secondary suites are permitted by right on lots occupied by a detached house.
- (4) **Creation.** Secondary suites may be created by:
  - (a) Converting existing floor area within the interior of a detached house (e.g., attic or basement) to a secondary suite;
  - (b) Adding floor area to an existing detached house to accommodate a secondary suite; or
  - (c) Constructing a new detached house that includes a secondary suite within the principal building.
- (5) **Zoning District Regulations.** Secondary suites are subject to all applicable regulations of the zoning district in which they are located, unless otherwise expressly stated in this ordinance.
- (6) **Number.** No more than one secondary suite is permitted on a single lot. Secondary suites are prohibited on lots occupied by a backyard cottage (see [475-24](#)).
- (7) **Size.** The floor area of a secondary suite may not exceed 25% of the floor area of the principal dwelling unit (excluding any attached garage).
- (8) **Parking.** No additional parking is required for a secondary suite. Any provided parking is subject to the same regulations that apply to the principal dwelling unit.
- (9) **Location of Entrances.** Only one entrance to a detached house containing a secondary suite may be located on a facade that faces a street, unless the detached house had an additional street-facing entrance before the secondary suite was created.
- (10) **Owner Occupancy and Rental.** At least one of the dwelling units on a lot occupied by a secondary suite must be occupied by an owner with at least a 50% interest in the subject property. The owner must occupy either the principal dwelling unit or the

secondary suite as their permanent residence for a majority of the time each calendar year.

- (11) **Deed Restriction.** Prior to issuance of a permit establishing a secondary suite, the owner of the subject property must file an affidavit with the planning and zoning administrator and record a deed restriction stating that the owners of the subject property agree (1) to comply with the owner occupancy, rental and other applicable restrictions of this ordinance; and (2) to notify all prospective purchasers of such requirements. The deed restriction runs with the land is binding upon the property owner, their heirs and assigns, and upon any parties subsequently acquiring any right, title, or interest in the property. The affidavit and deed restriction must be in a form prescribed by the planning and zoning administrator. Proof of deed restriction recording must be provided to the planning and zoning administrator before any building permits are issued for the secondary suite.

#### L. Solar Energy Systems<sup>7</sup>

##### (1) General

- (a) Accessory solar energy systems must comply with all applicable building ordinance and electrical code requirements.
- (b) Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements must be recorded with the county recorder of deeds.

##### (2) Building-Mounted Solar Energy Systems

- (a) Building-mounted solar energy systems may be mounted on principal and accessory structures.
- (b) All applicable setback regulations apply to building-mounted solar energy systems.
- (c) Only building-integrated and/or flush-mounted solar energy system may

be installed on street-facing building elevations.

- (d) Solar energy systems may not extend more than 3 feet above the applicable maximum building height limit or more than 4 feet above the highest point of the roof line, whichever is less.

#### (3) Ground-Mounted Solar Energy Systems

- (a) In residential zoning districts, ground-mounted solar energy systems may not be located in a required street setback or street yard.
- (b) Ground-mounted solar energy systems may be located within required interior side and rear setbacks.
- (c) Ground-mounted solar energy systems are subject to applicable accessory structure height and lot coverage regulations.

### 475-79 TREE HOUSES AND PLAY HOUSES

- A. **Applicability.** The regulations of this section apply to all tree houses and play houses.

#### B. Building Permits.

- (1) To ensure that a play house (accessory structure with ground supports) complies with applicable zoning and building requirements, a building permit is required when the structure:
- (a) Has supports resting on or attached to the ground; or
- (b) Is or will be supplied with electricity or water.
- (2) A tree house (accessory structure supported solely and entirely by one or more trees) does not require a building permit unless it is to be supplied with electricity and/or water but is required to meet the zoning requirements described below.

- C. **Setbacks.** Setback requirements vary by the size and shape of the lot, the zoning district, and whether it is a corner lot, interior lot, or double frontage lot. Tree houses and play houses are prohibited in front, street side and interior side yards. Tree houses are allowed in rear yards.

<sup>7</sup> New

- D. **Height.** Tree houses and play houses may not exceed 15 feet in height, as measured from grade immediately below the structure to the highest point of the roof(or exterior walls if there is no roof).
- E. **Impervious Coverage.** Play houses are counted when determining compliance with applicable impervious coverage limits.
- F. **Building Separation**
  - (1) Play houses must be separated by a distance of at least 10 ~~inches~~ feet from the nearest wall of the principal building on the lot.
  - (2) Play houses must be separated by a minimum distance of at least 4 feet from other roofed accessory structures, as measured from the exterior walls of each structure.
- G. **Maximum Area of Roofed Accessory Structure.** Play houses and tree houses may not exceed 150 square feet in floor area.

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## ARTICLE VIII. PARKING AND ACCESS

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### 475-80 GENERAL

#### A. Purpose

- (1) The parking regulations of this article are intended to help ensure that off-street parking facilities are provided to meet the basic day-to-day needs of shoppers, employees, visitors and residents while also avoiding the negative impacts that can result from requiring excessive quantities of off-street parking.
- (2) The provisions of this article are also intended to help protect the public health, safety and general welfare by:
  - (a) Promoting economically viable and beneficial use of land; and
  - (b) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the village.

#### B. Applicability

- (1) **General.** Off-street parking must be provided and maintained in accordance with the provisions of this article. Unless otherwise expressly stated, the regulations apply to all zoning districts and uses.
- (2) **New Uses and Development.** The parking regulations of this article apply to all new buildings constructed and all new uses established in all zoning districts.

- (3) **Change of Use.** If a new use of a building or structure requires more off-street parking than the use that most recently occupied the building or structure, the new use must comply with the parking requirements of this article.

#### (4) Enlargements and Expansions

- (a) The parking regulations of this article apply whenever an existing building or use is enlarged or expanded to include additional dwelling units, floor area, seating capacity or other units of measurement used in establishing off-street parking requirements.
- (b) In the case of enlargements or expansions that trigger requirements for additional parking, additional spaces are required only to serve the enlarged or expanded area, not the entire building or use. There is no requirement to address parking deficits associated with existing, lawfully established buildings or uses.<sup>1</sup>

- (5) **Maintenance.** Off-street parking spaces required by this zoning ordinance must be maintained for the life of the principal use.

- (6) **Damage or Destruction.** When a use that has been damaged or destroyed is re-established, off-street parking or loading facilities must also be re-established or continued in operation in an amount equal to the number

<sup>1</sup> Existing ordinance requires that at least 50% of any existing deficiency be corrected.

maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this zoning ordinance.

- (7) **Plans.** All applications for a building permit must be accompanied by a fully dimensioned and scaled plan showing parking, driveway and loading facilities provided to comply with this zoning ordinance.<sup>2</sup>

<sup>2</sup> Current ordinance requires village board approval, which seems unnecessary.

**475-81 PARKING RATIOS**

- A. **Minimums.** Off-street parking spaces must be provided in accordance with the minimum ratios established in [Table 8-1](#).
- B. **Maximums.** Nonresidential uses may not provide motor vehicle parking in excess of 125% the minimum motor vehicle parking ratios established in [Table 8-1](#).
- C. **Accessible Parking.** Accessible parking facilities (for persons with disabilities) must be provided in accordance with all applicable state and federal regulations.

**Table 8-1: Parking Ratios**

USE CATEGORY	Minimum Spaces Required	
	Motor Vehicle	Bicycle
Use Subcategory		
Specific Use Type		
<b>RESIDENTIAL</b>		
<b>Household Living</b>		
Single-Household	2 per DU (See also <a href="#">475-87.F</a> )	No minimum
Two-Household	2 per DU (See also <a href="#">475-87.F</a> )	No minimum
Three+-Household and Live-Work	1.25 per DU, plus 0.25 per bedroom for 2+ bedroom DU	1 per 4 DUs for lots with 8 or more units
Group Living	1 per 4 driving-age residents, plus 1 per 2 employees; minimum 2 spaces	No minimum
<b>PUBLIC AND CIVIC</b>		
Cemetery	No minimum	No minimum
Club or Lodge	1 per 4 seats	1 per 40 seats
College or University	Established per <a href="#">475-81.D.(7)</a>	Established per <a href="#">475-81.D.(7)</a>
Hospital	1 per 2 beds, plus 1 per 3 employees	1 per 25 beds
Library or Cultural Exhibit	1 per 300 400 sf	1 per 2,000 sf
Parks and Recreation	Established per <a href="#">475-81.D.(7)</a>	Established per <a href="#">475-81.D.(7)</a>
Recyclable Material Drop-off Station	2 spaces	
Religious Assembly	1 per 5 seats	1 per 40 seats
Safety Service	1 per 2 employees	No minimum
School		
Elementary or Middle	1 per employee	1 per 10 students
Sr, High	1 per employee, plus 1 per 8 students	1 per 25 students
Gyms, auditoriums and assembly areas	Established per <a href="#">475-81.D.(7)</a>	Established per <a href="#">475-81.D.(7)</a>
<b>Utilities and Public Service Facilities</b>		
Minor	No minimum	No minimum
Major	1 per 2 employees	No minimum
*DU=dwelling unit   sf = sq. ft.		

USE CATEGORY	Minimum Spaces Required	
	Motor Vehicle	Bicycle
Use Subcategory		
Specific Use Type		
<b>COMMERCIAL</b>		
<b>Animal Service</b>		
Boarding	<u>1 per 2 employees</u>	<u>No minimum</u>
Grooming	<u>2 spaces, 1 per 2 employees</u>	<u>No minimum</u>
Veterinary	<u>1 per 2 employees, plus 1 per 400 sf</u>	<u>No minimum</u>
<b>Assembly and Entertainment</b>	<u>1 per 6 seats</u>	<u>1 per 40 seats</u>
<b>Business or Trade School</b>	<u>1 per 2 employees, plus 1 per 6 students</u>	<u>1 per 25 students</u>
<b>Commercial Service</b>	<u>1 per 400 sf</u>	
<b>Day Care</b>		
Family Day Care Home	As required for dwelling unit	<u>No minimum</u>
Group Day Care Center	1 per 10 enrollees plus 1 queuing space per 20 enrollees; min. 2 queuing spaces	<u>No minimum</u>
Adult Day Care Facility	1 per 8 clients plus 1 queuing space per 20 clients; min. 2 queuing spaces	<u>No minimum</u>
<b>Eating and Drinking Places</b>		
Restaurant	<u>1 per 100 sf-1 per 4 seats</u>	
Bar	<u>1 per 100 sf-1 per 4 seats</u>	
<b>Financial Service</b> (except as below)	1 per <del>200</del> <u>400</u> sf	<u>1 per 5,000 sf</u>
Convenient Cash Business	1 per 200 sf	<u>1 per 2,000 sf</u>
Pawnshop	1 per 200 sf	<u>1 per 2,000 sf</u>
<b>Funeral or Mortuary Service</b>	1 per 5 seats	<u>1 per 40 seats</u>
<b>Lodging</b>		
Bed & Breakfast	<u>2, plus 1 per guest room</u>	<u>2 spaces</u>
Short-term Rental	<u>As required for type of residential dwelling unit</u>	<u>No minimum</u>
Hotel or Motel	1 per guest room, plus spaces required for any restaurant or conference space	<u>1 per 10 guest rooms</u>
<b>Medical Service</b>	1 per employee, <u>plus 1 per 400 sf</u>	<u>1 per 5,000 sf</u>
<b>Office</b>	1 per <del>200</del> <u>400</u> sf	<u>1 per 5,000 sf</u>
<b>Parking, Non-accessory</b>	No minimum	<u>1 per 10 motor vehicle parking spaces</u>
<b>Retail Sales</b>		
Convenience Goods	1 per <del>200</del> <u>400</u> sf	<u>1 per 5,000 sf</u>
Consumer Shopping Goods	1 per <del>200</del> <u>400</u> sf	<u>1 per 5,000 sf</u>
Building Materials and Supplies	1 per <del>200</del> <u>800</u> sf	<u>1 per 10,000 sf</u>
<b>Sports &amp; Recreation, Participant</b>	1 per 2 employees, plus 1 per 400 sf	<u>1 per 5,000 sf</u>
<b>Vehicle Sales and Service</b>		
Fueling Station	1 per employee, plus 2 per service bay	<u>No minimum</u>
Vehicle Sales	1 per 2 employees, plus 1 per 1,000 sf of indoor sales, rental, customer service area	<u>No minimum</u>
Vehicle Rental		<u>No minimum</u>
Vehicle Maintenance & Repair, Minor	2 per service bay	<u>No minimum</u>
Vehicle Maintenance & Repair, Major	1 per 400 sf	<u>No minimum</u>
*DU=dwelling unit   sf = sq. ft.		

USE CATEGORY Use Subcategory Specific Use Type	Minimum Spaces Required	
	Motor Vehicle	Bicycle
<b>INDUSTRIAL</b>		
Fabrication and Production	1 per 2 employees or 1 per 1,000 sf, whichever is greater	<u>No minimum</u>
Industrial Service		<u>No minimum</u>
Storage, Distribution & Wholesaling		<u>No minimum</u>
Junk or Salvage Yard		<u>No minimum</u>
<b>RECYCLING</b>		
Construction/Demolition Debris	1 per 2 employees or 1 per 1,000 sf, whichever is greater	<u>No minimum</u>
Consumer Material Drop-off		<u>No minimum</u>
Consumer Material Processing		<u>No minimum</u>
<b>AGRICULTURAL</b>		
Crop Agriculture	<u>No minimum</u>	<u>No minimum</u>
Animal Agriculture	<u>No minimum</u>	<u>No minimum</u>
Community Garden	<u>No minimum</u>	<u>No minimum</u>
<b>OTHER</b>		
Drive-in/Drive-through Service	As required for principal use, plus stacking spaces as required by <a href="#">475-88</a>	<u>No minimum</u>
*DU=dwelling unit   sf = sq. ft.		

- D. Parking Calculations.** In determining the number of parking spaces required, the following calculation rules apply:
- (1) **Multiple Uses.** Lots containing more than one use or tenant must provide parking in an amount equal to the total aggregate number of spaces required for each use or tenant on the lot except when a shared parking arrangement is approved in accordance with [475-82-C](#).
  - (2) **Rounding.** When calculating off-street parking requirements, any fractional result of less than one-half is rounded down to the whole number and any fractional result of one-half or more is rounded up to the whole number.
  - (3) **Floor Area Exemptions.** When minimum off-street parking ratios exempt the first increment of floor area, such exemption is credited to each individual use, whether located in a single- or multi-tenant development.
  - (4) **Occupancy- or Capacity-based Standards.** For the purpose of computing parking requirements based on employees, students, members, residents or occupants, calculations must be based on the average number of persons working on any single shift, the average enrollment or membership or the building code-rated capacity, whichever is applicable.
  - (5) **Bench Seating.** For the purpose of calculating parking requirements based on seating, each 22 linear inches of bench or pew length is equivalent to one seat.
  - (6) **Unlisted Uses.** Upon receiving a development application for a use not specifically listed in an off-street parking schedule, the planning and zoning administrator is authorized to apply the off-street parking ratio specified for the listed use that is deemed most similar to the proposed use or establish a minimum off-street parking requirement for the proposed use in accordance with [475-81-D\(7\)](#).
  - (7) **Establishment of Other Parking Ratios.** The planning and zoning administrator is authorized to establish required minimum parking ratios for unlisted uses and in those

instances where authority to establish a requirement is expressly granted. Such ratios must be established on the basis of (1) a similar use/parking determination (as described in [475-81-D\(6\)](#)), (2) parking data provided by the applicant or (3) other information available to the planning and zoning administrator. Parking data and studies must include estimates of parking demand based on reliable data collected from comparable local uses or on external data from credible research organizations, such as the Urban Land Institute (ULI) and the Institute of Transportation Engineers (ITE). Comparability will be determined by density, scale, bulk, area, type of activity and location. Parking studies must document the source of all data used to develop recommended requirements.

**475-82 PARKING REDUCTIONS AND CREDITS<sup>3</sup>**

- A. **Long-term Bicycle Parking.** Each 6 long-term bicycle parking spaces provided in accordance [475-83](#) with is credited as one motor vehicle space.
- B. **Public Parking.** Nonresidential uses are credited for motor vehicle parking spaces within a nearby public parking lot or public parking garage, as follows:
  - (1) Minimum parking requirements for the subject use are reduced by one motor vehicle parking space for every 4 parking spaces within the public parking lot or garage, not to exceed a total reduction of more than 25 spaces;
  - (2) The nearest pedestrian entrance to the public parking lot or garage must be located within 1,500 feet of the lot on which the subject use is located; and
  - (3) The parking facility must be open to the general public from at least 6:00 a.m. to 10 p.m.<sup>4</sup>

<sup>3</sup> These proposed parking reduction and credit options are all new except that shared parking does appear to be a possible option under the current ordinance.

<sup>4</sup> Removed on-street parking credit provisions per staff comments.

### C. Shared Parking

- (1) **General.** Shared parking refers to the practice of 2 or more users who need motor vehicle parking at different times to agree to make use of the same motor vehicle parking spaces. Shared parking is encouraged as a means of conserving scarce land resources, reducing stormwater runoff, reducing the heat island effect caused by large paved areas and improving community appearance.
- (2) **Eligibility.** Only nonresidential uses with different periods of parking demand are eligible to use shared parking. Required residential parking spaces and accessible parking spaces (for people with disabilities) may not be shared.
- (3) **Required Approval.** Shared parking arrangements require review and approval as part of the site plan review process (see [475-115](#)).
- (4) **Submittal Requirements and Methodology**
  - (a) Applicants proposing to use shared parking as a means of reducing overall motor vehicle parking requirements must submit:
    - (a) The names and addresses of the uses and of the owners or tenants that are sharing the parking;
    - (b) The location and number of parking spaces that are being shared;
    - (c) A shared parking analysis; and
    - (d) A legal instrument such as a deed or long-term lease guaranteeing access to the parking for the shared parking users. The agreement is subject to approval by the village attorney and must be recorded in the Brown County Register of Deeds office.
  - (b) The required shared parking analysis must be based on the latest edition of the Urban Land Institute (ULI) shared parking model or be prepared by a traffic engineer or transportation planner.
  - (c) The shared parking analysis must demonstrate that the peak parking demands of the subject uses occur at

different times and that the parking area will be large enough for the anticipated demands of both uses.

- D. **Alternative Compliance.** The motor vehicle and bicycle parking ratios of [475-81](#) are not intended to be a barrier to development or redevelopment or to make development and redevelopment economically impractical or negatively impact the viability of businesses. In order to allow for flexibility in addressing the actual expected parking demand of specific uses, alternatives to the parking requirements of this article may be approved through the site plan review procedures of [475-115](#):

- (1) The applicant submits a parking study demonstrating that the motor vehicle parking ratios of [475-81](#) do not accurately reflect the actual day-to-day parking demand that can reasonably be anticipated for the proposed use based on field surveys of observed parking demand for similar use within the village or on external data from credible research organizations, such as the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE);
- (2) The decision-making body determines that the other allowed parking reduction and credit provisions of this section are infeasible or do not apply; and
- (3) The decision-making body determines that the reduced parking ratios proposed are not likely to cause material adverse impacts on traffic circulation and safety or on the general welfare of property owners and residents in the surrounding area.

### **475-83 BICYCLE PARKING<sup>5</sup>**

#### A. Purposes

- (1) **Short-term Bicycle Parking.** Short-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles for short time periods, including customers, clients, students and other short-term visitors.
- (2) **Long-term Bicycle Parking.** Long-term bicycle parking is generally intended to serve the needs of cyclists who park their bicycles

<sup>5</sup> Bicycle parking provisions are all new.

for long time periods, primarily employees and residents.

**B. Spaces Required**

- (1) **Short-term Bicycle Parking.** Short-term bicycle parking spaces must be provided in accordance with the minimum ratios established in [Table 8-1](#). Whenever a minimum requirement is established in that table at least 2 short-term bicycle spaces must be provided for the subject use. Regardless of the minimum requirements stated in [Table 8-1](#), no use is required to provide more than 30 short-term bicycle parking spaces.
- (2) **Long-term Bicycle Parking.** Long-term bicycle parking and storage is not required, but as a means of encouraging the provision of long-term bicycle parking spaces for employees and bicycle commuters, motor vehicle parking credit is offered in accordance with [475-82-A](#).

**C. Location and Design**

**(1) Short-Term Bicycle Parking**

- (1) **Location.** Short-term bicycle parking spaces must be at least as conveniently located as the most convenient non-disabled motor vehicle parking provided for the subject use. If no motor vehicle parking is provided, short-term bicycle parking spaces must be located within 75 feet of a building entrance. Short-term bicycle parking must be located on the subject lot, unless a license agreement has been approved by the village to allow private bicycle parking facilities to be located in the right-of-way. Public bicycle parking spaces may be credited toward meeting short-term bicycle parking requirements if such bicycle parking spaces comply with the location requirements of this paragraph.
- (2) **Design.** Required short-term bicycle parking spaces must:
  - (a) Consist of bike racks or lockers that are anchored so that they cannot be easily removed;

- (b) Be of solid construction, resistant to rust, corrosion, hammers, and saws;
- (c) Allow both the bicycle frame and the wheels to be locked with the bicycle in an upright position using a standard U-lock;
- (d) Be designed so as not to cause damage to the bicycle;
- (e) Facilitate easy locking without interference from or to adjacent bicycles; and
- (f) Have minimum dimensions of 2 feet in width by 6 feet in length, with a minimum overhead vertical clearance of 7 feet.

**(2) Long-Term Bicycle Parking and Storage**

- (1) **Design and Location.** Long-term bicycle parking spaces provided to receive parking credit in accordance with [475-82-A](#) must:
  - (a) Be located with direct access by the bicycle rider, without requiring use of stairs;
  - (b) May not be located in dwelling units or on dwelling unit balconies;
  - (c) Must protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain and snow.
  - (d) Must be designed to allow bicycles to be securely locked to a bicycle rack, or be located in a bicycle locker with a separate access door for each bike or in an attended bike room.

**475-84 LOCATION OF OFF-STREET PARKING**

- A. **General.** Except as otherwise expressly stated in this article, required off-street parking areas must be located on the same lot as the building or use they are required to serve.
  - (1) **Parking Between Curb and Sidewalk.** Vehicles may not be parked or stored in that part of lot that lies between the closest curblines of a street and the edge of the sidewalk farthest from that curblines, or,

if there is a sidewalk between the closest curbline of a street and the front or street side property line of the subject lot. The area between the closest curbline of a street and the edge of the sidewalk farthest from the curbline and the area between the closest curbline of a street and the front or street side property line must remain open and unobstructed at all times.

**B. Off-site Parking**

- (1) **When Allowed.** All or a portion of required off-street parking for nonresidential uses may be provided off-site, in accordance with the regulations of this section. Required accessible parking spaces and required parking for residential uses may not be located off-site.
- (2) **Location.** Off-site parking areas must be located within 250500 feet of the use served by such parking, measured between the nearest public entrance door of the use to be served and the outer perimeter of the furthest parking space within the off-site parking lot. Off-site parking lots are allowed only in zoning districts that permit non-accessory parking or that allow the principal use to be served by the off-site parking spaces.
- (3) **Design.** Off-site parking areas must comply with all applicable parking area design regulations of 475-86.
- (4) **Control of Off-Site Parking Area.** The property to be occupied by the off-site parking facilities must be under the same ownership as the lot containing the use to be served by the parking. The off-site parking area may be under separate ownership only if a legal instrument is provided, guaranteeing the long-term availability of the off-site parking. The agreement is subject to approval by the village attorney and must be recorded in the office of the Brown County Register of Deeds.

**475-85 USE OF PARKING AREAS**

- A. Required off-street parking spaces are intended to serve residents, tenants, patrons, employees, or guests of the principal use. Required off-street parking areas may be used solely for the

temporary parking of licensed motor vehicles in operating condition.

- B. Required off-street parking spaces may not be used for the storage, display or sale of goods equipment or materials. No motor vehicle repair work of any kind is permitted in a required parking space.
- C. Required spaces may be used for electric vehicle charging.

**475-86 PARKING AND DRIVEWAY DESIGN**

- A. **Applicability.** The parking and driveway design regulations of this section apply to all off-street parking lots for motor vehicles, whether containing required or non-required parking spaces.
- B. **Ingress and Egress.** All parking areas must be designed to allow vehicles to enter and exit a street and cross public sidewalks in a forward motion, except that this requirement does not apply when motor vehicle access is to a local street (see also the driveway and curb-cut regulations of subsection J, below).
- C. **Parking Stall Size**
  - (1) **Standard Spaces.** Except as expressly allowed for compact spaces or universal spaces in the following paragraphs (b) and (c) or as expressly required for accessible parking spaces, parking spaces must be designed as "standard" size spaces, in accordance with Table 8-2. Up to 2 feet of the front of a standard parking space, as measured from a line parallel to the direction of the bumper of a vehicle using the space, may be landscaped area instead of paved. Such areas counts toward interior parking lot landscaping requirements.
  - (2) **Compact Spaces.** Up to 20% of the parking spaces in parking lots containing more than 10 parking spaces may be designated and designed as compact parking spaces. Compact parking spaces must be designed in accordance with Table 8-2. When compact parking spaces are used, at least 80% of the total number of parking spaces provided must be standard-size parking spaces.
  - (3) **Universal Spaces.** Universal-size parking spaces may be used only in parking lots

containing more than 10 parking spaces.  
When universal size parking spaces are used,  
no compact spaces are allowed. All universal  
parking spaces must be designed in accordance  
with Table 8-2.

- D. **Vertical Clearance.** All required parking spaces must have overhead vertical clearance of at least 7 feet.
- E. **Parking Lot Geometrics.** Parking areas must be designed in accordance with Table 8-2, which shows minimum dimensions for various parking layouts (angles). Requirements for layouts or angles not shown in Table 8-2 may be interpolated from the layouts shown, as approved by the planning and zoning administrator.<sup>6</sup>

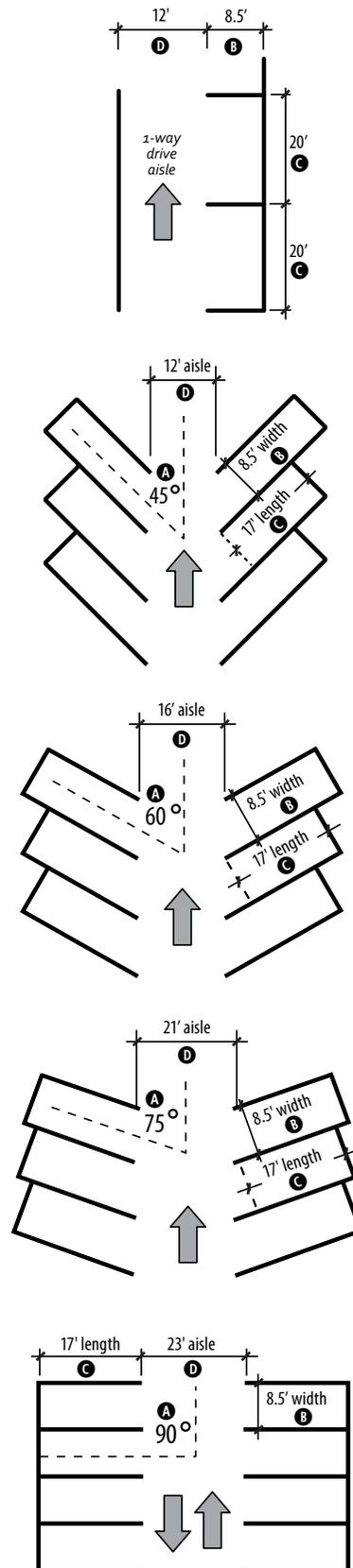
**Table 8-2: Parking Lot Geometrics**

Stall Type	A Stall Angle	B Stall Width	C Stall Length	D Aisle Width
Compact	0°	7.5	18.0	12.0
Standard		9.0	20.0	12.0
Universal		8.5	20.0	12.0
Compact	45°	7.5	16.0	12.0
Standard		9.0	17.0	11.0
Universal		8.5	17.0	12.0
Compact	60°	7.5	16.0	16.0
Standard		9.0	17.0	15.0
Universal		8.5	17.0	16.0
Compact	75°	7.5	16.0	21.0
Standard		9.0	17.0	20.0
Universal		8.5	17.0	21.0
Compact	90°	7.5	16.0	24.0
Standard		9.0	17.0	22.0
Universal		8.5	17.0	23.0

- F. **Marking.** The location of each parking space must be identified by surface markings at least 4 inches in width and be maintained so as to be readily visible at all times.
- G. **Surfacing**
  - (1) All off-street parking areas must be surfaced and maintained with an asphaltic or Portland

<sup>6</sup> These are substantially revised from current ordinance, which generally requires 10' x 20' stalls and wider aisle widths

**Figure 8-1 - Parking Lot Geometrics**



cement binder pavement or such other hard, dust-free surfaces approved by the village engineer.

- (2) Pavement areas are limited to only drives leading to garages or parking areas, walkways and parking spaces; all other areas must be landscaped.

#### H. Tandem and Stacked Parking

- (1) Tandem parking spaces may be used to satisfy off-street parking requirements for household living uses when the parking spaces are assigned to the same dwelling unit.
- (2) Tandem and stacked parking spaces may be used to satisfy off-street parking requirements for other use types when an attendant is on duty during all hours of operation of the subject use.

#### I. Curbs and Barriers. Curbs or similar barriers approved by the planning and zoning administrator must be provided to prevent motor vehicles from encroaching into required setbacks and landscape areas, as follows:

- (1) All open off-street parking areas must provide a 6-inch curb or approved wheel barrier when abutting required setbacks, landscape areas and adjoining property lines.
- (2) Wheel barriers must be located at least 2 feet from the edge of pavement or the area to be protected from encroachment.

#### J. Driveways and Curb Cuts

- (1) Permits. No driveway or curb cut may be installed or constructed before the issuance of a driveway permit.
- (2) Alley-Access. The village is authorized to deny approval of a driveway permit for those lots that abut and have access to an improved alley.
- (3) **R1 and R2 Districts.** All driveways in R1 and R2 districts must be paved with a hard, dust-free surface material, with the exception of existing unpaved driveways that were in existence on December 6, 2011 and have remained unpaved since that date.

- (4) **All other Zoning Districts.** All driveways and curb cuts in zoning districts other than R1 and R2 must comply with the following requirements:

- (a) Driveways may not exceed 40 feet in width at the curbline or 30 feet in width at the outside sidewalk line.
- (b) Driveways must be separated by a minimum distance of 15 feet from any other driveway, as measured along the curbline.
- (c) On corner lots, driveways must be set back at least 15 feet from the point of intersection of the 2 intersecting curb lines, and at least 20 feet from the point of intersection of the 2 intersecting outside sidewalk lines.
- (d) When 2 driveways are permitted from one street on one lot, a safety island must be constructed between them. The safety island must be constructed of concrete and be at least 8 eight inches in height and 8 inches in width. The island must be located on the property that is as near to the inside sidewalk line as the lot line will permit.
- (e) All driveways must be constructed of concrete not less than 6 inches in depth with curbs on both sides running continuously from the outside sidewalk line to the curb. Curbs may not be higher than a line drawn from the grade level of the sidewalk to the grade level of the curb. The village engineer is authorized to establish and approve all grade levels.
- (f) Driveway may not increase or have the potential to increase the flow of surface water beyond the capacity of existing or proposed storm sewers.
- (g) Driveways may not cause or result in:
- i. An unreasonable hazard to motor vehicle or pedestrian traffic.
  - ii. A change in existing motor vehicle traffic patterns to the detriment of the neighborhood or the Village.

- iii. An adverse effect on current or probable future pedestrian traffic patterns or habits.
- iv. An unreasonable increase in motor vehicle traffic on any street.
- v. An obstruction to visibility by or of motor vehicle or pedestrian traffic within or about to enter an intersection.

**475-87 RESIDENTIAL PARKING**

- A. Street Yards.** Parking in residential zoning districts is prohibited in the front or street side yard except on a permanent driveway that complies with the regulations of this article. Any vehicle parked on a driveway within the front or street side yard must be parked in such a manner so that all wheels are located on the paved driveway area.
- B. Vacant Lots.** Parking is prohibited on vacant R-zoned lots except when located on a permanent driveway that complies with the regulations of this article.
- C. Commercial Vehicles and Trucks.** Parking or storage of commercial vehicles or trucks displaying or requiring the display of an Wisconsin state license plate of greater than a "X" classification (or an out-of-state equivalent), including truck tractors and tow trucks, is prohibited on lots in R zoning districts. This provision is not intended to prohibit deliveries and pickups by common carrier delivery vehicles (e.g., postal service, united parcel service, FedEx, et al.) of the type typically used in residential neighborhoods in Allouez.<sup>7</sup>
- D. Inoperable and Unlicensed Vehicles.** In R districts, outdoor parking or storage of inoperable or unlicensed motor vehicles is prohibited. Inoperable or unlicensed motor vehicles may be stored inside a garage.
- E. Vehicle and Equipment Sales/Service.** R-zoned lots may not be used for vehicle or equipment sales or service activities.
- F. Garages and Carports**

<sup>7</sup> Revised; intended to be easy to administer and enforce than current prohibition of vehicles over 2-ton rated capacity.

- (1) Carports.** Attached and detached carports are prohibited in all R districts.
- (2) Garages.** At least one garage parking space must be provided for each dwelling unit within a detached house, semi-detached house and two-unit house located in an R zoning district. Required garage parking spaces must have a minimum indoor floor area of 220 square feet and be in place before issuance of a certificate of occupancy for the principal building.<sup>8</sup>

**475-88 STACKING SPACES<sup>9</sup>**

- A. Spaces Required.** In addition to the parking required for each use, establishments with drive-through facilities must provide stacking spaces for each drive-through station as indicated in Table 8-3.

**Table 8-3: Stacking Space Requirements**

Use	Minimum Spaces (per lane)
Automated Teller Machine	2 (measured from ATM)
Bank	3 (measured from service area)
Car Wash, Automated or Custer-Operated	2 (measured from vehicle entrance)
Car Wash, Attendant, Hand Wash	3 (measured from vehicle entrance)
Drug Store	2 (measured from pick-up window)
Restaurant	3 (measured from order board)
Kiosk	2 (measured from service window)
Other	As approved by planning and zoning administrator

- B. Dimensions.** Each lane of stacking spaces must be at least 8 feet in width and at least 17 feet in length. Stacking lanes must be delineated with pavement markings.
- C. Location and Design.** Stacking lanes must be located on the subject property. They may not be located within required driveways or drive aisles, parking spaces or loading areas and may not interfere with access to parking and ingress and egress from the street.

<sup>8</sup> This draft eliminates the requirement for attached garages and the requirement for garages and "covered" parking spaces for multi-unit (3+) residential buildings.

<sup>9</sup> New regulations

**D. Pedestrian Access**

The principal pedestrian access to the entrance of the use from a public sidewalk may not cross the drive-through facility stacking lane.

**475-89 LOADING<sup>10</sup>**

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- A. All uses engaged in receiving or shipping goods by truck or large delivery vehicles must provide loading and unloading facilities, as determined by the plan commission.
- B. Loading spaces must have a minimum width of 10 feet and a minimum length of 25 feet, with a minimum overhead clearance of 15 feet.
- C. Loading spaces may not be located on a front facade.
- D. Unless expressly allowed in village-designated commercial loading zones, vehicle maneuvering areas and loading and unloading activities must occur on-site, not within the public right-of-way.
- E. All loading spaces must be posted with "No Idling" signs.
- F. All loading areas and access drives must be surfaced and maintained with an asphaltic or Portland cement binder concrete or other dustless, all-weather surface approved by the village engineer.
- G. All off-street loading areas adjacent to R zoning districts must be completely screened from view by building walls, fences, plant material at least 8 feet in height.

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<sup>10</sup> Revised for additional flexibility

## ARTICLE IX. BUILDING AND SITE DESIGN

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### 475-90 BUILDING DESIGN

**A. Applicability.** The design regulations of this section apply to all building types in the X districts, unless otherwise stated.

#### B. Intent

- (1) **General.** The regulations of this section 475-90, in conjunction with the building types regulations of 475-32 through 475-37, are intended to improve the physical quality of buildings, improve the long-term value and durability of buildings, enhance the pedestrian experience, and protect or establish the character of the village.
- (2) **Durable, High Quality.** The minimum design regulations are intended to ensure use of well-tested, high quality, durable, weather-resistant, exterior grade, preferably natural materials on the majority of finished surfaces, while permitting a wider range of materials for details. High quality materials can improve the quality of buildings in that they weather well, have a lower failure rate, require a low level of maintenance, have a longer life cycle and sense of permanence, and maintain higher long term value.
- (3) **Simple, Well Organized Facades.** The design regulations are intended to promote simpler, well organized facades that are easy to comprehend and have a clear hierarchy.
- (4) **Human-Scaled Building Units.** The design regulations are intended to yield building facade proportions that are comfortable to and in line with the scale of people. Additionally, a high level of detail relates

facades to pedestrians and makes them more interesting and inviting.

**C. Major Facade Materials.** At least 65% of each street and non-street facade surface<sup>1</sup>, not including window and door areas, must be composed of major materials in accordance with the regulations of Table 9-3.

- (1) **Simplicity of Surface Materials.** At least 60% of each building or 60-foot or wider facade division, not including window and door areas, must be faced of a single major material. See Figure 9-1
- (2) **Side and Rear Facades.** Permitted major facade materials must continue around the corner of a building from the street facade onto the side or rear facade for no less than 30 feet along the side or rear facade. See Table 9-3.
- (3) **Other Materials.** An administrative design exception may be approved in accordance with 475-116 for materials not listed as permitted materials; ~~with the exception of those materials listed in Table 9-6 as prohibited materials.~~
- (4) **Color.** The paint or finish colors of any major materials requiring an applied finish must be from an historic palette from any major paint manufacturer. Other colors may be used for details and accent materials.

#### D. Minor Facade Materials

<sup>1</sup> Or major materials on street facades, extending 30 feet along sides or rear, with minor materials on side and rear facades.?

- (1) **Maximum Minor Materials for Surface Areas.** A maximum of 35% of each facade surface, not including window and door areas, may be composed of minor facade materials in accordance with the regulations of [Table 9-4](#).
  - (2) **Accents and Details.** Additional materials are permitted for trim, accents, and details in accordance with the regulations of [Table 9-5](#), not included in the maximum surface area.
  - (3) **Other Materials.** An administrative design exception may be approved in accordance with [475-116](#) for materials not listed as permitted minor materials or accent and detail materials.
- E. Pitched Roof Materials.** Allowed pitched roof materials include dimensional asphalt composite shingles, wood shingles and shakes, metal tiles or standing seam, slate, and ceramic tile. Engineered wood or slate may be approved through the administrative design exception process with an approved sample and documented examples of successful, high quality installations within 100 miles of the site.
- F. Materials Installation Quality.** The intent of the materials installation quality regulations is to advance the quality of construction, durability, and

aesthetics of new buildings, specifically related to application and detailing of facade materials. Changes in vertical surface materials for buildings must comply with the following regulations:

- (1) **Changes in Surface Materials.** Changes in surface materials, whether major materials or minor materials, may only occur at concave corners, minimum 12 inches deep. Surface materials are materials intended to cover the facade surface (such as unit materials, siding, stucco, panels) and do not include detail materials, such as but not limited to cast stone for lintels or cornices, exposed metal beams, or any material used to create a shadow line.
- (2) **Materials Hierarchy.** Unit materials must be elevated from the face of the building above less detailed, surface materials. For example, stucco, as a constant surface material, must be recessed behind a bricked surface. See [Figure 9-2](#) for an example, where Material A is brick, Material B metal panels, and Material C stucco.
- (3) **Shadow Lines on Surfaces.** Shadow lines must be created at changes in materials with solid materials of a thickness that is greater than 2 inches, such as cast stone, masonry, or stone. For example, cast stone pieces

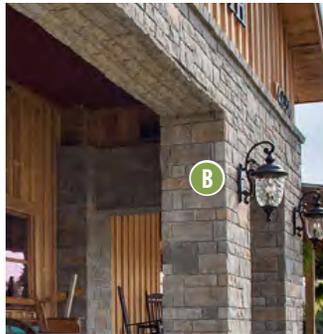
**Figure 9-1 - Major and Minor Materials on a Facade**



Table 9-3: Allowed Major Facade Materials

MAJOR FACADE MATERIAL (alphabetical)	BUILDING TYPES		
	STOREFRONT , GENERAL, RIVERFRONT BUILDING	COMMERCIAL COTTAGE	ROW BUILDING
<b>A</b> Brick full dimensional, unit, face brick	●	●	●
<b>B</b> Concrete Masonry Units architectural, minimum 3" depth, "artisan stone" look, varied sizes, (Eschelon Masonry or approved equal), "stone" face, "hewn stone", rock cut	●	●	●
<b>D</b> Fiber Cement Board panels, finished lap siding or shingles		●	●
Stone natural, units	●	●	●
<b>F</b> Stucco cement-based, 2- 3 layer hard coat		●	●
<b>G</b> Wood painted, stained, or treated lap siding, shingles		●	

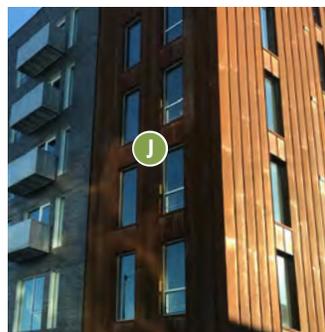
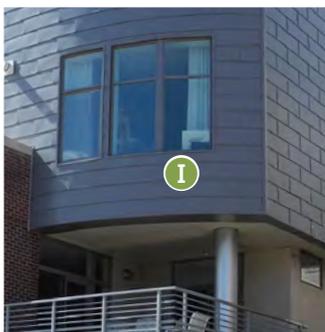
**KEY:** ● = allowed



**Table 9-4: Minor Facade Materials**

Allowed major facade materials are allowed as minor facade materials, unless otherwise expressly prohibited in [Table 9-6](#).

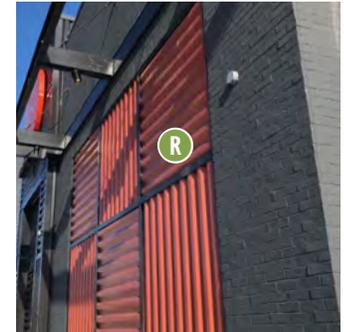
MINOR FACADE MATERIAL (alphabetical)	ALLOWED ON BUILDING TYPES/ DISTRICTS	ALLOWED FACADES	MAXIMUM AMOUNT ON EACH FACADE
Brick economy size	All	Non-street facades only	100%
Brick thin, veneer	All	Non-street facades only	100%
Concrete Surfaces finished stained, painted, treated	All	All, below first floor	20%
Concrete Masonry Units minimum 3" depth, split-faced, burnished/ ground face, glazed, or honed,	All except Commercial Cottage	Non-street facades only	100%
<b>H</b> Fiber Cement Board, Composite finished panels, finished lap siding or shingles	All	All, except a major material is required at grade up to 2 feet and adjacent to entrances	35%
Glass curtain wall	All except Commercial Cottage	All facades	35%
<b>I</b> Metal architectural panel system	All except Commercial Cottage	All, except a major material is required at grade up to 2 feet and adjacent to entrances	35%
Metal, Composite aluminum composite materials (ACM) or panels (ACP)	All	Non-street facades only	35%
<b>J</b> Metal, Corten panels or panel systems, not ribbed or corrugated	All	All	20%
Stucco cement-based, 2- 3 layer hard coat	All	All	35% of street facade, 100% on other facades
Stucco synthetic or with elastomeric finishes	All	Only 3rd or higher stories all facades	35%
Terra Cotta or Ceramic tiles or panels	All	All	20%
Vinyl Siding minimum 0.38 inches thick	Allowed only on Row building in NX district	All	60% of street facade, 100% on other facades
<b>K</b> Wood natural, aged lap siding, shingles, rain-screen system	All	All	20%
<b>L</b> Wood, Composite rainscreen system	All	All	40%



**Table 9-5: Allowed Detail & Accent Materials**

All permitted major and minor facade materials may be used for details, trim, and accents on all facades

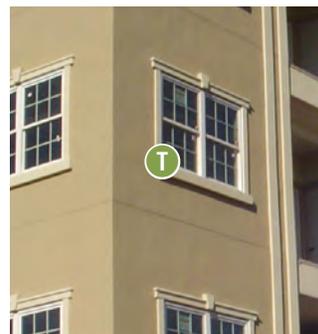
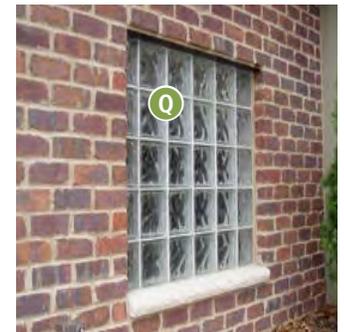
<b>M</b>	<b>Concrete Details</b> precast stone ornamentation, lintels, sills, banding, columns, beams
	<b>Fiber Cement Details</b> trim, soffits
<b>N</b>	<b>Metal Details</b> trim, ornamentation, lintels, beams, columns
	<b>Wood and Wood Composite Details</b> painted/treated trim, soffits, other approved details
<b>O</b>	<b>Vinyl Details</b> limited to soffits, window trim; minimum .04 inches thick



**Table 9-6: Prohibited Materials**

The following building materials are prohibited

<b>P</b>	<b>Concrete, Unfinished</b> untreated, unstained, unpainted
	<b>Fiberglass and Acrylic Panels</b> all
<b>Q</b>	<b>Glass Block</b>
<b>R</b>	<b>Metal Panels</b> non-system, corrugated or ribbed panels
<b>S</b>	<b>Plastic Panels</b> all, including high-density polyethylene and polycarbonate panels
<b>T</b>	<b>Stucco Mouldings or Synthetic Stucco Mouldings</b> trim, sills, cornices, banding, columns, pilasters or other 3 dimensional details
	<b>Wood</b> Unfinished, untreated plywood and wood panels



may be offset to create a shadow, where the convex corner of the piece is used to create the corner of the detail.

- (4) **Appropriate Grade of Materials.** Except the Row building type, all doors, windows, and hardware must be of commercial grade quality.
- (5) **Apply Materials.** Materials with thickness of less than 2.5 inches, including but not limited to stucco, may not be used or formed to create shadow lines.
- (6) **Stucco Installation.** Any stucco construction must be of the highest installation quality and comply with the following criteria:
  - (a) All stucco joints must be aligned along the facade in the pattern shown on the elevations submitted for the site plan approval. Joints must also align with the locations of windows and doors and other changes in material.
  - (b) The stucco wall assembly must be indicated on the plans specifying stucco type and construction.
- (7) **Design Exception.** Modification to these material installation regulations may be approved through an administrative design exception.

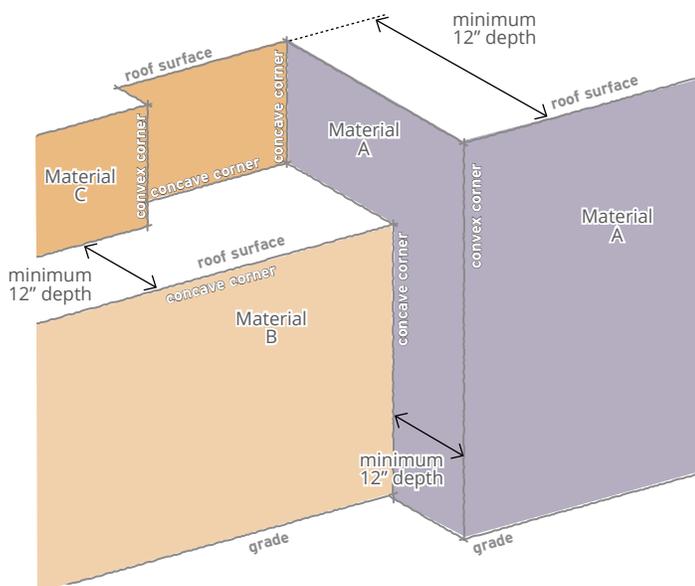
**G. Windows.** Windows on street and public way facades of all buildings are subject to the following regulations:

- (1) **Amount.** Each building must comply with the transparency regulations applicable to the subject building type.
- (2) **Recessed.** All windows, with the exception of ground-story storefront systems and glass curtain wall systems, must be recessed with the glass a minimum of 2 inches back, measured from the facade surface material or adjacent trim.
- (3) **Vertical Orientation.** All windows must be vertically oriented except that when a flat building cap is used, horizontally oriented windows may be used for up to 30% of the total transparency area of each upper-story.
- (4) **Visibility Through Glass.** Reflective glass and glass block are prohibited on street and public way facades. Windows must comply with the transmittance and reflectance factors established in the transparency definition (see 475-151).
- (5) **Expressed Lintels.** For masonry construction, the expression of lintels must be included above all windows and doors by a change in brick coursing or by a separate detail or element. See Figure 9-3 for illustrations of expressed lintels.

**H. Shutters.** When functional or non-functional shutters are used on a street or public way facade, the shutters must comply with the following regulations. See Figure 9-5 for examples of shutters.

- (1) **Size.** All shutters must be sized for the windows, so that, if the shutters were to be closed, they would not be too small for complete coverage of the window.
- (2) **Materials.** Shutters must be wood, metal, or fiber cement. Other synthetic and engineered woods may be approved through an administrative design exception provided that the applicant submits a sample and examples of high quality, local installations of the material, located within 100 miles of the site.

**I. Awnings, Canopies, & Light Shelves.** Awnings, canopies, and light shelves on all buildings must



**Figure 9-2 - Diagram of Allowable Changes in Surface Materials**

be constructed in accordance with the regulations of this subsection. See [Figure 9-4](#) for examples of awnings.

- (1) **Encroachment.** Awnings, canopies, and light shelves may not extend into a right-of-way or easement except as otherwise approved by an encroachment permit.
  - (2) **Attached Awnings & Canopies.** Awnings and canopies that are attached to the building and removable are subject to the following regulations:
    - (1) **Material.** All awnings and canopies must be canvas or metal. Plastic awnings are prohibited. Other materials may be approved with an administrative design exception.
    - (2) **Shapes.** Waterfall or convex, dome, and elongated dome awnings are permitted only when approved as an administrative design exception in accordance with [475-116](#).
    - (3) **Lighting.** Backlit awnings are prohibited.
    - (4) **Structures.** Frames must be metal and must be wall mounted. Support poles from the ground are prohibited unless the awning is over 8 feet in depth and used for outdoor eating areas or entrances.
  - (3) **Multiple Awnings on the Facade.** When more than one awning is mounted on a facade, the awning types and colors must be coordinated.
  - (4) **Canopies & Light Shelves.** Permanent canopies, projections, or overhangs used as architectural features, light shelves, or shading devices are permitted.
  - (5) **Clearance.** All portions of any awning, canopy, or light shelf must provide at least 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas.
  - (6) **Signs.** See [Article X](#) for signs on awnings and canopies.
- J. Balconies.** Balconies on a facade facing any street, courtyard, open space, or public way must comply with the regulations of this subsection. See [Figure 9-6](#) for examples of balconies.



**Figure 9-3 - Vertically Oriented Windows with Expressed Lintels**

- (1) **Definition.** For the purpose of this subsection, balconies must include any roofed or un-roofed platform that projects from the wall of a building above grade that is enclosed only by a parapet or railing. This definition does not include false balconies, Juliet balconies, or balconettes.
- (2) **Balconettes.** Sometimes referred to as Juliet balconies, balconettes are false balconies consisting of a rail and door, either without an outdoor platform or with an outdoor platform less than 18 inches in depth. Balconettes are permitted and do not count towards the maximum permitted amount of balcony on a street facade.
- (3) **Size.** Balconies must be a minimum of 4 feet deep and 5 feet wide.
- (4) **Integrated Design.** Balconies are intended to be integrated with the design of the facade, avoiding tacking the balconies onto the facade after the elevation has been designed.
  - (a) A minimum of 50% of the perimeter of each balcony must abut an exterior wall of the building, partially enclosing the balcony.
  - (b) The balcony support structure must be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.
- (5) **Platform.** The balcony platform must be at least 3 inches thick and any underside of a

balcony that is visible from any public way

Figure 9-5 - Examples of Shutters



Inappropriately Scaled Shutters: **Not Permitted**



Image: North Knox Windows

Appropriately Scaled Shutters: **Permitted**

must be finished.

- (6) **Facade Coverage.** A maximum of 35% of the public way frontage facades, calculated separately for each facade, may be covered by balconies. The balcony area is calculated by drawing a rectangle around the following: the platform or floor of the balcony; any rails, walls, columns or indentations; and any ceiling, roof, or upper balcony.
  - (7) **Build-to Zone Requirement.** The portion of the facade occupied by an upper-story balcony is exempt from build-to zone regulation.
  - (8) **Right-of-Way.** Balconies may not extend into any right-of-way or easements except as otherwise approved by the Village.
  - (9) **Exception.** An administrative design exception may be approved for an alternate balcony design in accordance with [475-116](#).
- K. Principal Entryway.** See [Figure 9-7](#) for examples of defined principal entryways. Principal entrances to all buildings or units must be clearly delineated through one or more of the following design features:
- (1) **Roof or Canopy.** The entryway is covered by a roof or canopy differentiating it from the overall building roof type.

Figure 9-4 - Examples of Awnings



Metal Awning



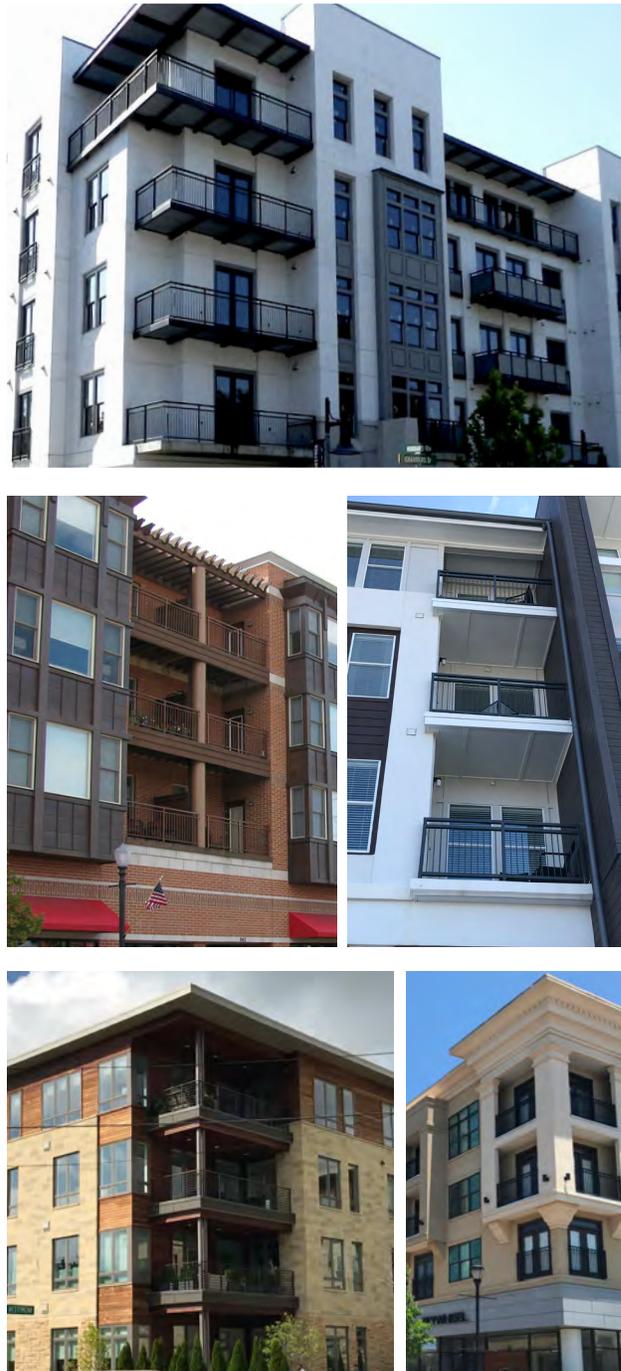
Canvas Awning

- (2) **Porch.** The entryway is through a porch.
- (3) **Sidelights and Transom.** Sidelights or transom windows are included around the entryway.
- (4) **Extended Articulation.** The entryway is included in a separate bay of the building that extends up at least 2 stories.
- (5) **Other Design.** Entryway designs that do not comply with the regulations of this subsection may be approved in accordance with the with administrative design exception procedures of [\(475-116\)](#) if it is determined that the design adds emphasis and draws attention to the entryway.

L. **Building Articulation.** The building articulation regulations of this subsection apply to all building types. See [Figure 9-9](#) for examples of building facade variety and articulation of stories.

- (1) **Building Facade Variety.** Each public way facade 120 feet in length or greater, as measured along any street or public way frontage must be varied in segments less than or equal to 90 feet. Each facade segment must vary in at least 3 of the following ways:
  - (a) The type of dominant material or by color, scale, or orientation of that material;
  - (b) The proportion of recesses and projections within the build-to zone;
  - (c) The location of the entrance and window placement;
  - (d) Roof type, plane, or material, unless otherwise stated in the building type requirements; or
  - (e) Building heights.
- (2) **Articulation of Stories.** Stories must be articulated on street and public way facing facades.
  - (a) Fenestration or window placement on street facades must be organized by stories.
  - (b) Horizontal shadow lines and lintels over openings may be used to delineate stories with minimum shadow lines as required for the subject building type.
  - (c) Mezzanines that fall within the range of floor to floor heights of the building type must be articulated on the facade and require separate calculation for transparency.

Figure 9-6 - Examples of Balconies



- (d) Spaces exceeding the allowable floor to floor heights of the building type must be articulated as multiple stories on the street facade.

**M. Arcade Design.** See [Figure 9-8](#) for an illustration of an arcade. The following requirements apply to arcades. An arcade is a covered pedestrian walkway within the recess of a ground-story.

- (1) **Depth.** An open-air public walkway must be recessed from the principal facade of the building a minimum of 8 feet and a maximum of 15 feet.
- (2) **Build-to Zone.** When an arcade is used, the outside face of the arcade is to be construed to be the front facade, located within the required build-to zone.
- (3) **Column Spacing.** Columns must be spaced between 10 feet and 12 feet on center.
- (4) **Column Width.** Columns must be a minimum of 1 foot 8 inches and a maximum 2 foot 4 inches in width.
- (5) **Arcade Openings.** Openings may not be flush with interior arcade ceiling and may be arched or straight.
- (6) **Horizontal Facade Division.** A horizontal shadow line must define the ground-story facade from the upper stories.
- (7) **Visible Basement.** A visible basement is not permitted.
- (8) **Exception.** An administrative design exception may be submitted for approval of an alternate arcade design.

**N. Vistas.** Views down streets must be considered when laying out streets and locating open space, parking, and buildings. See [Figure 9-10](#) for an illustration of a vista.

- (1) **Rears of Buildings.** The location of open space and streets may not create views of the rear of buildings or parking behind buildings.
- (2) **Parking.** Parking structures and surface parking lots are not permitted at the termination of a street vista.

**(3) Street Termini.** When a street terminates at a parcel, the parcel must be occupied by open space or a building, as follows:

- (a) If the parcel is open space, a vertical element must terminate the view. Acceptable vertical elements include, but are not limited to, a stand or group of trees, a sculpture, a gazebo or other public structure, or a fountain.
- (b) If the parcel is not used as an open space, the facade of a building, whether fronting a primary street or not, must terminate the view. The building must incorporate a tower, a bay or a courtyard to terminate the view:

**O. Garage Doors .** The following requirements apply to garage doors provided on any street facade.

**Figure 9-7 - Examples of Defined Principal Entryways**



(1) Location

- (1) **Primary Frontages.** Garage doors are permitted on primary street facades only when used for patio access, open air dining, or display and not used for vehicular access.
- (2) **Non-Primary Frontages.** Garage doors may be permitted on non-primary street facades with direct access to the street where permitted by building type.
- (3) **Interior Lot Facades.** The preferred location is on interior lot facades.

(2) **Recessed from Facades.** Garage doors located on street-facing facades must be recessed a minimum of 3 feet from the dominant facade of the principal building facing the same street.

(3) Design

- (a) Garage doors facing a non-primary street and intended to be closed during business hours must be clad with materials consistent with the design of the building.
- (b) On primary frontage facades, garage doors must be a minimum of 50% glass.
- (c) Carriage-style windows in the door or upgraded architectural doors are required on the Row building type.

P. **Ground-Story at Sloping Facades**

See [Figure 9-9](#) for examples of ground-story treatments.

- (1) **Storefront.** The following regulations apply to all non-storefront facades along sloping streets:
  - (a) Grade transitions on the building along the sidewalk should be designed to maximize active pedestrian-scale frontages between waist and eye level while minimizing blank walls.
  - (b) The interior floor level must step to match the exterior grade within 3 feet. With approval of an administrative design exception, changes in grade may be accommodated by a storefront window display space.

- (c) Knee wall and retaining walls may not exceed 30 inches in height except along a maximum 15 foot section of facade length.
- (d) If grade change is more than 9 feet along a single block face, entrance requirements may be increased to one entrance per 90 feet of building frontage.
- (e) If grade change is more than 9 feet along a single block face, building entrances adjacent to the street must be within 3 feet of the elevation of the adjacent sidewalk.

(2) **Non-Storefronts.** The following regulations apply to all non-storefront facades along sloping streets:

- (a) Grade transitions at the building along the sidewalk must be designed to minimize blank walls. Multiple front entrances along the street activate each segment of building section at each grade.
- (b) The interior floor level must step to match the changes in exterior grade within a 3-foot range. With an administrative design exception approval, deeper transition zones between the sidewalk and building facade of porches, terraces, and landscape areas may be used assist with grade changes.
- (c) Changes can be accommodated by terraced planters and retaining walls. Retaining walls may not exceed 30 inches in height except along a maximum 15-foot section of frontage.
- (d) When the elevation of the first floor is more than 3 feet above grade, windows should be provided into the basement or lower floor elevations

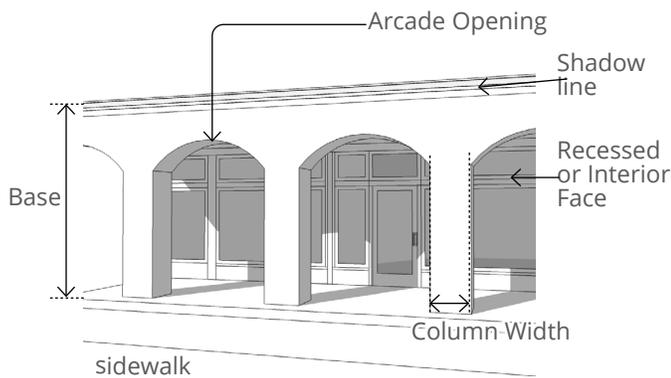
Q. **Mechanical Equipment & Appurtenances.**

Mechanical equipment and appurtenances can have a negative visual impact and detract from the quality of the design of a building. The purpose of these regulations is to ensure that the visual impact of mechanical equipment and

**Figure 9-9 - Examples of Building Facade Variety and Articulation of Stories**



**Figure 9-8 - Illustration of Arcade**



**Figure 9-10 - Example of Terminated Views at buildings and civic open space.**



appurtenances is minimized. See [Figure 9-9](#) for illustrations.

- (1) **Mechanical Equipment in Building.** Mechanical equipment must be located within the building, unless the applicant demonstrates the equipment is necessary for the function of the building and locating the equipment within the building would conflict with the equipment’s function.
- (2) **Rooftop Mechanical Equipment.** Any rooftop mechanical equipment, such as but not limited to vents, ducts, condensers, and ventilators, and not including solar panels, must be located consistent with one of the following methods:
  - (a) Incorporate equipment into the roof design consistent with the applicable building cap regulations of [475-38](#).
  - (b) Set the equipment back a minimum of 20 feet from any street or public way facade.
  - (c) To the extent practicable, all rooftop mechanical must be painted to blend with the structural roof and limit its visibility.
  - (d) Rooftop mechanical equipment visible from adjacent highways must be screened with materials consistent with the building design.
  - (e) Solar panels are permitted, subject to the regulations of [475-78.L](#).
- (3) **Mechanical Equipment and Utility Appurtenances on Facades.** Mechanical equipment and utility appurtenances may not be located on a facade unless the applicant demonstrates that locating the equipment in a different location would conflict with the equipment’s function. Any equipment or appurtenance approved on a facade, such as dryer vents, gas meters, and air conditioners are subject to the following regulations:
  - (a) The mechanical equipment may be located on a primary facade only if the following requirements are met:
    - i. The equipment is located on a surface perpendicular to any right-of-way;

- ii. The equipment extends from the facade surface no more than 3 inches; and
  - iii. The equipment is screened from the sidewalk.
- (b) Multiple pieces of mechanical equipment must be organized on the facade in a regular pattern and aligned. Compliance with this regulation must be illustrated on the drawing elevations submitted as part of the application.
- (c) To the extent practicable, facade-mounted mechanical appurtenances must be located on a material that limits their visibility. For example, dark colored vents will be more visible on light colored stucco than a textured, darker surface such as brick.
- (4) **Mechanical Equipment and Utility Appurtenances on Other Horizontal Surface.** Mechanical equipment and utility appurtenances located on the ground, decks, or horizontal surfaces other than the roof (e.g., electrical equipment and air conditioners) are subject to the following regulations:
- (1) **No Encroachment.** Mechanical equipment may not extend into any village right-of-way or easement.
  - (2) **Yard Location.** Mechanical equipment may not be located in a front or street side yard.
  - (3) **Screening from Streets and Civic Spaces**
    - i. All equipment must be screened from view from any streets, open space, or civic space with landscaping, fencing, or walls consistent with the building design, colors, and materials.
    - ii. Where landscaping only is employed, a single row of evergreen shrubs must fully screen the equipment within 1 year of installation. The planning director may require additional landscape materials. See [475-92](#) for landscape regulations.

Figure 9-11 - Examples of Ground-Story Elevations along Slopes



- iii. Where landscaping is employed, the utility must be located in a larger landscape area and the landscape screen must be designed as part of the bed design.
- (5) The planning and zoning administrator is authorized to approve appurtenances located on a primary street only if the following conditions are met:
- (a) The applicant demonstrates that the equipment cannot be located in a rear yard, non-primary street yard, or in a side yard.
  - (b) No utility cabinets, boxes, or other appurtenances are within 200 feet along the same side of the street as the proposed utility appurtenance.



Figure 9-13 - Rooftop Utilities Screened from the Public Way by a Parapet

Utility vents aligned and colored to match facade surface



Utility vents colored to match facade surface

Hotel room vents organized and integrated into the facade design



Figure 9-12 - Utility Appurtenances located on Facades

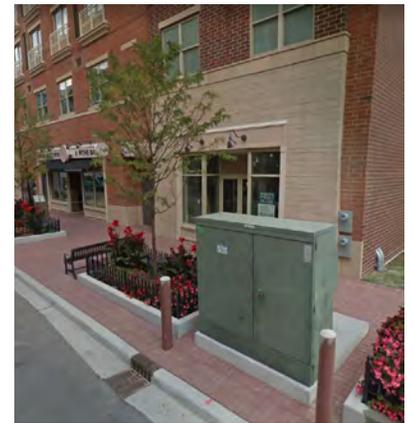
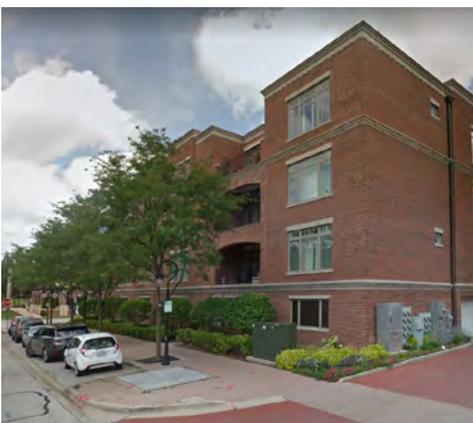


Figure 9-14 - Examples of Poorly Located Utility Appurtenances without Screening on Primary Streets: NOT PERMITTED

- (c) The appurtenance is fully screened in a manner that is consistent with the building design, colors, and materials and of a height that is the minimum to adequately screen the appurtenance and that does not prevent the facade from fulfilling any transparency requirements. See [Figure 9-14](#) for examples of poorly located, unscreened equipment on primary streets.
  - (d) The appurtenance is located a minimum of 35 feet from a street intersection, measured from the intersection of the curb line, and does not impact the sight vision clearance at intersections.
- (6) Design Exception. An administrative design exception may be requested for an alternate mechanical equipment location and screening design.

**475-91 AUTO-ORIENTED STRUCTURES**

**A. Parking Structures.** Parking structures along any non-primary street frontage must comply with the following. See [Figure 9-14](#) for one illustration of a parking structure.

- (1) **Location.** Parking structures are permitted in the rear of any lot. Frontage is permitted along non-primary streets only.
- (2) **Materials.** The major and minor material requirements of [475-90](#) must be met on all street facades. Additional permitted minor material is stained, finished concrete.
- (3) **Ramps and Slopes.** Ramps and slopes must be located on non-street facades.
- (4) **Vertical Divisions.** Vertical divisions extending the full height of the structure are required every 30 feet to de-emphasize the horizontal decks. Divisions must be a minimum of 2 feet in width with a minimum projection of 2 inches.
- (5) **Blank Wall Limitations.** No rectangular area greater than 30% of any story's facade, as measured from floor to floor, and no horizontal segment of a story's facade greater than 15 feet in width may be solid, blank wall.

**Figure 9-15 - Illustration of a Parking Structure**



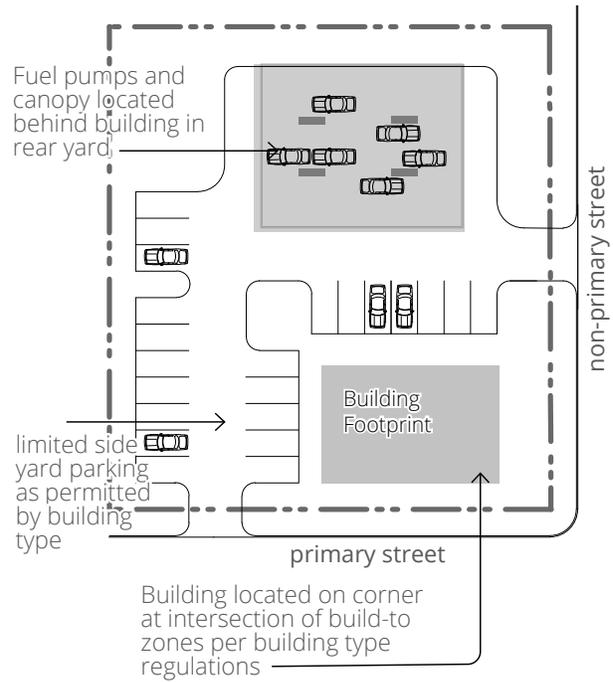
- (6) **Entry Tower.** A defined pedestrian entrance/exit is required separate from the vehicular entrance and directly accessing the sidewalk. If the space is enclosed, windows are required to provide transparency of at least 65%.
- (7) **Cap.** The top story of the parking structure must include a parapet or cap type along the street facades. See the building cap regulations of [475-38](#).

**B. Fueling Stations.** Fueling stations and car washes must comply with the following. Refer to [Figure 9-16](#) for one illustration of a compliant fuel station.

- (1) **Location of Pumps.** Any fueling pumps shall be located in the rear or interior side yard.
- (2) **Convenience Store/Building.** A building on the premises of a fueling station shall be located in the build-to zone and shall occupy any corner. The building shall fulfill all requirements of the building type with the exception of the minimum primary frontage coverage and the minimum height requirement.

- (3) **Car Wash Facility.** Any car wash facility shall be located in the rear of the lot. Vehicle entrance doors may be located on the rear facade, non-primary street facade, or an interior facade not visible from the primary street. Vehicular entrances are prohibited on the primary street facade, unless otherwise approved through an administrative design exception (see [475-116](#)).
- (4) **Additional Drive Entrance.** One driveway entrance, in addition to the driveways permitted by building type, is permitted on the lot, maximum width 22 feet. With an approved administrative design exception (see [475-116](#)), the driveway may be located on the primary street.

**Figure 9-16 - Illustrations of Fuel Stations**



475-92 LANDSCAPE AND SCREENING

A. Purposes

The landscape and screening regulations of this section establish minimum requirements for landscaping and screening. The regulations are intended to advance the general purposes of this zoning ordinance and to help:

- (1) Maintain and enhance the village’s appearance;
- (2) Mitigate possible adverse impacts of higher intensity land uses abutting lower intensity land uses;
- (3) Reduce the impacts of noise and glare.
- (4) Maintain and improve air quality;
- (5) Protect surface water quality and reduce the negative impacts of stormwater runoff by providing vegetated areas that filter and absorb stormwater;
- (6) Moderate heat by providing shade;
- (7) Encourage wise use of water resources; and
- (8) Encourage preservation and replacement of existing trees and vegetation.

B. Applicability

- (1) The landscape and screening regulations of this article apply to lots occupied by multi-unit residential buildings and to lots in mixed-use, commercial and employment zoning districts, as further identified in the individual subsections of this article.
- (2) The landscape and screening regulations do not apply to any of the following:
  - (a) Agricultural uses;
  - (b) Public parks and open spaces;
  - (c) Reconstruction of any building that is damaged or destroyed by fire, natural disaster or other means beyond the reasonable control of the property owner,

C. Street Trees

- (1) **Purpose.** Street trees help maintain and enhance the appearance of the village, contribute to pedestrian safety and comfort

and offer environmental benefits by allowing the infiltration of stormwater, reducing urban heating and improving air quality.

- (2) **Applicability.** The street tree planting requirements of this section apply to all the following, except as otherwise expressly stated:

- (a) Construction of any principal building or non-accessory parking;
- (b) Any addition to or enlargement of an existing principal building when the addition or enlargement exceeds 20% of the building’s existing floor area; and
- (c) Any increase in impervious coverage on the subject lot that exceeds 20% of the lot’s existing impervious coverage.

(3) Requirements

- (1) **Number.** At least one large tree must be installed per 50 feet of street frontage. If large trees are not appropriate due to the presence of overhead lines, other obstructions or site visibility considerations, as determined by the planning and zoning administrator, at least one small tree must be installed per 30 feet of street frontage. Instead of installing required street trees, the applicant may elect to pay into the village’s “tree for a fee fund” in an amount established by the village board.

(2) Location

- i. Required street trees must be located on the subject property within 20 feet of the street right-of-way unless the planning and zoning administrator determines that the presence of buildings or obstructions or other factors prevent tree planting within this area, in which case required street trees must be installed in the first 7 feet of the street right-of-way, as measured from the outer edge of the right-of-way.<sup>2</sup>

<sup>2</sup> Confirm that ROW street tree planting is allowed. Should tree planting be required in ROW or keep flexibility to permit on-lot plantings?

- ii. The planning and zoning administrator is expressly authorized to approve an alternative compliance landscape plan for installation of street trees in alternative locations or payment into the village's "tree for a fee" fund" when circumstances prevent street tree planting or when compliance with street tree planting location requirements would result in a poor growing environment for the tree or damage to public or private improvements.

- iii. Required street trees must be located within pervious landscape areas or within tree wells.

**(4) Spacing.** Street trees are not required to be evenly spaced, but the distance between street trees may not exceed 75 feet.

**(5) Materials, Installation and Maintenance.** See paragraph G of this section (475-92).

**D. Parking Lot Screening**

**(1) Purpose.** The parking lot screening regulations of this section are intended to help mitigate the visual and operational impacts of parking lots when such areas are adjacent to streets or residential zoning districts.

**(2) Applicability.** Unless otherwise expressly stated, the parking lot screening regulations of this section apply to all the following:

- (a) The construction or installation of any new parking lot with a contiguous paved area of 3,500 square feet or more; and
- (b) The expansion of any existing parking lot that results in the addition of 3,500 square feet of paved area, in which case the parking lot screening requirements of this section apply only to the expanded area.

**(3) Street Frontage Screening**

(a) When a parking lot is located adjacent to a street right-of-way, parking lot screening must be provided in accordance with the regulations of this section to visually screen the parking lot from the right-of-way.

(b) Parking lot screening is required only when the parking lot is located within 100 feet of the right-of-way and there are no intervening buildings between the parking lot and the right-of-way.

(c) Except as expressly stated for parking lots in the MX1 zoning district, parking lot screening areas must be at least 7 feet in width.

(d) In the MX1 zoning district, required parking lot screening areas must be at least 3 feet in width.

(e) To provide visual screening of parking lots shrubs must be planted to form a continuous visual barrier (hedge) at least 3 feet in height. A screening wall with a minimum height of 3 feet and a maximum height of 3.5 feet may be substituted for the shrubs. Walls used to satisfy parking lot screening requirements must be constructed of brick, stone, cast stone, formed concrete or similar durable, low-maintenance materials.

**(4) R District Screening**

(a) When a parking lot is located adjacent to an R-zoned lot, R district screening must be provided in the form of either of the following options:

- i. The installation of an opaque fence at least 6 feet in height and at least one tree per 30 linear feet of fence; or
- ii. The installation of a masonry wall with a minimum height of 6 feet.

(b) When located in a required street setback, R district screening fences and walls may not exceed 4 feet in height.

(c) R district screening is required only when the parking lot is located within 100 feet of an abutting R-zoned lot and there are no intervening buildings between the parking lot and the abutting R-zoned lot.

**(5) Vehicle Overhangs**

A portion of a motor vehicle parking space may be landscaped instead of paved to meet parking lot screening requirements. The

landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed vehicle overhang area.

- (6) **Materials, Installation and Maintenance.** See subsections G and H of this section (475-92).

**E. Parking Lot Interior Landscaping**

- (1) **Purpose.** The parking lot interior landscaping regulations of this section are intended to help mitigate the visual and stormwater runoff impacts of parking lots and provide shade for parked vehicles and pedestrians.
- (2) **Applicability.** Unless otherwise expressly stated, the parking lot interior landscaping regulations of this section apply to all the following:
  - (a) The construction of any new principal building or addition to a principal building that increases the floor area of principal buildings on the subject lot by more than 20%;
  - (b) The construction or installation of any new parking lot containing 10 or more parking spaces; and
  - (c) The expansion of any existing parking lot that increases the number of parking spaces or amount of paved area by more than 33%.
- (3) **Exception.** Parking areas used solely for the display of motor vehicles for sale, lease or rental are exempt from the parking lot interior landscaping requirements of this section.
- (4) **Required Trees.** Required parking lot interior landscape areas must include at least one large tree per 10 parking spaces. Small trees may be substituted for large trees if the planning and zoning administrator determines that the presence of overhead lines or other obstructions or site visibility considerations make the installation of large trees unsafe or impractical.

**(5) Location and Design**

- (a) Required trees must be reasonably distributed throughout the parking lot, unless otherwise approved by the planning and zoning administrator, required trees must be provided in landscape islands or medians that comply with all the following requirements:
  - i. They must be bordered by a paved surface on at least 2 sides;
  - ii. They must be at least 7 feet wide, as measured from the back of the curb; and
  - iii. They must be protected by curbs or other barriers, which may include breaks or inlets to allow stormwater runoff to enter the landscape area.
- (b) Parking rows that end abutting a paved driving surface must have a landscape terminal island (end cap) at that end of the parking row.
- (c) The planning and zoning administrator is expressly authorized to approve landscape plans that do not provide terminal islands at the end of each parking row or that otherwise provide for reduced dispersal of interior parking lot landscape areas when proposed landscape planting areas are combined to form functional bioretention areas or to preserve existing trees and vegetation.

- (6) **Vehicle Overhangs.** A portion of a motor vehicle parking space may be landscaped instead of paved to meet interior parking lot interior landscaping requirements. The landscaped area may be up to 2.5 feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space. Groundcover plants or mulch must be provided in the allowed overhang area.

- (7) **Relationship to Screening Regulations.** Landscape areas and plant material provided to satisfy the parking lot screening regulations of subsection D of this section (475-92) may not be counted toward

satisfying the parking lot interior landscaping regulations of subsection E of this section (475-92).

- (8) **Materials, Installation and Maintenance.** See subsections G and H of this section (475-92).

## F. Screening

- (1) **Purpose.** Screening requirements are intended to partially or completely shield expressly identified uses and site features from view of abutting streets or other abutting lots.
- (2) **Features Required to be Screened**
- (1) **General.** This subsection establishes screening requirements for several common site features that require visual separation from streets and abutting lots. Other uses, districts, structures and activity areas may also require screening in accordance with other provisions of this zoning ordinance.
- (2) **Dumpsters and Recyclable Material Bins.** All dumpsters and recyclable material bins must be screened from view of street rights-of-way and all abutting properties. Required screening must consist of an opaque fence or wall with a minimum height of 6 feet. One side of the storage area must be furnished with an opaque, lockable gate.
- (3) **Outdoor Storage Areas.** All outdoor storage areas established in X districts (where allowed) must be screened from view of abutting lots and street rights-of-way with an opaque fence, wall or vegetative landscape screen at least 6 feet in height.
- (3) **Modification of Requirements.** Applicable screening requirements may be waived or modified through the alternative compliance approval when:
- (a) Existing features provide a visual screen equivalent to the screening requirements of this section;
- (b) The screening requirements cannot be achieved; or

- (c) The screening is prohibited by other ordinances or regulations.

- (4) **Screening or Setbacks Triggered by Proximity to R Districts.** When a screening wall or fence or setback is required by this zoning ordinance because a use abuts one or more R districts, such wall, fence, or setback is not required if the actual use of the abutting R district is a nonresidential use or a nonresidential development area.

## G. Landscape and Screening Material

### (1) General

- (1) **Applicability.** The regulations of this section apply to all trees, plant materials, and other features used to satisfy the landscaping and screening requirements of this zoning ordinance.
- (2) **Selection.** Trees and plants used to satisfy the requirements of this zoning ordinance must:
- i. Meet or exceed the plant quality standards established in the latest edition of the American Standard for Nursery Stock (ANSI Z60.1);
  - ii. Be native to North America adapted for growing conditions in the Allouez area, as determined by the planning and zoning administrator; and
  - iii. Not be artificial plants or plants listed as nuisance or undesirable species in the village's *Arboricultural Specification Manual*.

### (2) Planting Areas

- (a) All planting areas must have amended soil to help ensure the health of newly installed plant material.
- (b) All planting areas must be contained by edging material other than vegetation.

### (3) Trees

- (1) **Size of New Trees.** New or transplanted trees provided to satisfy the requirements of this zoning ordinance must comply with the following minimum size requirements:

- i. Large trees must be selected from the list of large trees identified in the village's *Arboricultural Specification Manual* or equivalent species approved by the planning and zoning administrator. Large trees must have a minimum caliper size of 2 inches and a minimum height of 10 feet at the time of installation.
- ii. Medium trees must be selected from the list of medium trees identified in the village's *Arboricultural Specification Manual* or equivalent species approved by the planning and zoning administrator. Medium trees must have a minimum caliper size of 2 inches and a minimum height of 8 feet at the time of installation.
- iii. Small trees must be selected from the list of small trees identified in the village's *Arboricultural Specification Manual* or equivalent species approved by the planning and zoning administrator. Small trees must have a minimum caliper size of 1.5 inches and a minimum height of 6 feet at the time of installation.
- iv. Evergreen trees must have a minimum height of 6 feet at the time of installation.

(2) **Species.** If more than 10 trees are required, no more than 35% may be of a single species. This requirement applies to trees being planted, not to existing trees.

**(4) Credits for Existing Trees**

- (a) Preserved trees will be credited toward satisfying the tree planting requirements of this zoning ordinance in accordance with the following:
  - i. Preserved trees up to 6 inches in diameter at breast height (DBH) will be credited as 3 trees.

- ii. Preserved trees larger than 6 inches DBH, up to 12 inches DBH will be credited as 4 trees;
- iii. Preserved trees that are more than 12 inches DBH up to 24 inches DBH will be credited as 5 trees; and
- iv. Preserved trees that are more than 24 inches DBH will be credited at a ratio of 10 trees.

(b) To receive tree preservation credit, the following additional conditions must be met:

- i. Preserved trees for which credit is given must be in good health and condition and may not be prohibited species;
- ii. The original grade of the dripline area of a preserved tree may not be changed; and
- iii. Tree protection fencing must be installed around the outer limits of the dripline area and remain in place from commencement of construction activity until all exterior work is complete. Tree protection fencing must consist of orange vinyl construction fencing, chain link fencing, snow fencing or other similar fencing at least 42 inches in height and supported at no more than 10-foot intervals by posts or stakes to keep the fence upright and in place. A visible warning/no-disturb sign must be affixed to fence at 100-foot intervals.

(c) The planning and planning and zoning administrator is expressly authorized to reduce off-street parking requirements to allow for the preservation of existing trees.

**(5) Shrubs**

**(1) New Shrubs**

- i. Deciduous shrubs must have a minimum container size of 5 gallons.
- ii. Evergreen shrubs must have a minimum container size of 5 gallons.

iii. Shrubs may also be balled and burlapped.

(2) **Existing (Preserved) Shrubs.** Existing shrubs may be used to satisfy the landscaping and screening requirements of this zoning ordinance if protected and maintained during site development and construction phases of work.

**(6) Ground Cover**

- (a) All required landscape areas that are not planted with trees or shrubs must be covered with ground cover plants, which may include turf. Mulch must be confined to areas underneath trees and shrubs and is not an allowed substitute for ground cover.
- (b) Ground cover plants other than turf must be minimum 4-inch pot or plug size. Areas planted in ground cover other than turf must be planted at distances appropriate for the species and at a density that will achieve complete coverage after the second full growing season.

(7) **Mulch.** All required trees and shrubs must be located within a mulched or landscape-stone covered area and be separated from turf by a minimum distance of 2 feet (4-foot diameter mulched area). Mulch or stone must be applied to provide a 2-inch (minimum) to 4-inch (maximum) soil cover, with no weed barrier material visible.

(8) **Fences and Walls.** Unless otherwise expressly stated, fences and walls provided to meet the regulations of this article are subject to the regulations of this section.

- (a) Fences must durable and constructed with materials that are customarily used for fences, including wood, decorative rigid vinyl (polyvinyl chloride), metal or wrought iron. Fence posts must be structurally stable.
- (b) The finished side of all fences other than tree protection fences must face the adjacent property or street. Chain-link fencing may not be used to satisfy the regulations of this article.

(c) Walls, raised planting beds and planters must be constructed of brick, stone or other durable masonry material approved by the planning and zoning administrator.

**H. Installation and Maintenance**

**(1) Installation**

- (a) Required landscaping must be installed in accordance with an approved landscape plan.
- (b) All trees and plant material must be installed in accordance with sound nursery practices, in a manner designed to encourage vigorous growth.
- (c) All newly installed trees must be staked.
- (d) Planting areas should be at least twice the diameter of the root system or the container.
- (e) All landscaped areas that are adjacent to pavement must be protected with curbs or equivalent barriers. Flush curbs, curb cuts, or other methods must be used to direct stormwater to landscape areas that abut paved areas.
- (f) Landscaping may not obstruct traffic visibility at street intersections or driveways and must comply with all applicable intersection sight distance regulations.
- (g) When landscaping is placed or installed within the public right-of-way, the village has no obligation to replace or repair such landscaping if removed or damaged by village field operations or other governmental functions. The village also has no obligation to maintain above ground or below ground improvements or landscaping within the public right-of-way.

(2) **Protection.** All landscape areas provided to meet the requirements of this zoning ordinance must be protected from potential damage by adjacent uses and development, including parking and storage areas.

**(3) Irrigation**

- (a) All required landscaped areas must be provided with irrigation in accordance with one of the following 2 options:
  - i. A permanent irrigation system with a controller to tailor watering schedules to weather and site conditions; or
  - ii. A temporary irrigation system that provides enough water to ensure that all trees and plants will become established.
- (b) Irrigation systems must comply with all applicable building and plumbing codes.
- (4) **Timing of Installation.** All required landscaping and appurtenances must be installed within 180 days after issuance of a certificate of occupancy or temporary certificate of occupancy.
- (5) **Maintenance**
  - (a) Required landscaping and screening must be continuously maintained, including necessary watering; weeding; pruning; pest control; litter and debris clean-up; and replacement of dead, diseased or damaged plant material.
  - (b) Failure to comply with an approved landscaping plan, including failure to maintain required landscaping and screening and failure to replace dead, diseased or damaged landscaping, constitutes a violation of this zoning ordinance.
  - (c) The property owner is responsible for maintenance of trees and landscaping in accordance with the approved landscape plan and the regulations of this zoning ordinance. Any dead, diseased or damaged trees, landscaping or screening materials must be removed and replaced by the property owner within 90 days of date that written notice of the obligation to remove and replace required landscaping is issued by the village. Property owners have no obligation to replace or restore required landscaping that is damaged or destroyed as a direct result of government action or lawful action of a franchise utility provider.

**I. Landscape Plans**

- (1) **Preparation of Landscape Plan.** Landscape plans must be sealed and signed by a landscape designer licensed to practice in the State of Wisconsin.
- (2) **Required Information.** All building permit applications for sites requiring landscaping must include a landscape plan that complies with the landscape plan submittal requirements specified by planning and zoning administrator. Such submittal requirements must be in writing and made available to the public.
- (3) **Administrative Review.** After receipt of a complete landscape plan, the planning and zoning administrator must:
  - (a) Approve the landscape plan as complying with the requirements of this article;
  - (b) Approve the landscape plan with conditions of approval that will bring it into compliance with the requirements of this article; or
  - (c) Reject the landscape plan as failing to comply with the requirements of this article.

**J. Alternative Compliance**

- (1) To accommodate creativity in landscape and screening design and to allow for flexibility in addressing site-specific development/ redevelopment challenges, the planning and zoning administrator is authorized to approve alternative compliance landscape plans sealed by a landscape architect licensed to practice in the State of Wisconsin. In order to approve an alternative compliance landscape plan, the planning and zoning administrator must determine that one or more of the following conditions or opportunities are present:
  - (a) The subject site has space limitations, an unusual shape or other factors that make strict compliance with applicable landscaping and screening regulations impossible or impractical;

- (b) Physical conditions on or adjacent to the site such as topography, soils, vegetation or existing structures or utilities are such that strict compliance is impossible, impractical or of no value in terms of advancing the general purposes of this article;
  - (c) Safety considerations such as intersection visibility, utility locations, etc., make alternative compliance necessary; or
  - (d) Creative, alternative landscape plans will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this article.
- (2) The planning and zoning administrator is expressly authorized to approve alternative compliance landscape plans for projects implementing low-impact development practices or seeking sustainable development or green building certification from nationally recognized organizations, such as the International Code Council, the U.S. Green Building Council, the International Living Future Institute, the U.S. Green Building Initiative or SITES.

**475-93 OUTDOOR LIGHTING**

- A. Purpose.** The outdoor lighting regulations of this section establish lighting levels for various permitted uses that promote visual surveillance, reduce the potential for criminal activity and prevent unnecessary glare and light trespass onto adjacent properties.
- B. Light Trespass**
  - (1) Outdoor lighting must be designed, installed and maintained to confine illumination to the subject property. Maximum light trespass onto adjacent property is limited to the levels established in [Table 9-1](#), as measured at any point along the property line of the lot receiving the spillover light. Compliance with these light trespass regulations must be achieved by fixture shielding, directional control designed into fixtures, fixture locations, height, aim or a combination of these or other factors.

**Table 9-1: Maximum Light Trespass (Spillover)**

Zoning (lot receiving spillover light)	Maximum (Footcandles)
Residential	0.20
All other Districts	0.50

- (2) The illuminance from a typical 150-watt reflectorized incandescent floodlight at a distance of 150 feet can be 0.10 vertical footcandles, when facing almost full. Spotlights and floodlights must be aimed so that they do not shine (aim point) across property lines. Lumen rating is typically shown on the bulb packaging in conjunction with the wattage rating.

**Table 9-2: Comparison of Efficacy of Power**

Output (Lumens)	Power (Watts)		
	Incandescent	CFL	LED
500	40	8 to 10	9
850	60	13 to 18	12 to 15
1,200	75	19 to 22	15
1,700	100	23 to 28	18

- C. Neon Lighting.** Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas, hereafter referred to as “neon lighting,” are excluded from shielding and line-of-sight requirements. Such lighting shall, however, be subject to the light trespass requirements of this chapter.
- D. Dark Sky-Compliant Lighting.** The village encourages the use of dark sky-compliant lighting fixtures and installation practices.
- E. Light Color Standard.** The correlated color temperature of any outdoor light source may not exceed 3,000 Kelvin unless introduced as part of a façade or landscape lighting scheme used exclusively for the decorative illumination through color of certain building façade or landscape features.

## ARTICLE X. SIGNS

475-100 GENERAL ..... 10-1  
 475-101 PROHIBITED SIGNS AND SIGN CHARACTERISTICS ..... 10-2  
 475-102 SIGNS ALLOWED WITHOUT PERMIT ..... 10-3  
 475-103 TEMPORARY SIGNS ..... 10-4  
 475-104 SIGNS IN AG, R, NX AND PI DISTRICTS ..... 10-5  
 475-105 SIGNS IN MX1, MX2, MXR, GXR AND GX DISTRICTS..... 10-6  
 475-106 REGULATIONS OF GENERAL APPLICABILITY ..... 10-6  
 475-107 CONSTRUCTION, INSTALLATION AND MAINTENANCE.....10-7  
 475-108 ADMINISTRATION AND ENFORCEMENT ..... 10-8  
 475-109 SIGN MEASUREMENTS .....10-10

### 475-100 GENERAL

**A. Purpose.** The sign regulations of this article are intended to balance the following differing, and at times, competing goals:

- (1) To support the desired character of the village, as expressed in adopted plans, policies and regulations;
- (2) To promote an attractive visual environment;
- (3) To accommodate the effective use of signs as a means of identification and communication for businesses, organizations and individuals;
- (4) To provide a means of way-finding for visitors and residents;
- (5) To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the village and its residents, property owners and visitors;
- (6) To protect the public health, safety and welfare by minimizing hazards for motorized and non-motorized traffic;
- (7) To minimize the possible adverse effects of signs on nearby public and private property; and
- (8) To provide broadly for the expression of individual opinions through the use of signs on private property.

**B. Findings.** In conjunction with the purposes set forth in subsection A, the village board finds that regulation of the size, height, number and spacing

of signs throughout the village is necessary to:

- (1) Promote the aesthetic and environmental values of Allouez by providing for signs that serve as effective means of communication and do not impair the attractiveness of the village as a place to live, work, visit, and shop;
- (2) Protect public investment in and the character and dignity of public buildings, streets, and open spaces;
- (3) Protect the distinctive community character of Allouez, which results from its natural features, neighborhoods, street patterns, architectural features and historic resources;
- (4) Ensure that signs are designed and proportioned in relation to the structures to which they are attached, adjacent structures, and the streets on which they are located;
- (5) Enhance public spaces by preserving views and fostering the unobstructed growth of street trees; .
- (6) Provide an environment that will safeguard and enhance neighborhood livability and property values, and promote the development of business in the village;
- (7) Reduce hazards to motorized and non-motorized travel caused by visual distractions and obstructions; and
- (8) Thereby promote the public health, safety and welfare.

**C. Applicability.** All signs within the village are subject to the regulations of this article and all other applicable provisions of this zoning ordinance, except as otherwise expressly stated.

**D. Content Neutrality**

- (1) Any sign allowed under this article may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, as long as the sign complies with all size, height, location and other applicable requirements of this article.
- (2) The purpose of this “content neutrality” provision is to avoid any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
- (3) This provision does not create a right to increase the total amount of signs on a lot.

**E. Measurements**

- (1) **Number of Faces.** Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side of the sign is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted.
- (2) **Sign Area.** The area of a sign face is computed by means of the smallest geometric figure (square, circle, rectangle, triangle, polygon, etc.) that will encompass the outer limits of all of the letters, words, representations, emblems, or other displays, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure upon which it is placed, but not including any supporting framework, bracing, or decorative fence or wall that is clearly incidental to the display itself.
- (3) **Window Area.** The area of a window includes only the glass or glazed elements of the window. Frames, mullions and similar

features are not counted as part of the window area.

- (4) **Height.** The height of a sign is computed as the distance from the natural or curb grade, whichever is higher, at or below the base of the sign, to the top of the highest attached component of the sign. Natural grade for sign height measurement purposes is construed to be the lower of existing grade before construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. When natural grade cannot reasonably be determined, sign height is computed on the assumption that the elevation of the natural grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the subject lot, whichever is lower.

**475-101 PROHIBITED SIGNS AND SIGN CHARACTERISTICS**

The following signs and sign characteristics are prohibited:

- A. Any sign for which a required permit has not been issued;
- B. Any sign that is posted or maintained in violation of this article;
- C. Off-premise advertising signs (aka “billboards);
- D. Signs located and maintained in such a manner as to constitute a nuisance as provided in the village code;
- E. Signs that advertise an activity, business, product or service no longer conducted on the lot on which the sign is located;
- F. Signs or other attention-getting devices that contain or consist of inflatable devices, balloons, ribbons, streamers, spinners or other similarly moving devices, except as expressly allowed in this article;
- G. Signs that swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment;
- H. Signs that emit sound, smoke or odor;

- I. Signs that extend more than 2 feet above the roofline of the building to which they are attached, except in cases where roof signs are expressly allowed;
- J. Search lights, strobe lights, rotating beacon lights, flashing lights that are visible from public right-of-way, except as otherwise expressly allowed by this article or required by law;
- K. Signs located in or obstructing a required parking or loading space, or that otherwise obstruct vehicular or pedestrian access or circulation, or that pose any other hazard to motorized or nonmotorized travel;
- L. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress;
- M. Signs that interfere with an opening required for ventilation, except that signs may cover transom windows when not in violation of applicable building and fire safety codes;
- N. Signs affixed directly to a tree, utility pole or traffic control device;
- O. Signs that obstruct, impair, obscure, interfere with the view of, or that may be confused with, any authorized traffic control sign, signal, or device;
- P. Sign displays with a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle;
- Q. Signs attached to or painted on an inoperable or unlicensed vehicle (motorized or non-motorized);
- R. Signs attached to or painted on a licensed motor vehicle if the vehicle is parked within 25 feet of the street right-of-way;
- S. Portable signs, including sandwich board, A-frame and signs on wheels or that are designed to allow movement from one location to another.
- T. Painted wall signs, other than historic signs and murals; and
- U. Signs located on public property that are not owned by or otherwise permitted by the village. Any sign installed or placed on public property, except in compliance with all applicable

regulations and permits are forfeited to the public and subject to confiscation. In addition to other available remedies, the Village is authorized to recover from the owner or person placing the sign the full costs of removal and disposal for such sign.

**475-102 SIGNS ALLOWED WITHOUT PERMIT**

The sign types identified in this section are permitted in any zoning district without obtaining a sign permit and, unless otherwise expressly stated, are not counted as signs for purposes of determining the number of signs or amount of sign area on a lot.

- A. **Address Numbers and Nameplates.** Address numbers and nameplates not exceeding 4 square feet in area per building.
- B. **Art/Public Art.** Art and public art displays.
- C. **Construction Signs.** Up to 3 construction signs per lot, not exceeding 6 square feet in area in R1 and R2 districts or 32 square feet in area in all other districts. Such signs may be erected no more than 5 days prior to construction, must be confined to the construction site, and must be removed no more than 60 days after completion of construction or expiration of the permit authorizing such construction, whichever occurs first.
- D. **Driveway Signs.** Driveway signs not exceeding 6 square feet in area in a commercial, mixed-use, or industrial district or 3 square feet in area in a residential district. Driveway signs may not exceed 6 feet in height and must be located within 10 feet of the intersection of the driveway opening and the right-of-way line.
- E. **Flags.** Flags that do not contain a commercial message.
- F. **Historic Plaques.** Plaques on federal, state or local-designated historic buildings or sites, not exceeding 9 square feet in area or 7 feet in height.
- G. **Interior (Site or Building) Signs**
  - (1) Signs located within the interior of any building or stadium or within an enclosed lobby or court of any building that are not visible from the public right-of-way. Such signs must comply with the structural, electrical, or materials specifications required by this article or the building code.

- (2) Signs on the interior of site or that are not otherwise visible from any public right-of-way or from beyond the boundaries of the lot or parcel.
- H. **Engraved Signs.** Signs that are engraved or cut into any masonry or metal surface used as an exterior building material and that do not exceed 4 square feet in area.
- I. **Neighborhood and Park Signs.** Residential neighborhoods, and park sites are allowed a single freestanding sign at each street entrance to the neighborhood or park. Such signs may not exceed 32 square feet in area of 6 feet in height.
- J. **Official Signs.** Signs erected and maintained pursuant to the discharge of governmental functions, or that are required by law, ordinance, or government regulation, or that are required to be posted in order to effectuate a legal right.
- K. **Campaign Signs**  
Campaign signs are subject to the following regulations:
  - (1) Permission must be obtained from the owners or tenants in possession of the property upon which a campaign sign is placed. Campaign signs may not be located on public property.
  - (2) The person or organization responsible for the erection or distribution of any campaign signs, or the owner, or agent of the property upon which such signs are located, must cause their removal within 3 days after the election to which the signs are pertinent unless such signs must continue to be pertinent to a general election to be held within 90 days.
  - (3) Campaign signs may not exceed 12 square feet in area in residential zoning districts and 16 square feet in area in all other zoning districts. This paragraph does not apply to a sign that is affixed to a permanent structure and does not extend beyond the perimeter of the structure.
  - (4) Campaign signs may not be placed upon a building or a zoning lot that will create a traffic or safety hazard.
- L. **Real Estate Signs.** One real estate sign on any

lot or 2 on any corner lot.

- (1) In residential districts, such signs may not exceed 6 square feet in area and may not be illuminated.
  - (2) In all other districts, such signs may not exceed 32 square feet in area.
  - M. **Special Event Signs.** Special event signs are subject to approval by the village board.
  - N. **Vehicular Signs.** Signs on vehicles operated in the normal course of business, which business is not primarily the display of signs.
  - O. **Drive-Through Signs.** Drive-through signs are permitted in conjunction with drive-through uses, in accordance with the following regulations.
    - (1) Drive-through signs must be located within 10 feet of a drive-through lane.
    - (2) One primary drive-through sign not to exceed 24 square feet in area or 8 feet in height is allowed per order station up to a maximum of 2 primary drive-through signs per lot. One secondary drive-through sign not to exceed 15 square feet in area or 6 feet in height is allowed per lot.
    - (3) Drive-through signs must be set back at least 25 feet from residential zoning districts.
    - (4) Drive-through signs must be oriented to be visible by motorists in allowed drive-through lanes.
  - P. **Temporary Window Signs.** A sign attached to the inside surface of a ground floor window in nonresidential zoning district. The total area of all such signs may not exceed 50% of the total area of the window to which they are attached.  
~~Flags, Pennants, Streamers and Banners. Placement of flags, pennants, streamers and banners is authorized under a village-issued permit or may be placed in village right-of-way by village personnel.~~
- 475-103 TEMPORARY SIGNS**
- A. **Permits Required.** Sign permits and associated sign permit fees are required for all temporary signs displaying a commercial message (see the sign permit provisions of 475-108). including flags, pennants, streamers, banners and similar attention-getting devices. No person, firm, or corporation shall erect or display any form of

~~temporary advertising device or temporary sign for commercial or business purposes without first obtaining a sign permit from the Building Inspector.~~

- B. Number.** No more than one temporary sign permit may be issued to a person, firm, or corporation in any one calendar year. Each tenant within a multi-tenant property is be allowed one temporary sign per calendar year. Multi-tenant businesses are properties with more than one tenant leasing or owning a portion of a building or operating from that location.
- C. Term.** The term of a temporary sign permit may not exceed 30 consecutive days from the date of issuance and must be wholly within any one calendar year, at the end of which term the temporary sign permit expires and any sign or attention-getting device authorized by the expired permit must be removed. Failure to remove a temporary sign upon expiration of the permit constitutes a violation of this zoning ordinance, and each day of violation is considered a separate offense.
- D. Area.** Temporary signs may not exceed 32 square feet in area.
- E. Height.** Freestanding temporary signs may not exceed 8 feet in height.

**475-104 SIGNS IN AG, R, NX AND PI DISTRICTS**

- A. Applicability.** The regulations of this section apply to signs in AG, R, NX and PI districts.
- B. Signs Allowed.** The following signs are allowed in AG, R, NX and PI districts in addition to any signs allowed pursuant to 475-102 and 475-103.
  - (1) Residential and Mixed-use Buildings with Three or more Dwelling Units.** Lots in AG, R, NX and PI districts occupied by three-plus household residential or mixed-use buildings are allowed a maximum of one freestanding sign per street frontage and a maximum of one wall sign per building wall.
    - (a)** Wall signs may not exceed 32 square feet in area.
    - (b)** Freestanding signs may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street

frontage, whichever is greater, but in no case may the sign exceed 96 square feet in area. The maximum sign area calculation must be based on the street frontage to which the sign is oriented. Maximum height may not exceed 8 feet.

- (2) Nonresidential Uses.** The following regulations apply to all principal nonresidential uses in AG, R, NX and PI districts.
  - (1) Wall Signs.** Nonresidential uses in AG, R, NX and PI districts are allowed a maximum of one wall sign per public building entrance. No individual wall sign may exceed 32 square feet in area. In buildings with multiple public building entrances, the sign area of all wall signs may not exceed 32 square feet in the aggregate.
  - (2) Monument Signs.** Nonresidential uses in AG, R, NX and PI districts are allowed a maximum of one monument sign per street frontage. Allowed freestanding signs are subject to a maximum height limit of 8 feet and may not exceed 32 square feet in area or 0.20 square feet of sign area per linear foot of street frontage, whichever is greater, but in no case may the sign exceed 96 square feet in area. The maximum sign area calculation for signs on corner or multiple-frontage lots must be based solely on the street frontage to which the sign is oriented.
  - (3) Dynamic Displays.** Dynamic displays are allowed as a component of a monument sign in AG, R, NX and PI districts only on lots occupied by an allowed public, civic or institutional use.
    - (1)** No more than one dynamic display is allowed per street frontage.
    - (2)** The allowed dynamic display component may not exceed 40% of the sign’s overall area or 20 square feet, whichever is less.
    - (3)** Dynamic displays in AG, R, NX and PI districts may operate only between the hours of 7:00 a.m. and 9:00 p.m.

- (4) Dynamic displays are subject to the dynamic display regulations of 475-106-F.

**475-105 SIGNS IN MX1, MX2, MXR, GXR AND GX DISTRICTS<sup>1</sup>**

- A. Applicability.** The regulations of this section apply to signs in MX1, MX2, MXR, GXR and GX districts.
- B. Signs Allowed.** The following signs are allowed in MX1, MX2, MXR, GXR and GX districts in addition to any signs allowed pursuant to 475-102 and 475-103:
  - (1) Monument Signs
  - (2) Wall Signs
- C. Maximum Overall Sign Area.** The total area of all monument and wall signs on a lot may not exceed 300 square feet.
- D. Monument Signs.** Monument signs in MX1, MX2, MXR, GXR and GX districts are subject to the following regulations:
  - (1) **Maximum Number.** Lots abutting a recreational trail are allowed a maximum of one non-illuminated trailside monument sign and one additional monument sign. All other lots are allowed a maximum of one monument sign per lot.
  - (2) **Maximum Sign Area and Height.** Trailside monument signs may not exceed 6 square feet in area or 5.5 in height. All other monument signs are subject to the maximum area and height regulations of Table 10-1.

**Table 10-1: Monument Sign Area and Height**

No. of Tenants/ Floor Area (sq. ft.)	Max. Area (sq. ft.)	Max. Height (ft.)
1-2 / and less than 25,000	32	8
3+ / and less than 25,000	48	8
3+ / or 25,000-50,000	48	8
3+ / or more than 50,000	64	10

- (3) **Minimum Setbacks.** Trailside monument signs must be set back at least 2 feet from any trail right-of-way or easement. All other

<sup>1</sup> This assumes no other commercial or industrial districts included in ordinance. If any existing districts are retained, we need to update this section to reflect.

monument signs must be set back at least 50 feet from any R-zoned lot, 30 feet from an intersection and 15 feet from a driveway.

- (4) **Street Address.** All monument signs must include the street address of the subject property, using numbers with a minimum height of 5 inches.
- (5) **Design and Landscaping.** Monument signs must include a decorative base at least 2 feet in height, constructed of the same material as the principal building. A landscape area with a width of 2 feet must be provided around the base of the sign. Plant material must be provided within the landscape area.
- E. Wall Signs.** Wall signs in MX1, MX2, MXR, GXR and GX districts are subject to the following regulations:
  - (1) **Maximum Number.** Lots abutting a recreational trail are allowed a maximum of one non-illuminated trailside wall sign and one additional wall sign per building tenant. All other lots are allowed a maximum of one wall sign per tenant.
  - (2) **Maximum Sign Area.** Wall signs are subject to the maximum area regulations of Table 10-2.

**Table 10-2: Wall Sign Area**

Sign Type	Maximum Area
Trailside Wall Sign	15% of tenant's street-facing wall area
Non-Trailside Wall Sign	10% of tenant's trail-facing wall area
Total Area of all Wall Signs on a Lot	72 square inches per linear foot of lot frontage

- (3) **Maximum Projection.** Wall signs may not project more than 18 inches from the wall on which they are mounted.

**475-106 REGULATIONS OF GENERAL APPLICABILITY**

- A. Wind Pressure.** All signs must be erected and maintained so as to withstand a wind pressure of not less than 30 pounds per square foot. Signs erected or maintained on any wall of a building must be securely fastened or anchored to such wall or building, and all fasteners or anchors used must maintained free from rust or defects of any

kind.

**B. Street Address.** All monument signs and other freestanding signs that require a sign permit must display the street address of the subject property using numbers with a minimum height of 5 inches.

**C. Electrified Signs.** All signs using electrical power must comply with the Electrical Code.

**D. Illumination.**

- (1) Exposed electrical wires are prohibited.
- (2) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires or any other type of support, intended to illuminate a sign or other attention-getting device is prohibited.
- (3) Signs may not be illuminated by any means between the hours of 10:00 p.m. and sunrise, except that an allowed sign may be illuminated during those hours that the principal use of the property is open to public.
- (4) All sign lighting must be designed, located, shielded or hooded as to prevent the casting of glare or direct light upon adjacent roadways, upon surrounding properties, and into the sky.
- (5) The lighting intensity of any sign, whether resulting from internal or external illumination, may not exceed 60 foot candles, as measured 2 feet from the geometric center of the sign face. Dynamic displays are not subject to this regulation.
- (6) Neon tubing or strands of lighting exposed to view or not covered with an opaque cover of Plexiglas or other similar material, other than seasonal decorations, are prohibited.

**E. Signs on Private Property.** No sign may be placed on any private property without the subject property owner's consent.

**F. Dynamic Displays**

The supplemental regulations of this section apply to all signs that include dynamic displays.

- (1) The sign area allowed for a dynamic display is not in addition to the maximum sign area allowed for a wall or freestanding sign, but

rather is counted as part of the maximum area of a wall or freestanding sign.

- (2) The images and messages displayed on a dynamic display must have a minimum dwell time of at least 8 seconds and may not contain any movement, animation, audio, video, pyrotechnics or other special effects.
- (3) The transition or change from one message to another must occur in one second or less and involve no animation or special effects.
- (4) The images and messages displayed must be complete in and of themselves within the required dwell time.
- (5) Dynamic displays must be equipped with a default mechanism that freezes the display in one position or presents a static or blank display if a malfunction occurs.
- (6) Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
- (7) The maximum brightness level of a dynamic display may not exceed 6,500 nits (candelas per square meter) during daylight hours or 500 nits between 30 minutes after sunset and 30 minutes before sunrise, as those times are determined by the National Weather Service (Actual Time). Brightness must be measured from the brightest element of the sign's face.
- (8) Dynamic displays may not be illuminated at a greater intensity than necessary for adequate visibility. Dynamic display signs that are determined by the village to be too bright must be modified, as ordered by the village.

**475-107 CONSTRUCTION, INSTALLATION AND MAINTENANCE**

**A. Maintenance.** All signs and sign structures must be properly maintained and kept in a neat and sound state of repair and appearance.

**B. Abandoned Signs.** If a business ceases operation for more than 30 days, the sign owner, lessee, or the property owner must immediately remove any sign identifying or advertising that business or products offered for sale. The requirement to

remove may be waived by the building official if evidence is submitted that a new business will be in operation on the subject property within 30 days. Upon failure of the sign owner, lessee or property owner to comply with this provision, the building official must issue a written notice to the sign owner and any lessee, and to the property owner, stating that such sign must be removed within 10 days. If the sign owner, lessee, or property owner fails to comply with such written notice to remove, the building official is authorized to cause the removal of such sign, and any expense incidental to such removal will be charged to the owner of the property upon which sign is located and constitute a lien upon the property. For the purpose of this subsection, the word "remove" means:

- (1) The sign face, along with posts and columns, and the supports of freestanding signs, must be taken down and removed from the property.
- (2) The sign face and supporting structures of projecting, roof, and wall signs must be taken down and removed from the property.
- (3) The sign face of painted wall signs must be removed by painting over the wall sign in such a manner as to completely cover up and hide the sign from sight.

**C. Destruction of Signs.** It is unlawful for any person to:

- (1) Injure, deface or remove any sign, signal, flare, red light or marker placed for the warning, instruction or information of the public.
- (2) Carve or paint on any rock, sign, wall or structure on public park grounds or other public property.
- (3) Injure or deface in any manner any public building, facility, sign, fence, table or other Village property on public park grounds or other public property.

**475-108 ADMINISTRATION AND ENFORCEMENT**

**A. Permits.**

- (1) **Authority.** Unless otherwise expressly stated in this article, it is unlawful to erect, repair,

alter, relocate, or possess any sign or other advertising structure without first obtaining a sign permit from the Village.

**(2) Application for Permit.** Applications for a sign permit must be submitted to the building official and include at least the following information:

- (a) Name, address, and telephone number of the applicant.
- (b) Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- (c) Name of person, firm, corporation, or association erecting the sign.
- (d) Written consent of the owner of the building, structure, or land to which or upon which the sign is to be fixed.
- (e) A scale drawing of such sign indicating the dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction and attachment.
- (f) A scale drawing indicating the location and position of such sign in relation to nearby buildings and structures.
- (g) Copies of any other permit required and issued for said sign, including the written recommendation by the Village plan commission where required by this chapter.
- (h) Additional information as may be required by the Village.

**(3) Fees.** Sign permits application fees are required in accordance with Village's established fee schedule.

**(4) Permit Revocation.** The building official is hereby authorized and empowered to revoke any permit issued by him/her upon failure of the holder thereof to comply with any provision of this chapter.

**B. Sign Exceptions.** In the event a property owner or applicant is denied a sign permit because of the strict interpretation of the requirements in this article, a sign exception may be applied for with

such fee as set forth in the fee schedule.

- (1) **Authorized Sign Exceptions.** Exceptions may be granted by the village board only in accordance with the criteria set forth in paragraph (3), below. Authorized exceptions are considered a unique request and are not to be construed as precedent for any other authorized sign exceptions.
- (2) **Sign Exception Procedure.**
  - (a) The applicant submits a complete sign exception application and relevant fees to the building official.
  - (b) The proposed sign is reviewed by the building official and referred to the plan commission for any exceptions.
  - (c) The plan commission makes a recommendation on an exception within 60 days of receipt of the exception application or the same shall be deemed denied. Any recommended exception must be entered in the minutes of the plan commission, setting forth the reasons justifying the recommendation for approval.
  - (d) The village board must make final determination on an exception request after a recommendation is made by the plan commission. Any exception granted must be entered in the minutes of the village board, setting forth the reasons justifying the approved sign exception.
  - (e) The building official must comply with and enforce the decision.
- (3) **Criteria for Sign Exceptions.** The village board may not approve a sign exception unless a sign is locally designated or listed on the state or national historic register as a historic structure, as determined by Chapter 248, Historic Preservation, of the Village Code, or it must make findings based upon the evidence presented to it in each specific case that all the following conditions are present. All exceptions made to a sign under the historic structure condition must first obtain a certificate of appropriateness as determined by Chapter 248 of the Village Code.

- (a) The particular physical surroundings, shape or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
- (b) The conditions upon which the application for an exception is based would not be applicable generally to other property within the same zoning classification.
- (c) The purpose of the exception is not based exclusively upon a desire for economic or other material gain by the applicant or owner.
- (d) The alleged difficulty or hardship is caused by this article and has not been created by any person presently having an interest in the property.
- (e) The granting of the exception will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (f) The proposed exception will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

- (4) **Conditions.** In acting on a sign exception request the village board may impose conditions and restrictions upon the premises benefited by an exception as may be necessary to comply with the required sign exception criteria; to reduce or minimize the injurious effect of such exception upon other property in the neighborhood; or to better carry out the general intent of this article.

### C. Nonconforming Signs

- (1) **Description.** A nonconforming sign is a sign that was lawfully established but that no longer complies with applicable sign regulations because of annexation or the

adoption or amendment of regulations after the sign was established.

- (2) **Loss of Status.** A sign loses its nonconforming status if one or more of the following occurs:
- (a) The sign is abandoned;
  - (b) The sign is structurally altered in any way that brings the sign further out of compliance with these sign regulations than it was before alteration;
  - (c) The sign is relocated. However, relocation of a sign pursuant to the exercise or the threat of exercise of eminent domain by a governmental authority does not cause a legal nonconforming sign to lose such status if the sign is relocated to an area on the same tax parcel and as close as practicable to the original site acquired by government action;
  - (d) The sign fails to conform to this zoning ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs; and
  - (e) On the date of occurrence of any of the above, the sign must be immediately brought in compliance with this article with a new permit secured or it must be removed.

**D. Enforcement.** The building official has primary authority and responsibility for administering and enforcing the sign regulations of this article. The penalty and enforcement provisions of [Article XIV](#) also apply to these sign regulations.

#### **475-109 SIGN MEASUREMENTS**

Illustrations to be added

##### **A. Sign Area**

- (1) **Signs Enclosed in Frames or Cabinets.** The area of a sign enclosed in a frame or cabinet is determined based on the outer dimensions of the frame or cabinet surrounding the sign face.
- (2) **Channel (individual) Letter Signs**
  - (a) The area of a sign comprised of individual letters or elements attached

to a building wall is determined by calculating the area of the smallest geometric figure (e.g. square, rectangle, circle, polygon, etc.) that can be drawn around the letters and/or elements.

- (b) Signs consisting of individual letters and/or elements will be measured as one sign when the distance between the letters and/or elements is less than the largest dimension of the largest sign letter).

(3) **Multi-Sided Signs.** Unless otherwise expressly stated, when the sign faces of a multi-sided sign are parallel or within 30 degrees of parallel, only one side is counted for the purpose of determining the area and number of signs. If the sign faces are not parallel or within 30 degrees of parallel, all sign faces are counted.

(4) **Non-planar Signs.** Spherical, free-form, sculptural or other non-planar sign area is measured as 50% of the sum of the areas using only the 4 vertical sides of the smallest 4-sided polyhedron that will encompass the sign structure. Signs with more than 4 polyhedron faces are prohibited.

**B. Sign Height.** The height of a sign is measured as the vertical distance from curb level to the highest point of the sign.

##### **C. Setback, Spacing and Separation Distances**

- (1) Required setback, spacing and separation distances between signs must be measured in a straight line from the nearest points on the respective sign structures. Required separation distances between signs and zoning districts, area or lots must be measured in a straight line from the nearest point on the sign structure to the nearest point of the subject district, area or lot.
- (2) The required separation distance between off-premise outdoor advertising signs must be measured in a straight line from the center of the respective off-premise outdoor advertising sign structures, as located on the ground.

##### **D. Illumination and Luminance**

- (1) **Footcandles.** Sign illumination in footcandles is measured 2 feet from the sign face.

(2) **Nits.** For the purpose of verifying compliance with maximum brightness level limits expressed in “nits,” brightness levels must be measured with the dynamic display set to run full white copy with a luminance meter positioned at a location perpendicular to the sign face center. When taking the luminance reading, the sign face must be the only subject visible in the viewfinder.

**E. Window Area.** The area of a window includes the continuous surface of the glass or glazed elements of the window until divided by an architectural or structural element. Mullions are not considered an architectural or structural element that divides a window.

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## **ARTICLE XI. APPROVAL PROCEDURES**

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**475-110 COMMON PROVISIONS<sup>1</sup>**

- A. Applicability.** The common provisions of this section (475-110) apply to all of the procedures in this article unless otherwise expressly stated.
- B. State Law.** The review and approval procedures of this zoning ordinance are intended to comply with state statutes, including Section 62.23(7) and Section 236.45 of the Wisconsin Statutes. If any provision of this zoning ordinance is in conflict with any provision of state statutes or if this zoning ordinance fails to incorporate a provision required for the implementation of state statutes, Wisconsin Statutes govern.
- C. Review and Decision-making Authority.** Table 11-1 provides a summary of review and decision-making authority. In the event of conflict between this summary table and the written procedures contained elsewhere in this article, the written procedures govern.

**Table 11-1: Review and Decision-making Authority<sup>2</sup>**

Procedure	PZA	BoA	PC	VB
Ordinance Text Amendments	R	-	R	DM*
Zoning Map Amendments	R	-	R	DM*
Development Plan	R	-	R	DM*
Conditional Uses	R	-	R	DM*

<sup>1</sup> Several of these provisions are new, but unless flagged, they do not likely represent a substantive change to current village practice.  
<sup>2</sup> Planned development district (PDD) provisions not included in this draft, pending determination of whether new PDDs will be allowed.

Procedure	PZA	BoA	PC	VB
Site Plan Review				
Administrative Site Plan	DM	-	-	-
Public Hearing Site Plan	R	-	DM	-
Design Exceptions				
Administrative	DM	-	-	-
Public Hearing	R	-	R	DM*
Variances	R	DM*	-	-
Written Interpretations	DM	-	-	-
Appeals of Admin. Decisions	-	DM*	-	-

**Table notes:**  
 R = review and recommending authority  
 DM = final decision-making authority  
 PZA = planning and zoning administrator  
 BoA = board of appeals  
 PC = plan commission  
 VB = village board  
 \* = public hearing

**D. Preapplication Meetings**

- (1) Purpose.** Preapplication meetings provide an early opportunity for staff and applicants to discuss the procedures, standards and regulations required for approval under this zoning ordinance.
- (2) Applicability.** Preapplication meetings are required whenever the provisions of this zoning ordinance expressly state that they are required. They are encouraged in all cases.
- (3) Scheduling.** Preapplication meetings must be scheduled with the planning and zoning administrator.

- (4) **Guidelines.** The planning and zoning administrator is authorized to establish guidelines for preapplication meetings, including information to be provided and any available alternatives to face-to-face meetings, such as telephone conversations and email correspondence.

#### E. Applications and Fees

- (1) **Applicability.** The application and fee provisions of this subsection apply to zoning applications filed by “eligible applicants.”
- (2) **Eligible Applicants.** When the procedures of this article allow an application to be filed by an “eligible applicant,” such application must be submitted by, or on behalf of, a person, firm, corporation or organization that has one or more of the following interests that are specifically enforceable in the land that is subject to the application:
- (a) A freehold interest;
  - (b) A possessory interest entitled to exclusive possession;
  - (c) A contractual interest that may become a freehold possessory interest; or
  - (d) Any exclusive possessory interest.
- (3) **Form of Application.** Applications required under this zoning ordinance must be submitted in a form and in such numbers as required by the official responsible for accepting the application. Applications must include materials and information to assist authorized review and decision-making bodies in their consideration of the application, including at least the following:
- (a) A list of the names and addresses of all owners of record of the property that is the subject of the application; and
  - (b) Maps, plats, surveys, dimensioned site plans, engineering documents, environmental reports, traffic studies, and other materials and information, as required by this zoning ordinance or by application checklists established by the official responsible for accepting the application. Application forms and submittal requirements must be made available to the general public.

- (4) **Fees and Notification Costs.** All applications filed by property owners must be accompanied by the application fee that has been established by the village board. Application filing fees are intended to cover the cost of providing public hearing notices and other costs related to reviewing and processing applications. Such fees are nonrefundable and may include late fees, penalties, and fees for expedited processing.

#### (5) Completeness, Accuracy and Sufficiency<sup>3</sup>

- (a) An application will be considered complete and ready for processing only if it is submitted in the required number and form, includes all required information and is accompanied by the required application filing and notification fees.
- (b) The official responsible for accepting the application is authorized to refuse acceptance of an incomplete application. If an application is determined to be incomplete, the official responsible for accepting the application must provide written notice to the applicant along with an explanation of the application’s deficiencies.
- (c) No further processing of incomplete applications will occur and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the first available processing cycle. If the deficiencies are not corrected by the applicant within 90 days, the application will be deemed to have been withdrawn.
- (d) Applications deemed complete will be placed in the first available application processing cycle and will be reviewed by staff and other review and decision-making bodies in accordance with applicable review and approval procedures of this zoning ordinance.
- (e) The official responsible for accepting the application may require that applications or plans be revised before being placed on an agenda for possible action if

<sup>3</sup> New proposed section.

the planning and zoning administrator determines that:

- (1) The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan’s/ application’s compliance with zoning ordinance requirements or other regulations;
- (2) The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan’s/application’s compliance with zoning ordinance requirements or other regulations; or
- (3) The decision-making body does not have legal authority to approve the application.

**F. Application Processing Cycles.** The planning and zoning administrator, after consulting with review and decision-making bodies, is authorized to promulgate reasonable cycles and timelines for processing applications, including deadlines for receipt of complete applications.

**G. Neighbor Communications<sup>4</sup>**

- (1) Neighbor communications are encouraged by the board of appeals, plan commission and village board to help:
  - (a) Educate applicants and neighbors about one another’s interests;
  - (b) Resolve issues in a manner that respects those interests; and
  - (c) Identify unresolved issues before the start of formal public hearings.
- (2) Applicants are responsible for carrying out any neighbor communications and are encouraged to submit a summary of any neighbor communication activities at or before the first required public hearing. The recommended content of such summaries is as follows:

- (a) Efforts to notify neighbors about the proposal (how and when notification occurred, and who was notified);
- (b) How information about the proposal was shared with neighbors (mailings, workshops, meetings, open houses, fliers, door-to-door handouts, etc.);
- (c) Who was involved in the discussions;
- (d) Concerns raised by neighbors; and
- (e) What specific changes (if any) were considered and/or made as a result of the neighbor communications.

**H. Public Hearing Notices**

- (1) **Published Notice.** Whenever the provisions of this zoning ordinance require that published notice be provided, the notice must be published in the village’s official newspaper in accordance with Wis. Stats. Chapter 985.
- (2) **Mailed Notice<sup>5</sup>**
  - (a) Whenever the provisions of this zoning ordinance require that notices be mailed to property owners, the notices must be sent via United States Postal Service First Class (aka “regular”) mail.
  - (b) Property owner addresses must be obtained from the latest property ownership information available in the Brown County treasurer’s office.
- (3) **Posted Notice.** Whenever the provisions of this zoning ordinance require that notice signs be posted at least one notice sign must be posted on each public street frontage abutting the subject property in locations plainly visible to passers-by. If the subject application includes an area with more than 1,000 feet of street frontage on a single street, at least one sign must be posted for each 1,000 feet of street frontage or fraction thereof on that street.
- (4) **Courtesy Notices.** In addition to the forms of notice required to be provided by this zoning ordinance, the village may elect to provide

<sup>4</sup> Possible new section?

<sup>5</sup> Instead of requiring mailed and posted notice by ordinance, these types of (non-statutory) notices could be handled as “courtesy notices.”

additional forms of courtesy notification by, for example, mailing notice to neighborhood or business organizations, posting notice signs on or near the subject property, posting notices in village hall or other government buildings or providing notice via the Internet.

- (5) **Content of Notices.** All required hearing notices must:
- (a) Indicate the date, time and place of the hearing or date of action that is the subject of the notice;
  - (b) Describe any property involved in the application by address or by a commonly understood description of the location;
  - (c) Describe the general nature, scope and purpose of the application or proposal; and
  - (d) Indicate where additional information on the matter can be obtained.

(6) **Constructive Notice**

- (a) When the records of the village document the publication or mailing of notice, as required by this article, required notice of the public hearing will be presumed to have been given.
- (b) Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at the hearing regarding the adequacy of notice, the hearing body must make a formal finding about whether there was substantial compliance with the notice requirements of this zoning ordinance.

**I. Hearing Procedures**

- (1) The body conducting the hearing is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments.

- (2) Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
- (3) If a public hearing is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring renotification, the body conducting the hearing is authorized to require that the applicant pay any costs of re-notification.

**J. Action by Review and Decision-Making Bodies**

- (1) In taking action under the procedures of this article, review and decision-making bodies must act by simple majority vote of a quorum, unless otherwise expressly stated.
- (2) Review and decision-making bodies may take any action that is consistent with:
  - (a) The regulations of this zoning ordinance and state law;
  - (b) Any rules or by-laws that apply to the review or decision-making body; and
  - (c) The notice that was given.
- (3) Review and decision-making bodies are authorized to continue a public hearing or defer action in order to receive additional information or conduct further deliberations.

- K. Conditions of Approval.** When the procedures of this article authorize approval with conditions, review bodies, including staff, are authorized to recommend conditions and decision-making bodies are authorized to approve the subject application with conditions. Any conditions recommended or approved must relate to a situation likely to be created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development.

- L. Burden of Proof or Persuasion.** Applications must address relevant review and decision-making criteria. In all cases, the burden is on the applicant

to show that an application or proposal complies with all applicable review or approval criteria.

- M. **Required Time-frames for Action.** Any time limit specified in this zoning ordinance for any decision or action on behalf of a review or decision-making body may be extended if the applicant agrees to an extension. Unless otherwise expressly stated, if a review or decision-making body does not render a decision or take action within any time period required under this zoning ordinance and the applicant has not agreed to an extension of that time limit, the application is deemed denied.

**475-111 ORDINANCE TEXT AMENDMENTS**

- A. **Authority to Initiate.** Amendments to the text of this zoning ordinance may be initiated by the village board, any trustee or the planning and zoning administrator.
- B. **Notice of Hearing.** Notice of required public hearings on a zoning ordinance text amendment must be published in accordance with the Class 2 notice requirements of Wis. Stats. Chapter 985.
- C. **Plan Commission Recommendation.** Proposed zoning ordinance text amendments must be referred to the plan commission. Following their review of the proposed text amendment, the plan commission must act to recommend that the proposed text amendment be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the village board.
- D. **Village Board Hearing and Decision**
  - (1) Upon receipt of the plan commission's recommendation, the village board must hold a public hearing on the proposed text amendment. Following the close of the public hearing, the village board must act to approve, approve with modifications or deny the proposed text amendment. If the plan commission's recommendation has not been forwarded to the village board within 60 days of referral of the proposed text amendment to the plan commission, the village board may hold the required hearing and take action without receipt of the recommendation.

**Figure 11-1 - Text Amendment Process (Generally)**



- (2) If the village board does not take final action on a proposed zoning text amendment application within 90 days of the village board's public hearing, the proposed amendment is deemed to have been denied. This "deemed-denied" provision does not apply when the application is referred back to staff or committee after the public hearing is held.
- E. **Review Criteria and Standards.** Zoning ordinance text amendments are legislative decisions of the village board based on consistency with the comprehensive plan and promotion of the public health, safety, and general welfare. In acting on zoning ordinance text amendments, the village board must give due consideration to existing conditions, conservation of property values, building development providing

**Figure 11-2 - Zoning Map Amendment Process (Generally)**



best advantage to the village and the current use of property.

**475-112 ZONING MAP AMENDMENTS<sup>6</sup>**

**A. Authority to Initiate.** Amendments to the official zoning map may be initiated by the village board, the plan commission or the zoning administrator. Zoning map amendment applications may also

<sup>6</sup> This procedure is explained in far more detail than in the current ordinance, which includes only a single paragraph addressing amendments (§475-42): “The Village Board may from time to time, on its own motion or on petition, after public notice and hearing as provided by law, amend, supplement, change, modify or repeal the boundaries or regulations herein or subsequently established after submitting the same to the Plan Commission.”

be filed by an eligible applicant or an eligible applicant’s authorized agent (see [475-110.E\(2\)](#)).

**B. Application Filing.** Zoning map amendment applications must be filed with the planning and zoning administrator.

**C. Notice of Hearing**

**(1) Published.** Notice of required public hearings on a zoning map amendment must be published in accordance with the Class 2 notice requirements of Wis. Stats. Chapter 985.

**(2) Mailed.** Notice must be mailed to all of the following at least 10 days before required public hearings:

- (a)** The subject property owner; and
- (b)** All owners of property within 200 feet of the subject property.

**(3) Posted.** At least one notice sign must be posted on each public street frontage abutting the subject property at least 10 days before required public hearings.

**D. Plan Commission Recommendation.** Proposed zoning map amendments must be referred to the plan commission. Following review of the proposed zoning map amendment, the plan commission must act to recommend that the proposed zoning map amendment be approved, approved with modifications, or denied. The plan commission’s recommendation must be transmitted to the village board.

**E. Village Board Hearing and Decision.** Upon receipt of the plan commission’s recommendation, the village board must hold a public hearing on the proposed zoning map amendment. Following the close of the public hearing, the village board must act to approve, approve with modifications (e.g., reducing the land area involved in the rezoning or recommending another less intensive zoning classification) or deny the proposed zoning map amendment. If the plan commission’s recommendation has not been forwarded to the village board within 60 days of referral of the proposed zoning map amendment to the plan commission, the village board may hold the

required hearing and take action without receipt of the recommendation.

application is substantially different than the one that was denied.

**F. Protest Petitions**

- (1) When a valid protest petition is filed with the village clerk-treasurer, approval of the subject zoning map amendment requires at least a three-quarters majority vote of those village board members present and voting.
- (2) A valid protest petition must be filed with the village clerk-treasurer no later than noon on the Friday preceding the scheduled vote and must be signed and acknowledged by the owners of:
  - (a) At least 20% of the land area included in the proposed zoning map amendment;
  - (b) At least 20% of the land area immediately adjacent and extending 100 feet from the subject property; or
  - (c) At least 20% of the land directly opposite from the subject property and extending 100 feet from the street frontage of the opposite land.

**G. Review Criteria and Standards.** Zoning map amendments are legislative decisions of the village board based on consistency with the comprehensive plan and promotion of the public health, safety, and general welfare. In acting on zoning map amendment, the village board must give due consideration to existing conditions, conservation of property values, building development providing best advantage to the village, the current use of property the cost of providing municipal services to the property and uses served by the zoning map amendment.

**H. Successive Applications.** If the village board denies a proposed zoning map amendment, no zoning map amendment application requesting the same or more intensive zoning the subject property may be filed for or accepted for processing by the village for one year from the date of final action by the village board unless the council expressly acts to deny the previous application without prejudice or the new

**475-113 DEVELOPMENT PLANS**

**A. Purpose.** Development plans are required with some property owner-initiated zoning map amendment applications (rezonings) and are optional with other property owner-initiated rezonings. Their purpose is to depict a property owner's generalized plan for the type, amount and character of development proposed on the subject property. By providing greater certainty about development proposals, development plans provide review and decision-making bodies with additional information upon which to base zoning map amendment (rezoning) recommendations and decisions.

**B. Applicability**

(1) **Mandatory.** Development plans are required (mandatory) for MDP zoning map amendments. They are also required for major amendments to existing Planned Developments (PDs). In acting on mandatory development plans, the plan commission is authorized to recommend and the village board is authorized to approve use and development limitations that comply with, are more restrictive than or, as may be permitted by the respective base district provisions of this zoning ordinance, are less restrictive than the base zoning district regulations and otherwise applicable regulations of this zoning ordinance.

(2) **Optional.** Property owners may elect to submit a development plan with any zoning map amendment application. In acting on optional development plans, the plan commission is authorized to recommend and the village board is authorized to approve use and development limitations that are at least as restrictive or are more restrictive than the base district zoning regulations. Optional development plans may not be used to obtain relief from otherwise applicable zoning ordinance regulations.

**C. Application Filing.** Complete applications for development plan approval must be filed with the planning and zoning administrator at the

same time as the zoning map amendment for the subject property.

- D. Procedures.** Except as otherwise expressly stated in this article, all development plans must be processed concurrently with and following the zoning map amendment procedures of [475-112](#).

**E. Site Plan Review**

- (1) Required.** Site plan approval is required before the issuance of any permits for development or construction on any property included within the boundaries of any approved development plan.
- (2) Mandatory Development Plans.** Unless a longer time period or a phasing plan is approved at the time of approval of a mandatory development plan, a complete application for site plan approval must be filed within 5 years of the date of mandatory development plan approval. If an application for site plan approval is not filed within the time required, no further site plans may be approved for the project until the owner of the subject property has filed the original or amended development plan for re-review and reconsideration by the plan commission and village board. Such re-review and reconsideration must follow the development plan review procedures of this article. Following re-review and reconsideration, the plan commission is authorized to recommend and the village board is authorized to approve any of the following actions based on surrounding land use patterns and other relevant information presented at the time of reconsideration by the plan commission and village board:
- (a)** An extension of time for filing a site plan;
  - (b)** An amendment to the approved mandatory development plan; or
  - (c)** Rezoning to another zoning district in accordance with the zoning map amendment procedures of [475-112](#).
- (3) Optional Development Plans.** The site plan filing deadline established in paragraph [\(2\)](#), does not apply to optional development plans.

**F. Amendments to Approved Development Plans**

**(1) Minor Amendments**

- (a)** The plan commission is authorized to approve amendments to approved development plans as minor amendments if the plan commission determines that substantial compliance is maintained with the approved development plan. The following is a non-exhaustive list of changes that may be approved as minor amendments:
- (1)** Any deviation expressly authorized at the time of development plan approval;
  - (2)** The relocation or addition of customary accessory uses and structures;
  - (3)** Adjustment of internal development area boundaries, provided the allocation of land to particular uses and the relationship of uses within the project are not substantially altered;
  - (4)** Limitation or elimination of previously approved uses, provided the character of the development is not substantially altered;
  - (5)** Modification of the internal circulation system that would not increase points of access from adjacent streets, change access to another street or increase projected traffic volumes;
  - (6)** Modifications to approved signage, provided the size, location, number and type of signs is not substantially altered;
  - (7)** Modification to approved landscape and screening plans, provided the modification is not a substantial deviation from the original approved plan;
  - (8)** Changes reducing the number of permitted dwelling units, the amount of nonresidential floor area or the

area covered by buildings or paved areas; and

- (9) Reductions in off-street parking or loading by more than 5% or one space, whichever results in a greater reduction.

(b) In those cases when the village board has expressly imposed a condition more restrictive than recommended by the plan commission, any amendment of that village board-imposed condition must be reviewed and approved by the village board.

(c) Notice of the plan commission’s public hearing on a development plan minor amendment request must be provided at least 10 days in advance of the hearing by mailing written notice to all owners of property within a 300-foot radius of the exterior boundary of the subject property. Notice (signs) must also be posted on the subject property at least 10 days before the scheduled public hearing.

(d) If the plan commission determines that the proposed development plan amendment, if approved, will result in a significant departure from the approved development plan or otherwise significantly change the character of the subject area or that the cumulative effect of a number of minor amendments substantially alters the approved development plan, then the amendment must be deemed a major amendment to the development plan and processed as a new development plan following the development plan approval procedures of this article, including all requirements for fees, notices and hearings.

(2) **Appeal of Development Plan Minor Amendment Decisions.** An appeal from any development plan minor amendment decision by the plan commission may be taken by any person aggrieved by such decision. Appeals are made to the village board by filing notice of appeal with the village clerk-treasurer and with the planning and zoning administrator within 10 days of the date of the decision being appealed. The appeal must specify

the grounds of the appeal. Upon filing of the notice of appeal, the plan commission must transmit to the village board, all papers constituting the record in the case, together with the decision of the plan commission. The village board must notify the applicant and all interested parties of the appeal hearing location, date and time.

(3) **Major Amendments.** Any amendment to an approved development plan that is not authorized as a minor amendment must be processed as a new development plan following the development plan approval procedure of this article, including all requirements for fees, notices and hearings.

**475-114 CONDITIONAL USES**

A. **Authority to Initiate.** Applications for approval of a conditional use may be initiated by the village board or filed by an eligible applicant or an eligible applicant’s authorized agent (see 475-110.E(2)).

B. **Preapplication Meeting.** Before filing a conditional use application, the applicant or the applicant’s authorized agent must meet with the planning and zoning administrator to discuss the proposed amendment and the applicable procedures.

C. **Application Filing.** Conditional use applications must be filed with the planning and zoning administrator.

D. **Staff Recommendation.** The planning and zoning administrator must review the proposed conditional use and prepare a recommendation for consideration by the plan commission and village board.

E. **Public Hearing Notice**

(1) **Published.** Notice of required public hearings on a zoning map amendment must be published in accordance with the Class 2 notice requirements of Wis. Stats. Chapter 985.

(2) **Mailed.** Notice must be mailed to all of the following at least 10 days before required public hearings:

- (a) The subject property owner; and

**Figure 11-3 - Conditional Use Process (Generally)**



(b) All owners of property within 200 feet of the subject property.

(3) **Posted.** At least one notice sign must be posted on each public street frontage abutting the subject property at least 10 days before required public hearings.

**F. Plan Commission Recommendation.**

Applications for approval of a conditional use must be referred to the plan commission for consideration in a public meeting. Following review of the proposed zoning map amendment, the plan commission must act to recommend that the conditional use application be approved, approved with modifications, or denied. The

plan commission's recommendation must be transmitted to the village board.

**G. Village Board Hearing and Decision.** Upon receipt of the plan commission's recommendation, the village board must hold a public hearing on the proposed conditional use. Following the close of the public hearing, the village board must act to approve, approve with modifications or deny the proposed zoning map amendment. If the plan commission's recommendation has not been forwarded to the village board within 60 days of referral of the proposed conditional use to the plan commission, the village board may hold the required hearing and take action without receipt of the recommendation.

**H. Review Criteria and Standards.** The village board is authorized to approve a conditional use if they find that the following conditions exist and so indicate in the minutes of their proceedings:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare;
- (2) That the uses, values and enjoyment of surrounding properties for purposes already permitted in the district will not be substantially impaired or diminished by the establishment, maintenance or operation of the proposed conditional use;
- (3) That establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district;
- (4) That adequate utilities, access roads, drainage and other necessary improvements have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress that will minimize on- and off-site traffic congestion; and
- (6) That the conditional use complies with all other applicable regulations of this zoning ordinance.

**I. Successive Applications.** If the village board denies approval of the conditional use, no application requesting approval of the same

conditional use on the subject property may be filed for or accepted for processing by the village for one year from the date of final action by the village board unless the village board expressly acts to deny the previous application without prejudice or the new application is substantially different than the one that was denied.

**475-115 SITE PLAN REVIEW**

**A. Purpose.** This section establishes a procedure to ensure timely, competent review of site plans as a means of determining whether such plans comply with the applicable regulations of this zoning ordinance, and to enable the village to plan for and review proposed improvements of property in order to:

- (1) Implement community policies on physical development;
- (2) Provide for efficient, rational allocation of scarce facilities and resources;
- (3) Promote economy and efficiency in the provision and improvement of municipal services through the regulation of development; and
- (4) Ensure the orderliness, quality and character of the development of property in the village, prevent foreclosure of future development opportunities, and facilitate coordination of land usage with planned and available facilities and resources.

**B. Applicability.** Site plan review is required for all multi-family, mixed-use and nonresidential development.

**C. Application Filing.** Applications must be submitted to the planning and zoning administrator. All applications must include plans and other information necessary to allow for thorough review of the proposed plans, as indicated by the requirements on the site plan review submittal checklists developed by the planning and zoning administrator.

**D. Review and Decision-Making Authority**

- (1) **Administrative Site Plans.** All site plan applications that are not classified as a public hearing site plan ~~that meet the following criteria~~ are referred to as "administrative site plans" and follow a one-step approval

process: review and final action by the planning and zoning administrator.

- (2) **Public Hearing Site Plans.** All site plan applications that request a public hearing design exception (see 475-116) are referred to as "public hearing site plans" and follow a three-step approval process: (1) review and recommendation by the planning and zoning administrator, (2) review and recommendation by the plan commission (3) review, public hearing, and final action by the village board.

**E. Review Process**

- (1) **General.** Following receipt of a complete application, the planning and zoning administrator must promptly distribute the application for review by any village departments and external agencies who have regulatory responsibility or related interests in the review of the proposed site plan.

**(2) Administrative Site Plans**

- (a) The planning and zoning administrator must make a final decision or provide comments within 30 days of receipt of a complete site plan submittal package, unless the applicant agrees to an extension of time in writing. In acting on administrative site plans, the planning and zoning administrator is authorized to approve, approve with modifications, or deny approval of the site plan. The planning and zoning administrator is also authorized to forward the site plan to the plan commission and village board for consideration as a public hearing site plan.
- (b) If an application for an administrative site plan is denied, the reasons for denial must be provided through written comment, either electronically or regular mail, and such correspondence must detail the aspects of the site plan that are not in compliance with applicable regulations.
- (c) If a site plan is denied, a new application may be submitted for consideration by the zoning administrator or the applicant

may elect to appeal the decision in accordance with 475-115-K.

- (d) If an administrative site plan requires revisions for approval, the applicant must revise the site plan in accordance with administrative comments. To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed. Upon receipt of a complete resubmittal package, the planning and zoning administrator must provide any written administrative comments that require further revision or provide acknowledgment that all administrative comments have been satisfied.
- (e) If a revised administrative site plan has satisfied all administrative comments, the planning and zoning administrator will request that the applicant submit, signed and dated, digital and reproducible copies of the site plan. The planning and zoning administrator will provide written confirmation of approval, along with the date of such approval.
- (f) The planning and zoning administrator must retain a copy of the approved site plan in the department's permanent files, which will then govern the issuance of building permits and other required approvals in accordance with this zoning ordinance.

**(3) Public Hearing Site Plans**

- (a) Upon receipt of a complete application for approval of a public hearing site plan, the planning and zoning administrator must review the proposed site plan and provide administrative review comments within 30 days.
- (b) To be considered for further review, the applicant must resubmit the revised site plan along with an explanation of how each administrative comment was addressed. Upon receipt of a complete resubmittal package, the planning and zoning administrator must provide any written administrative comments that require further revision or establish a

date for a public hearing by the plan commission.

- (c) Public hearing site plans must be referred to the plan commission. Following review, the plan commission must act to recommend that the site plan be approved, approved with modifications, or denied. The plan commission's recommendation must be transmitted to the village board.
- (d) Upon receipt of the plan commission's recommendation, the village board must hold a public hearing on the site plan. Following the close of the public hearing, the village board must act to approve, approve with modifications or deny the proposed site plan. If the plan commission's recommendation has not been forwarded to the village board within 60 days of referral of the site plan application to the plan commission, the village board may hold the required hearing and take action without receipt of the recommendation.
- (e) If a public hearing site plan is approved subject to specific conditions and modifications, the applicant must revise the site plan in accordance with those conditions and resubmit the site plan for review by the planning and zoning administrator. The planning and zoning administrator must act on all resubmitted public hearing site plans within 15 business days of their receipt.
- (f) If a public hearing site plan is approved, the applicant must submit signed and dated digital and reproducible copies of the site plan to the planning and zoning administrator, and the planning and zoning administrator must provide written verification of approval, along with the date of approval.
- (g) The planning and zoning administrator must retain a copy of the approved site plan in the department's permanent files, which will then govern the issuance of building permits and other required approvals in accordance with this zoning ordinance.

- F. **Effective Date of Site Plan Approval.** An approved site plan becomes effective upon approval. If an appeal is filed, a site plan does not become effective until all appeals have been decided.
- G. **Lapse of Site Plan Approval.** An approved site plan will lapse and have no further effect one year after it is approved, unless:
  - (1) A building permit has been issued (if required);
  - (2) The use or structure has been lawfully established; or
  - (3) A different lapse of approval period or point of expiration has been expressly established by the decision-making body.

H. **Permits and Continuing Compliance**

- (1) No permit may be issued for any development requiring site plan approval until a site plan has been submitted and approved for such development in accordance with this section.
- (2) No permanent certificate of occupancy may be issued for such development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for.
- (3) Construction, grading, or other development activities may be carried out only in compliance with the approved site plan.
- (4) When a site plan has been approved for property pursuant to this section, the property must be used and maintained in compliance with the approved site plan. No person may use property in a manner or physical condition that does not conform to the approved site plan for such property.

I. **Resubmission**

- (1) Site plans approved with conditions must be resubmitted to the planning and zoning administrator, who must review the plan to determine if all required changes have been made. The planning and zoning administrator must act on all resubmitted public hearing site plans within 15 business days of their receipt.

- (2) If the planning and zoning administrator determines that the site plan does not comply with conditions imposed by the decision-making body, the applicant may elect to either:
  - (a) Revise the site plan to comply with required conditions in accordance with the interpretation of the conditions by the planning and zoning administrator; or
  - (b) Submit a written request by letter or email communication that the resubmission is to be processed as an amendment to the site plan.

J. **Amendments.** Approved site plans may be amended only by following the site plan approval procedures of this section (475-115), unless the planning and zoning administrator determines that a proposed change constitutes an insignificant change that:

- (1) Complies with all applicable zoning ordinance regulations;
- (2) Does not violate any terms of conditions imposed by the decision-making body; and
- (3) Is not likely to create any additional adverse impacts on surrounding property owners or the general public.

K. **Appeals of Planning and Zoning Administrator Interpretations and Decisions**

- (a) The applicant may appeal any interpretation or final decision of the planning and zoning administrator related to the site plan procedures of this section (475-115) by filing a written notice of and reasons for the appeal with the planning and zoning administrator no later than 30 days after the date of the action from which the appeal is sought.
- (b) All appeals of interpretations or final decisions of the planning and zoning administrator related to the site plan procedures of this section (475-115) must be placed on the agenda of the plan commission within 30 days of the date that written notice of the appeal was filed with the planning and zoning administrator unless the applicant

agrees to an extension of time for plan commission action.

#### 475-116 DESIGN EXCEPTIONS

**A. General.** This section establishes regulations governing the granting of requests for exceptions to the regulations of [Article III](#), [Article V](#), [Sec. 475-90](#), and [Sec. 475-91](#). These exception procedures are divided into 2 categories:

- (1) Minor, staff-approved exceptions, referred to as administrative design exceptions; and
- (2) More significant exceptions, which must be reviewed and approved by the village board after review and recommendation by the plan commission, referred to as public hearing design exceptions).

**B. Intent.** The design exception provisions of this section are intended to authorize the granting of relief from strict compliance with the regulations when specific site features or characteristics of the subject property, including the presence of existing buildings, creates conditions that make strict compliance with applicable regulations impractical or undesirable. The exception provisions are also intended to recognize that alternative design solutions may result in equal or better implementation of the regulation's intended purpose and consistency with the comprehensive plan.

- (1) **Burden of Proof or Persuasion.** The burden is on the applicant to demonstrate that the requested exception meets the criteria for approval or demonstrates that the result of the exception would equal or exceed the results of strict compliance with the subject regulation.
- (2) **Applications.** Requested exceptions must be noted on the required application and plan, and the application must include a written statement describing why the exception is necessary and all efforts to mitigate any adverse impacts resulting from a grant of the exception.

**C. Administrative Design Exceptions.** During the site plan review process, the planning and zoning administrator is authorized to approve the following as administrative design exceptions,

based on consideration of the general intent statement of [475-115.B](#):

- (1) **Build-to Zone.** Increase or decrease any build-to-zone requirement by 25% or 2 foot, whichever is greater.
- (2) **Primary Frontage Lot Line Coverage.** Decrease the minimum primary frontage lot line coverage requirement by 15% or 3 feet, whichever is greater.
- (3) **Building Setbacks.** Decrease any setback by up to 15% or 1 foot, whichever is greater.
- (4) **Building Coverage.** Increase the maximum total impervious coverage allowance by up to 15%, provided that such increase does not result in impervious coverage that exceed the total permitted impervious plus semi-pervious coverage.
- (5) **Height.** Increase the minimum or maximum height for any story by up to 1 foot.
- (6) **Occupied Space.** Reduce the minimum depth of required occupied space by up to 15% or approve unoccupied space on up to 20% of the frontage.
- (7) **Transparency.** Reduce minimum transparency requirements by up to 15%.
- (8) **Other measurements.** Reduce or increase by up to 10% any minimum requirements of [Article III](#), [Article V](#), [Sec. 475-90](#), or [Sec. 475-91](#) that are expressed as a dimension or distance.
- (9) **Other Defined Administrative Design Exceptions.** Modify building type regulations of [Article III](#) and building design regulations of [Article IX](#) that are expressly identified as eligible administrative design exceptions within the text of this chapter.

#### D. Public Hearing Design Exceptions

The village board is authorized to approve requests for relief from strict compliance with the regulations of [Article III](#), [Article V](#), [Sec. 475-90](#), or [Sec. 475-91](#) that are not expressly authorized for processing as administrative design exceptions and to hear and decide appeals of the planning and zoning administrator's decision on any administrative design exception. ~~The plan commission is responsible for reviewing and making a recommendation on public hearing~~

~~design exceptions before the village board's action to approve or deny the exception.~~

- (1) The village board's decision to approve or deny a request for a public hearing design exception must be based on a determination of whether:
  - (a) The requested design exception is consistent with the general intent statement of 475-116-B;
  - (b) The requested design exception is consistent with the comprehensive plan and any adopted area plan; and
  - (c) The requested design exception will not result in any adverse impacts on other properties in the area beyond those impacts ordinarily expected through implementation of the regulations.

**E. Review Process.** Design exceptions must be processed concurrently with site plan applications (see 475-115), except that of design exceptions from the regulations of Article V must be processed concurrently with a development plan application for the proposed project (see 475-113).

#### 475-117 VARIANCES

- A. Intent.** Zoning variances are intended as a way to provide relief from unnecessary hardships resulting from strict application of zoning ordinance requirements.
- B. Applicability; Authorized Variances.** The board of appeals is authorized to grant variances to the provisions of this zoning ordinance in accordance with the variance procedures of this section, except that these variance procedures may not be used to:
  - (1) Permit a principal use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variances" are prohibited);
  - (2) Waive, modify or amend any definition or use classification;
  - (3) Waive, modify or otherwise vary any of the review and approval procedures;
  - (4) Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government;

- (5) Waive, vary or modify applicable "minimum lot area per unit" (density) standards (Note: this provision is not intended to prohibit variances of minimum lot area requirements for individual lots);
- (6) Waive, vary or modify provisions over which jurisdiction for exceptions or other modifications is assigned to another decision-making body; or
- (7) Waive, vary or modify provisions for which variances are expressly prohibited.

**C. Authority to File.** Variance applications may be filed by eligible applicants or an eligible applicant's authorized agent (see 475-110.E(2)).

**D. Application Filing.** Variance applications must be filed with the planning and zoning administrator.

**E. Transmittal to Board of Appeals.** The planning and zoning administrator must transmit the variance application to the board of appeals before their hearing on the matter.

**F. Notice of Hearing**

- (1) Notice of the board of appeals' required hearing on a variance application must be published in accordance with Wis. Stats. Chapter 985.
- (2) Notice must be mailed to all of the following at least 10 days before the board of appeals' required hearing:
  - (a) The subject property owner; and
  - (b) All owners of property within 100 feet of the subject property.

**G. Hearing and Final Decision**

- (1) The board of appeals must hold a hearing to consider the variance request.
- (2) Following the close of the hearing, the board of appeals must make findings of fact and act to approve the requested variance, approve the variance with modifications and/or conditions, or deny the variance request based on the review criteria and standards of 475-117.H.

**H. General Review Criteria and Standards.** No variance may be approved unless the board of

Figure 11-4 - Variance Process (Generally)



appeals finds, based on evidence presented in the specific case, that all of the following conditions exist:

- (1) Strict compliance with applicable zoning ordinance regulations impose an unnecessary hardship—preventing use of the subject property for a permitted purpose or rendering compliance with the subject regulations unnecessarily burdensome;
- (2) The unnecessary hardship is due to conditions unique to the subject property that do not apply generally to other properties in the same zoning district;
- (3) The variance is the minimum variance needed to relieve the unnecessary hardship;
- (4) The variance will not create substantial detriment to adjacent property;
- (5) The proposed variance will not result in substantial or undue adverse impact on the character of the neighborhood or other

matters effecting the public health, safety, or general welfare; and

- (6) The difficulty or hardship was not created by an individual who has a present interest in the subject property.
- I. **Transferability.** Approved variances run with the land and are not affected by changes of tenancy, ownership, or management.
  - J. **Lapse of Approval.** An approved variance will lapse and have no further effect one year after it is approved by the board of appeals, unless:
    - (1) A building permit has been issued (if required);
    - (2) The use or structure has been lawfully established; or
    - (3) A different lapse of approval period or point of expiration has been expressly established by the board of appeals.
  - K. **Successive Applications.** Once a variance request has been denied by the board of appeals, no rehearing on the same or substantially similar variance application may held except upon a simple majority vote of board members present and voting and a finding that substantial new evidence is submitted that could not reasonably have been presented at the previous hearing.
  - L. **Review by Court of Record.** Any person aggrieved by the decision of the board of appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision in the office of the board of appeals.

#### 475-118 WRITTEN INTERPRETATIONS<sup>7</sup>

##### A. Purpose and Applicability

- (1) Day-to-day responsibility for administering and interpreting the provisions of this zoning ordinance, including the zoning map, rests with the planning and zoning administrator, whose decisions may be appealed to the board of appeals, in accordance with the procedures of [475-119](#).

<sup>7</sup> New procedure

(2) Occasionally, the zoning ordinance may not sufficiently address an issue that arises in administering or interpreting its provisions. In those cases, the planning and zoning administrator may elect to issue or a citizen may file an application for a written zoning ordinance interpretation to guide in future decision-making. The procedures of this section govern the issuance of such written interpretations. The procedures also govern interpretations of the terms of approved site plans.

- B. **Authority.** The planning and zoning administrator is authorized to issue written interpretations. The planning and zoning administrator is also authorized to refer the matter to the board of appeals or plan commission for an interpretation or for guidance in making an interpretation.
- C. **Application.** A complete application for a written interpretation request may be submitted to the planning and zoning administrator.
- D. **Action.** Within 30 days of receipt of a complete application, the planning and zoning administrator must (1) review and evaluate the interpretation request in light of the provisions that are the subject of the interpretation request and any other relevant documents (2) consult with the village attorney and other affected staff and (3) prepare a written interpretation.
- E. **Form.** The interpretation must be provided to the applicant in writing and filed in the official record of interpretations.
- F. **Official Record.** The village clerk-treasurer must maintain an official record of written interpretations. The record of interpretations must be available for public inspection in the office of the village clerk-treasurer during normal business hours.
- G. **Appeal of Decision.** Appeals of written interpretations issued pursuant to this section may be taken to the board of appeals in accordance with the appeal procedures of 475-119.

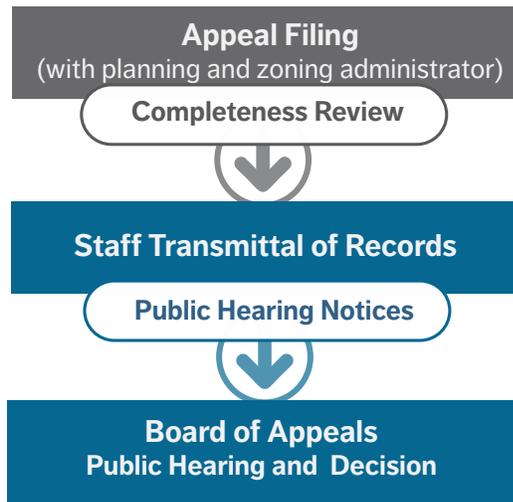
**475-119 APPEALS OF ADMINISTRATIVE DECISIONS**

A. **Applicability.** The board of appeals is authorized to hear and decide appeals when it

is alleged there has been an error in any order, requirement, decision or determination made by the planning and zoning administrator or any other administrative official in the administration, interpretation or enforcement of this zoning ordinance.

- B. **Right to Appeal.** Except as otherwise expressly stated, appeals of administrative decisions may be filed by any person aggrieved by the administrative official's decision or action, including officials, departments, boards or agencies affected by decisions.
- C. **Filing of Appeal.** Appeals of administrative decisions must be filed with the village clerk-treasurer within 30 days of the date of the written decision or order.
- D. **Effect of Filing.** The filing of a complete notice of appeal stays all legal proceedings in furtherance of the action appealed, unless the planning and zoning administrator certifies to the board of appeals, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property, in which case the proceedings will not be stayed unless by a restraining order, which may be granted by the board of appeals or by a court of record based on due cause shown.
- E. **Transmittal to Board of Appeals.** Upon receipt of a complete notice of appeal, administrative official whose decision is being appealed must transmit to the board of appeals all papers constituting the record upon which the action appealed is taken.
- F. **Notice of Hearing**
  - (1) Notice of the board of appeals' required hearing on an appeal of an administrative decision must be published in accordance with Wis. Stats. Chapter 985.
  - (2) Notice must be mailed to the subject property owner at least 10 days before the board of appeals' required hearing.
- G. **Hearing and Final Decision**
  - (1) The board of appeals must hold a hearing to consider the appeal.
  - (2) Following the close of the hearing, the board of appeals must take action on the appeal.

**Figure 11-5 - Appeals Process (Generally)**



may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision in the office of the board of appeals.

The board’s decision must be supported by written findings of fact.

- (3) In exercising the appeal power, the board of appeals has all the powers of the administrative official from whom the appeal is taken. The board of appeals may affirm or may, upon the concurring vote of a simple majority of board members present and voting, reverse, wholly or in part, or modify the decision being appealed.
  - (4) In acting on the appeal the board of appeals must grant to the administrative official’s decision a presumption of correctness, placing the burden of persuasion of error on the appellant.
- H. General Review Criteria and Standards.** An administrative decision may be reversed only if the board of appeals finds that the planning and zoning administrator or other administrative official erred.
- I. Successive Appeals.** Once an appeal has been denied by the board of appeals, no rehearing on the same or substantially similar appeal may held except upon a simple majority vote of board members present and voting and a finding that substantial new evidence is submitted that could not reasonably have been presented at the previous hearing on the appeal.
- J. Review by Court of Record.** Any person aggrieved by a decision of the board of appeals

## ARTICLE XII. ADMINISTRATION

**475-120 VILLAGE BOARD ..... 12-1**  
**475-121 PLAN COMMISSION ..... 12-1**  
**475-122 BOARD OF APPEALS ..... 12-1**  
**475-123 PLANNING AND ZONING ADMINISTRATOR ..... 12-2**

### **475-120 VILLAGE BOARD**

The village board has all of the powers and duties expressly identified in this zoning ordinance and Wis. Stats. § 62.23. See also § 5-1 of the village code of ordinances.

### **475-121 PLAN COMMISSION**

The plan commission has all of the powers and duties expressly identified in this zoning ordinance and Wis. Stats. § 62.23. See also § 5-9 of the village code of ordinances.

### **475-122 BOARD OF APPEALS**

**A. Established.** See § 5-9B of the village code of ordinances.<sup>1</sup>

**B. Composition.** The board of appeals shall have regular and alternate members as provided in § 5-9E(1) of the village code. Members of the board of appeals serve without compensation and may be removed by the village board for cause upon written charges and after a public hearing.

#### **C. Appointment of Officers**

- (1) The village president is authorized to designate one of the members of the board of appeals as chairperson.
- (2) The board of appeals is authorized to elect one of its members as vice chairperson and to appoint a secretary.

**D. Terms.** Regular and alternate members of the board of appeals serve 3-year terms.

**E. Powers and Duties.** The board of appeals has all of the powers and duties expressly identified in this zoning ordinance and Wis. Stats. § 62.23(7) (e), including the following:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of this zoning ordinance (See also 475-119);
- (2) To authorize variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the zoning ordinance will be observed, public safety and welfare secured and substantial justice done (See also 475-117).

#### **F. Meetings**

- (1) Meetings of the board of appeals shall be held at the village hall at the call of the chairperson and at such other times and places as the board of appeals may determine.
- (2) All meetings of the board of appeals must be open to the public.
- (3) The chairperson, or in the chair's absence, the vice chairperson, is authorized to administer oaths and compel the attendance of witnesses.
- (4) The board must keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and keep records of its examinations and other official actions, all of which must be immediately filed in the office of the board of appeals and available for inspection as a public record.

<sup>1</sup> Should the following information be a part of the zoning ordinance or be moved to § 5-9 of the village code of ordinances?

**475-123 PLANNING AND ZONING  
ADMINISTRATOR**

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**475-124 THROUGH 129 RESERVED**

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- A. Powers and Duties.** The planning and zoning administrator is responsible for carrying out those duties and responsibilities expressly assigned by this zoning ordinance and for:
- (1) Assisting the the building inspector in conducting inspections of buildings, structures and land to determine compliance with this zoning ordinance and notifying in writing the person responsible for any identified violations;
  - (2) Ordering the discontinuance of observed violations of this zoning ordinance or taking any other action authorized by law or by this zoning ordinance to ensure compliance with or to prevent violation of zoning ordinance provisions;
  - (3) Assisting the village attorney in the prosecution of zoning ordinance violations;
  - (4) Maintaining permanent and current records of this zoning ordinance, including, all maps, amendments, conditional use permits, planned unit developments, variances, appeals, applications and zoning ordinance text;
  - (5) Advising all persons seeking zoning information of the existence of officially adopted plans;
  - (6) Providing and maintaining a source of public information relative to all matters arising out of this zoning ordinance;
  - (7) Receiving, filing and forwarding to the plan commission, the board of appeals and common council all applications for matters on which those respective entities are required to review or take action; and
  - (8) Keeping the plan commission, board of appeals and common council advised of zoning activities.

## ARTICLE XIII. NONCONFORMITIES

**475-130 GENERAL ..... 13-1**  
**475-131 NONCONFORMING LOTS ..... 13-2**  
**475-132 NONCONFORMING STRUCTURES ..... 13-2**  
**475-133 NONCONFORMING USES ..... 13-2**  
**475-134 NONCONFORMING SIGNS .....13-3**  
**475-135 NONCONFORMING DEVELOPMENT FEATURES ..... 13-4**

### **475-130 GENERAL<sup>1</sup>** .....

- A. Scope.** The regulations of this article govern nonconformities, which are lots, uses and structures that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more provisions of this zoning ordinance.
- B. Purpose.** Occasionally, lots, uses, and structures that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) are made nonconforming because of changes in the zoning regulations that apply to the subject property (e.g., through zoning map changes or amendments to the text of the zoning ordinance). The regulations of this article are intended to clarify the effect of this “nonconforming” status and avoid confusion with “illegal” buildings and uses (i.e., those established in violation of applicable zoning regulations). The regulations of this article are also intended to:
  - (1) Recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
  - (2) Promote maintenance, reuse and rehabilitation of existing buildings; and
  - (3) Place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties.
- C. Authority to Continue.** Any nonconformity that existed on the effective date specified in [475-03](#) or any situation that becomes nonconforming upon adoption of any amendment to this zoning ordinance may be continued in accordance with

the regulations of this article unless otherwise expressly stated.

- D. Determination of Nonconformity Status.** The burden of proving a nonconformity was lawfully established and that the situation has not lost its nonconforming status rests entirely with the subject landowner.
  - (1) The planning and zoning administrator is authorized to determine whether adequate proof of nonconforming status has been provided by the subject landowner.
  - (2) Building permits, lawfully recorded plats, lawfully recorded instruments of conveyance, aerial photography owned by a governmental agency and other official government records that indicate lawful establishment of the use, lot or structure constitute conclusive evidence of nonconforming status. If such forms of conclusive evidence are not available, the planning and zoning administrator is authorized to consider whether other forms of evidence provided by the subject owner are reliable and adequate to document nonconforming status. Common examples of evidence that may be determined to be reliable and adequate include:
    - (a) Utility billing records;
    - (b) Rent records;
    - (c) Advertisements in dated publications;
    - (d) Listings in telephone or business directories; and
    - (e) Notarized affidavits affirming the date of lawful establishment of the use or structure.

<sup>1</sup> These general provisions are new, but are not believed to represent a substantive change from current practice.

- (3) Appeals of the planning and zoning administrator’s decision on nonconforming status determinations may be appealed in accordance with the appeal procedures of 475-119.
- E. Repairs and Maintenance.** Nonconformities must be maintained to be safe and in good repair.
  - (1) Repairs and routine property maintenance that do not increase the extent of nonconformity and that are necessary to keep a nonconformity in sound condition are permitted unless otherwise expressly prohibited by this zoning ordinance.
  - (2) Nothing in this article is intended to prevent nonconformities from being structurally strengthened or restored to a safe condition in accordance with an order from a duly authorized village official.
- F. Change of Tenancy or Ownership.** Nonconforming status runs with the land and is not affected by changes of tenancy, ownership or management.

**475-131 NONCONFORMING LOTS<sup>2</sup>**

- A. Description.** A nonconforming lot is a lawfully created lot recorded in the office of Brown County Register of Deeds that does not comply with applicable minimum lot area or minimum lot width regulations of this zoning ordinance.
- B. Use of Nonconforming Lots**
  - (1) A single dwelling unit and allowed accessory structures may be constructed on a nonconforming lot in any zoning district that permits detached houses by-right, subject to compliance with all applicable setback and building regulations (e.g., coverage, height, floor area, etc.).
  - (2) Nonconforming lots in districts that do not permit detached houses by-right, may be used in accordance with the use regulations that apply in the subject zoning district, and buildings may be erected, subject to compliance with all applicable setback and building regulations (e.g., coverage, height, floor area, etc.).

<sup>2</sup> All new section. There do not appear to be any nonconforming lot regulations in the current ordinance.

**475-132 NONCONFORMING STRUCTURES**

- A. Description.** A nonconforming structure is any building or structure, other than a sign, that was lawfully established but no longer complies with the lot and building regulations of the zoning district in which it is located.
- B. General.** Nonconforming structures may remain, subject to the regulations of this section.
- C. Alterations and Expansions.** Alterations, including enlargements and expansions, are prohibited unless the proposed alteration or expansion complies with all applicable lot and building regulations, and does not increase the extent of the existing nonconformity. A building with a nonconforming front setback, for example, may be expanded to the rear as long as the rear expansion complies with applicable rear setback regulations and all other applicable lot and building regulations. On the other hand, building additions on the front may not increase or extend the front setback nonconformity.
- D. Use.** A nonconforming structure may be used for any use allowed in the zoning district in which the structure is located.
- E. Replacement.** If a nonconforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the nonconforming structure may be re-established to the extent it existed before the damage or destruction, provided that no new or greater nonconformities are created and a permit application to allow the re-establishment is filed within one year of the date of damage or destruction.

**475-133 NONCONFORMING USES**

- A. Description.** A nonconforming use is a land use that was lawfully established in accordance with all zoning regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which the use is now located. Lawfully established uses that do not comply with any applicable separation (or spacing) distance requirements (e.g., those that require one land use to be located a certain minimum distance from another land use) are also deemed to be nonconforming uses.

B. **Change of Use.** A nonconforming use may only be changed to another use if the new (changed) use is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established.<sup>3</sup>

C. **Expansion of Use.** A nonconforming use may not be expanded unless such expansion would eliminate or reduce the extent of nonconformity, except that a nonconforming use of a building may be extended into those interior parts of the building that were manifestly designed for such use before the date that the use became nonconforming.

D. **Remodeling and Improvements.** A building in which a nonconforming use is located may be remodeled or otherwise improved as long as the remodeling or improvements do not violate the other regulations of this zoning ordinance.

E. **Moving**

- (1) A nonconforming use may be moved in whole or in part to another location on the same lot only if the movement or relocation eliminates or reduces the extent of nonconformity.
- (2) A nonconforming use may be moved to another lot only if the use is allowed under the zoning regulations that apply to that (relocation) lot.

F. **Loss of Nonconforming Status**

(1) **Abandonment**

- (a) Once a nonconforming use is abandoned, its nonconforming status is lost and any new, replacement use must comply with the regulations of the zoning district in which it is located.
- (b) A nonconforming use is presumed abandoned when the use is discontinued or ceases for a continuous period of ~~60~~ days 6 months or more.
- (c) The presumption of abandonment may be rebutted upon showing, to the satisfaction of the planning and zoning administrator, that during such period

<sup>3</sup> Existing provisions allowing nonconforming uses to be changed to other nonconforming uses or to "higher classification" uses (§475-36.A-B) have not been carried over because the methodology for distinguishing higher and lower classification seems flawed.

the owner of the land or structure has been:

- (1) Maintaining the land and structure in accordance with all applicable municipal code requirements and did not intend to discontinue the use;
  - (2) Actively and continuously marketing the land or structure for sale or lease for that particular nonconforming use; or
  - (3) Engaged in other activities that affirmatively prove there was not intent to abandon.
- (d) Any period of discontinued use caused by government action, acts of God, unintended fire or other causes beyond the control of the subject property owner are not counted in calculating the length of discontinuance.

(2) **Re-establishment**

- (1) **Intentional Destruction.** When a building containing a nonconforming use is intentionally destroyed, razed or dismantled by a deliberate act of the owner or the owner's agent, re-establishment of the nonconforming use is prohibited.
- (2) **Accidental Destruction.** If a building containing a nonconforming use is damaged or destroyed by an Act of God or other circumstances beyond the control of the property owner, the building (whether conforming or nonconforming) and the nonconforming use may be re-established, provided that no new nonconformities are created and that the existing degree of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged building and nonconforming use must be obtained within one year of the date of occurrence of such damage or destruction.

**475-134 NONCONFORMING SIGNS**

A. **Description.** A nonconforming sign is a sign that was lawfully established but that no longer complies with applicable zoning ordinance regulations because of the adoption or amendment of regulations after the sign was established.

- B. **Use.** Nonconforming signs may continue subject to the regulation of this section.
- C. **Movement.** A nonconforming sign may be moved in whole or in part to another location only if the movement or relocation eliminates the nonconformity.
- D. **Alteration, Enlargement or Expansion.** Nonconforming signs may not be enlarged or altered in a way which increases their nonconformity.
- E. **Damage or Destruction**
  - (1) If a nonconforming sign is damaged, destroyed or modified by any means, including repair, alteration, replacement or upgrade, to the extent of 50% or more of its replacement cost at the time of damage, destruction or modification, the nonconforming sign must be removed.
  - (2) If a nonconforming sign is damaged, destroyed or modified by any means, including repair, alteration, replacement or upgrade, to an extent of less than 50% of its replacement cost at the time of damage, destruction or modification, the nonconforming sign may be remain to the extent it existed before the damage, provided that a permit application to re-establish the sign is filed within 6 months of the date of damage, destruction or modification.
  - (3) The value of all structural alterations made over the previous 5 years shall be used in calculating whether the 50% threshold used in this subsection has been met.
- F. **Loss of Nonconforming Status**
  - (1) If the use of property containing a nonconforming sign is discontinued for a period of more than 6 months, or if a new or amended site plan is required by a change in the use or building expansion on the property, all nonconforming signs on the subject property are deemed to have been abandoned and lose their nonconforming status.
  - (2) If a nonconforming sign is not used to display a commercial or noncommercial message for a period of 6 months or more,

the sign is deemed abandoned and loses its nonconforming status.

- (3) Any sign that loses its nonconforming status must be removed no later than 30 days after its change of status.
- (4) When removal of a sign is required, the entire sign structure, including the base and supports (for freestanding signs), must be removed.

**475-135 NONCONFORMING DEVELOPMENT FEATURES<sup>4</sup>**

- A. **Description.** A nonconforming development feature is any aspect of a development—other than a nonconforming lot, nonconforming structure or nonconforming use—that was lawfully established, in accordance with zoning regulations in effect at the time of its establishment but that no longer complies with one or more regulations of this zoning ordinance. Common examples of nonconforming development features are off-street parking or loading areas that contain fewer spaces than required by current regulations and sites that do not comply with current landscaping or screening requirements.
- B. **General.** Nonconforming development features may remain except as otherwise expressly stated in this zoning ordinance, but the nature and extent of nonconforming site features may not be increased except as otherwise expressly stated in this zoning ordinance.

**475-136 THROUGH 139 RESERVED**

<sup>4</sup> All new section; not addressed in current ordinance.

## ARTICLE XIV. VIOLATIONS, PENALTIES AND ENFORCEMENT

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**475-141 VIOLATIONS ..... 14-1**  
**475-142 REMEDIES AND ENFORCEMENT POWERS ..... 14-1**  
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### 475-140 RESPONSIBILITY FOR ENFORCEMENT

The planning and zoning administrator is responsible for the interpretation, administration and enforcement of the provisions of this zoning ordinance unless otherwise expressly stated.<sup>1</sup>

### 475-141 VIOLATIONS

A. It is unlawful and a violation of this zoning ordinance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the village, or cause any of these actions, contrary to or in violation of any of the provisions of this zoning ordinance. Any violation of a provision of this zoning ordinance—including but not limited to all of the following—may be subject to the remedies and penalties provided for in this zoning ordinance.

- (1) To use land or buildings in any way not consistent with the requirements of this zoning ordinance;
- (2) To erect a building or other structure in any way not consistent with the requirements of this zoning ordinance;
- (3) To install or use a sign in any way not consistent with the requirements of this zoning ordinance;
- (4) To engage in the use of a building or land or any other activity requiring one or more

permits or approvals under this zoning ordinance without obtaining such required permits or approvals;

- (5) To engage in the use of a building or land or any other activity requiring one or more permits or approvals under this zoning ordinance in any way inconsistent with any such permit or approval or any conditions imposed on the permit or approval;
- (6) To violate the terms of any permit or approval granted under this zoning ordinance or any condition imposed on the permit or approval;
- (7) To obscure, obstruct or destroy any notice required to be posted or otherwise given under this zoning ordinance;
- (8) To violate any lawful order issued by any person or entity under this zoning ordinance; or
- (9) To continue any violation after receipt of notice of a violation.

B. Each day that a violation remains uncorrected after receiving notice of the violation from the village constitutes a separate violation of this zoning ordinance.

### 475-142 REMEDIES AND ENFORCEMENT POWERS

The village has all remedies and enforcement powers allowed by law, including the following:

A. **Withhold Permit.** The planning and zoning administrator may deny or withhold permits, certificates or other forms of authorization on any land or structure or improvements upon which

<sup>1</sup> The current ordinance contains several enforcement-related provisions, including 475-43, 475-67, 475-83 and other minor references to violations and enforcement. This article consolidates and expands the menu of expressly stated enforcement options available to the village.

there is an uncorrected violation of a provision of this zoning ordinance or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the village. This enforcement provision may be used regardless of whether the current owner or applicant is responsible for the violation in question.

**B. Permits Approved with Conditions.**

Instead of withholding or denying a permit or other authorization, the planning and zoning administrator may grant such authorization subject to the condition that the violation be corrected.

**C. Revoke Permits**

- (1) Any permit, certificate or other form of authorization required under this zoning ordinance may be revoked by the planning and zoning administrator when the planning and zoning administrator determines:
  - (a) That there is departure from the plans, specifications, or conditions as required under terms of the permit,
  - (b) That the development permit was procured by false representation or was issued by mistake, or
  - (c) That any of the provisions of this zoning ordinance are being violated.
- (2) Written notice of revocation must be served upon the owner, the owner’s agent or contractor, or upon any person employed on the building or structure for which such permit was issued. If no persons can reasonably be served with notice, the notice must be posted in a prominent location. After delivery or posting of notice, no construction or development may proceed.

**D. Withhold Public Utility Service.** The planning and zoning administrator may require that public utility service be withheld until such time as the structure or premises are no longer in violation of this zoning ordinance.

**E. Stop Work.** With or without revoking permits, the planning and zoning administrator may order work to be stopped on any building or structure on any land on which there is an uncorrected violation of a provision of this zoning ordinance or of a permit

or other form of authorization issued under the zoning ordinance.

**F. Revoke Plan or Other Approval.** Where a violation of this zoning ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the planning and zoning administrator may, upon notice to the applicant and other known interested parties (including any holders of building permits affected): (a) revoke the plan or other approval or (b) condition its continuance on strict compliance with this zoning ordinance or the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the planning and zoning administrator may reasonably impose.

**G. Injunctive Relief.** The village may seek an injunction or other equitable relief in court to stop any violation of this zoning ordinance or of a permit, certificate or other form of authorization granted under the zoning ordinance.

**H. Abatement.** The village may seek a court order in the nature of mandamus, abatement, injunction or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

**I. Other Enforcement Powers.** In addition to all other actions and penalties authorized in this article, the village attorney is authorized to institute any other appropriate judicial or administrative actions or proceedings to prevent, enjoin, abate, or remove any violations of this zoning ordinance.

**475-143 CONTINUATION OF PREVIOUS ENFORCEMENT ACTIONS**

Nothing in this zoning ordinance prohibits the continuation of valid enforcement actions initiated by the village before the effective date specified in 475-03.

**475-144 REMEDIES CUMULATIVE**

The remedies and enforcement powers established in this zoning ordinance are cumulative, and the village may exercise them in any combination or order.

**475-145 PERSONS SUBJECT TO PENALTIES**

**475-147 THROUGH 149 RESERVED**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or agent, or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and be subject to penalties, remedies and enforcement actions.

**475-146 ENFORCEMENT PROCEDURES**

- A. **Non-Emergency Matters.** In the case of violations of this zoning ordinance that do not constitute an emergency or require immediate attention, the planning and zoning administrator must give notice of the nature of the violation to the property owner or to any other person who is party to the approval or to any applicant for any relevant permit in the manner stated in this section, after which the persons receiving notice have 10 days to correct the violation before further enforcement action may be taken. Notice must be given in person by hand delivery or by U.S. Mail or by posting notice on the premises. Notices of violation must state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected. When no current address exists for the owner and attempts to reach the owner have been unsuccessful, notice may be posted on the property. In that case, documentation must be maintained in the case file of the unsuccessful attempts to reach the property owner and a photograph of the posted notice must be retained as part of the case file.
- B. **Emergency Matters.** In the case of violations of this zoning ordinance that constitute an emergency situation as a result of public health or safety concerns or violations that will create increased problems or costs if not remedied immediately, the village may use the enforcement powers available under this zoning ordinance without prior notice, but the planning and zoning administrator must attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the approval and to applicants for any relevant permit.

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## **ARTICLE XV. MEASUREMENTS AND DEFINITIONS**

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## 475-150 LANGUAGE AND ORDINANCE CONSTRUCTION

### A. Meanings and Intent

- (1) Words and terms expressly defined in this zoning ordinance have the specific meanings assigned unless the context indicates another meaning.
- (2) Words that are not expressly defined in this zoning ordinance have the meaning assigned in *Merriam-Webster's Collegiate Dictionary*.

### B. Computation of Time

- (1) References to "days" are to calendar days unless otherwise expressly stated. References to "business days" are references to regular city government working days, excluding Saturdays, Sundays and holidays observed by city government.
- (2) The time in which an act is to be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, holiday observed by city government or other day on which city offices are closed, that day is excluded.
- (3) A day concludes at the close of business and any materials received after that time will be considered to have been received the following day.

### C. Tenses and Usage

- (1) Words used in the singular include the plural. The reverse is also true.
- (2) Words used in the present tense include the future tense. The reverse is also true.
- (3) The words "shall," "will," and "shall" are mandatory.
- (4) The word "may" is permissive, not mandatory or required, but the phrase "may not" means that the referenced action is expressly prohibited.
- (5) Phrases that include numbers, such as "up to x," "not more than x" and "a maximum of x" all include "x."
- (6) The word "person" includes a firm, association, organization, partnership, limited

liability company, trust, or corporation, as well as an individual.

- (7) The words "used" and "occupied" include "intended and designed to be used or occupied."

### D. Conjunctions.

Unless the context otherwise expressly indicates, conjunctions have the following meanings:

- (1) "And" indicates that all connected items or provisions apply; and
- (2) "Or" indicates that the connected items or provisions may apply singularly or in combination.

### E. Headings and Illustrations.

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this zoning ordinance. In case of any difference of meaning or implication between the text of this zoning ordinance and any heading, drawing, table, figure or illustration, the text governs.

### F. Versions and Citations.

All references in this zoning ordinance to other village, state or federal regulations are to be construed as referring to the most up-to-date version and citation for those regulations or successor regulations, unless otherwise expressly indicated. When the referenced regulations have been repealed and not replaced by other successor regulations, zoning ordinance requirements for compliance are no longer in effect.

### G. Lists and Examples.

Unless otherwise expressly indicated, lists of examples that use "including," "such as," or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

### H. Delegation of Authority.

Whenever a provision appears requiring the head of a department or another officer or employee of the village to perform an act or duty, that provision is to be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of

authority is not allowed if a specific provision expressly prohibits such delegation.

- I. **Public Officials and Agencies.** References in this zoning ordinance to village officials, agencies and staff are references to those of the Village of Allouez.

**475-151 MEASUREMENTS**

**A. Fractions and Rounding**

When calculations required under this zoning ordinance result in fractions, the results must be rounded as follows:

**(1) Minimum Requirements**

- (a) When calculating minimum off-street parking requirements, any fractional result of less than one-half is rounded down to the whole number and any fractional result of one-half or more is rounded up to the whole number.
- (b) When a requirement other than off-street parking is expressed as a minimum requirement, any fractional result must be rounded up to the next consecutive whole number.

**(2) Maximum Limits**

When a regulation is expressed as a maximum limit, any fractional result must be rounded down to the preceding whole number. For example, if a maximum limit of 3.33 parking spaces per 1,000 square feet of floor area is applied to an 8,000 square foot building, the resulting fraction of 26.64 is rounded down to 26 allowed parking spaces. This provision is not to be interpreted as allowing fractional results to be rounded down when determining compliance with percentage-based limits. For example, if maximum allowed lot coverage is 45%, a lot with 45.33% coverage is not considered to be in compliance.

**B. Lot Area**

Lot area is measured as the total ground-level surface area contained within the lot lines of a lot.

**C. Lot Width**

Lot width is the horizontal distance between the side lot lines of a lot, measured along the minimum front setback line. If no minimum front

setback is required, lot width is measured long the front lot line.

- D. **Lot Frontage or Street Frontage.** Lot frontage is measured between side lot lines of a lot along the front lot line.

**E. Setbacks**

**(1) Measurement**

- (a) Required setbacks are measured from the applicable lot line, right-of-way, or specific location referred to in the applicable regulation. Building setbacks are measured to the nearest exterior building wall. Minimum setbacks that apply to other features (parking areas, fences, storage areas) are measured from the nearest point of the area or feature for which a setback is required. Unless otherwise expressly stated, no part of any structure may be located within the street right-of-way.
- (b) Street (front and street-side) setbacks are measured from the actual right-of-way line of the street (other than an alley).
- (c) Interior side setbacks are measured from the nearest side lot line that does not abut a street.
- (d) Rear setbacks are measured from the rear lot line.
- (e) On double-frontage lots, the required front setback must be provided from both streets.

**(2) Setbacks on Irregular Lots.** Setbacks are measured from lot lines towards the center of the lot, except as follows:

- (a) When lot lines are curvilinear, setbacks must be measured parallel to the curvilinear lot line.
- (b) When there are multiple rear lot lines, the rear setback must be measured from each of rear lot lines.
- (c) When there is no rear lot line, the rear setback must be measured as a radial distance from the intersection of side lot lines at the rear of the lot.

**(3) Contextual Setbacks<sup>1</sup>**

- (1) **Applicability.** Contextual front setback requirements apply in all R districts to any new principal building or structural alterations to existing buildings on a lot that abuts one or more lots occupied by principal buildings that are set back a greater or lesser distance than required by the subject lot's zoning district regulations.
- (2) **Measurement.** The minimum contextual setback is determined by calculating the mean street yard depth that exists on the nearest 2 lots on either side of the subject lot.
  - (1) If one or more of the lots required to be included in the minimum contextual setback calculation are vacant, the vacant lot will be deemed to have a street yard depth equal to the minimum street setback requirement of the subject zoning district.
  - (2) Lots with frontage on a different street than the subject lot or that are separated from the subject lot by a street or alley are not used in computing the minimum contextual setback.
  - (3) When the subject lot is a corner lot, the mean street yard depth will be computed on the basis of the nearest 2 lots with frontage on the same street as the subject lot.
  - (4) When the subject lot abuts a corner lot with frontage on the same street, the mean street yard depth will be computed on the basis of the abutting corner lot and the nearest 2 lots with frontage on the same street as the subject lot.
  - (5) The contextual setback provisions of this section may not be used to reduce the required setback in an R district to less than 20 feet or to

require a building setback in an R district of more than 50 feet.

**F. Primary Frontage or Front Lot Line Coverage**

The minimum percentage of building facade along the primary frontage of a lot is measured as follows:

- (1) The minimum primary frontage or front lot line coverage must at least equal the width of the principal structures, as measured within the build-to zone along the frontage edge, divided by the length of the lot line parallel to the primary street minus side setbacks and any driveways or streets perpendicular to the frontage. See [Figure 15-1](#).
- (2) For some X district building types, courtyards located along the facade in the build-to zone count towards minimum coverage. See the building type regulations in [Article III](#).

**G. Build-to Zone**

The build-to zone is calculated and measured as follows. See [Figure 15-2](#).

- (1) If no additional pedestrian area is required, the build-to zone is measured from the right-of-way line into the lot perpendicular to the frontage.
- (2) When additional pedestrian area is required by the supplemental regulations that apply to the subject building type, the build-to zone is measured from the edge of the new pedestrian area into the lot.
- (3) [A river or trail frontage build-to zone is measured from the trail easement or lot line into the lot perpendicular to the easement or lot line.](#)
- (4) All building facades located within the build-to zone shall meet the required minimum building height.
- (5) Upper-story recessed balcony facades are not required to be located within the build-to zone.
- (6) Awnings, steps, porches, balconies, and building mounted signs may extend beyond the build-to zone but may not extend into the street right-of-way unless approved **with an encroachment permit**.

<sup>1</sup> This is a complete overhaul of the village's existing "average" setback provision. It is intended to clarify and simplify the regulations.

H. Building Width

Minimum and maximum building width applies to all facades on a building parallel and facing the front lot line and is measured horizontally across those facades.

I. Building and Site Coverage

Building coverage, impervious area, and additional semi-pervious area are calculated and measured as follows. See Figure 15-3.

- (1) **Maximum Building Coverage.** The maximum building coverage is the maximum percentage of a lot permitted to be covered by principal and accessory buildings.
- (2) **Maximum Site Impervious Area.** The maximum site impervious area is the maximum percentage of a lot permitted to be covered by structures, pavement, and other impervious surfaces.
- (3) **Additional Semi-Pervious Area.** In addition to the allowable impervious area on a site, a maximum amount of additional semi-pervious area is permitted.

J. Occupied Building Space

Occupied building space means interior building space regularly occupied by the building users.

- (1) Occupied building space does not include storage areas, utility space, or parking.
- (2) False stories are not permitted.
- (3) Occupied building space is measured from the street facade perpendicularly into the building.

K. Building Height

See Figure 15-4.

- (1) **Minimum Overall Height.** Each building type requires a minimum number of stories. The building must meet the minimum required height along all primary frontage facades and for a depth of at least 30 feet into the building.
- (2) **Maximum Overall Height.** Maximum heights are specified in number of stories. This requirement applies to the entire building.

Figure 15-1 - Primary Frontage or Front Lot Line Coverage

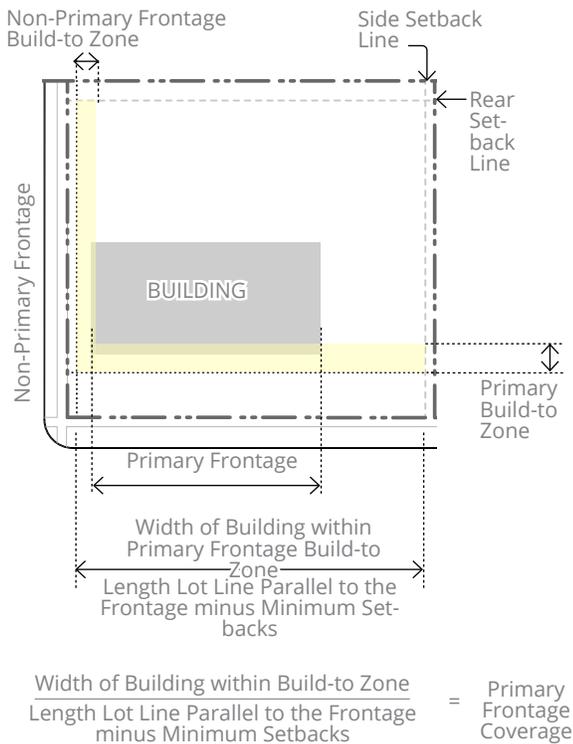


Figure 15-2 - Build-to Zone

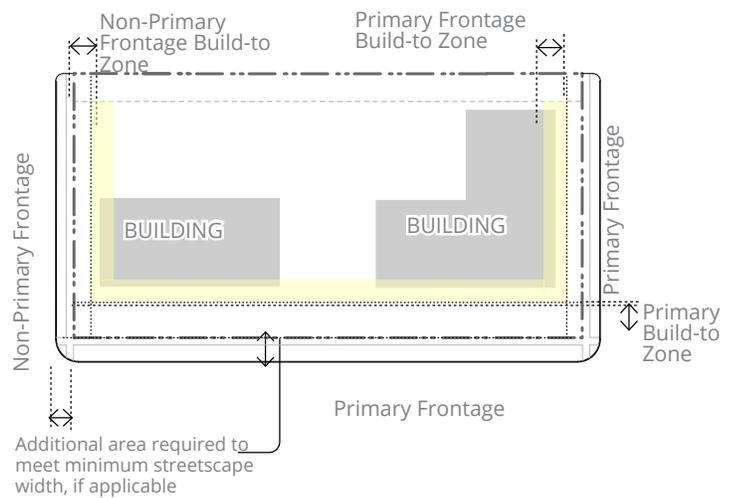
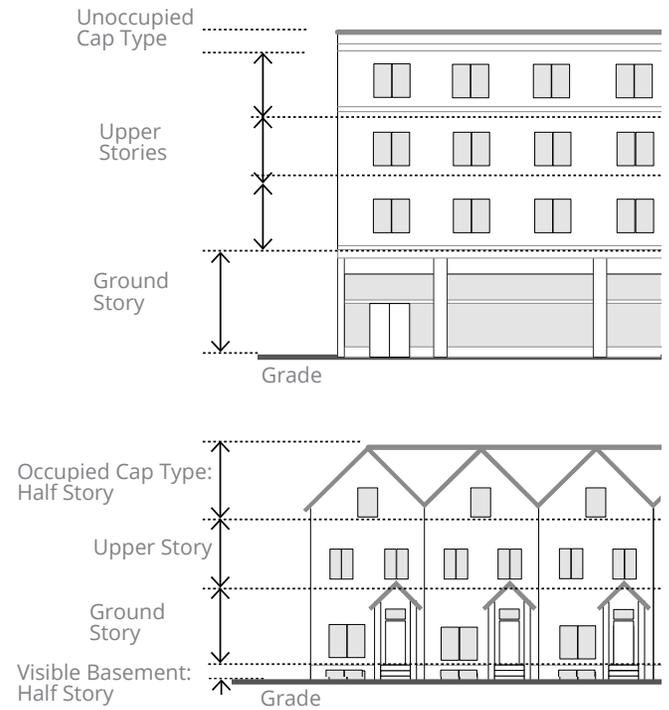


Figure 15-3 - Building Coverage

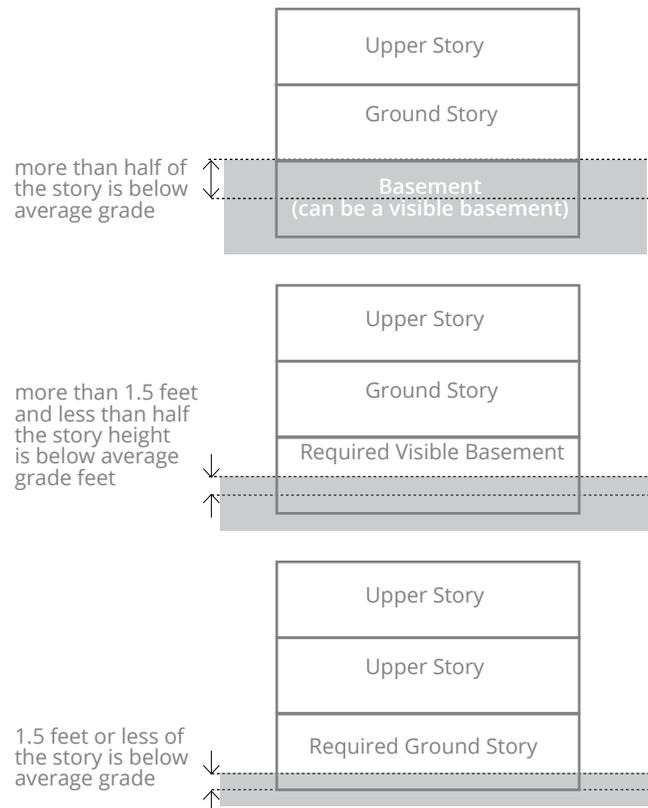


Figure 15-4 - Building Height



- (3) **Towers.** When expressly allowed in the building type tables, towers may exceed the overall maximum height of the subject building type (see 475-38).
- (4) **Roof Type.** When expressly allowed by the regulations of 475-38, certain roof types may allow additional height.
- (5) **Two Half Stories.** If a building has both a half story within the roof and a half story that is a visible basement, the combined height of the two half stories is considered one full story.
- (6) **Basements.** When basements are incorporated, the basement may be located mainly below ground or a visible basement. See Figure 15-5 for illustration of visible basement. A visible basement counts as a half story and with the ground-story would fulfill a minimum height requirement of 1.5 stories.
- (7) **Minimum and Maximum Height per Story.** Each story is measured with a range of permitted floor-to-floor heights. See Figure 15-4.
  - 1. **Measurement.** All story heights are measured in feet between the floor of a story to the floor of the story above it. Minimum and maximum floor-to-floor heights are required to be met along facades for a minimum of 80% of each story.
  - 2. **Primary Frontage Ground Story.** When noted as a separate height range, the primary frontage ground-story height must extend from the primary frontage facade into the building a minimum of 20

Figure 15-5 - Basement & Visible Basement Height



feet. The remainder of the ground-story may meet either the primary frontage ground-story heights or the height range permitted for all stories.

- 3. **Single-Story Buildings and Top-Story Measurement.** For single-story buildings and the uppermost story of a multi-story building, the minimum floor-to-floor height is measured from the floor of the story to the ceiling.
- 4. **Mezzanines.** Mezzanines may be included within the floor-to-floor height of any story. Mezzanines occupying more than 30% of the floor area below and extending above the story's allowable floor-to-floor height counts as an additional story and must comply with minimum transparency requirements for the subject building type.
- 5. **Taller Spaces.** Spaces exceeding the allowable floor-to-floor heights of the building type are permitted for a maximum of 20% the length of primary frontage facades.

L. Transparency

- (1) **Definition of Transparency.** For the purposes of this zoning ordinance, transparency is the measurement of the percentage of a facade that contains highly transparent, low-reflectance glass.
  - 1. **Storefront.** When transparency is required separately for primary street ground-story facades, glass must be a minimum of 60% transmittance factor and a reflectance factor of not greater than 0.25.
  - 2. **All Other Windows.** Transparency for all window and door glass other storefront glass must be a minimum of 50% transmittance factor and a reflectance factor of not greater than 0.25.
  - 3. **False Windows.** The use of false or faux windows, where the window is visible from the exterior with no opening from the interior, to meet the transparency requirement is not allowed.

- (2) **Measurement.** Minimum facade transparency is measured from floor-to-floor of each story separately, except for required minimum ground-story transparency as defined below. See Figure 15-6.
  - (a) Transparency requirements must be met with windows or glass in doors that comply with applicable transmittance and reflectance factors.
  - (b) The measurement may include the frame, mullions, and muntins, but may not include trim or casing.

Figure 15-6 - Minimum Facade Transparency

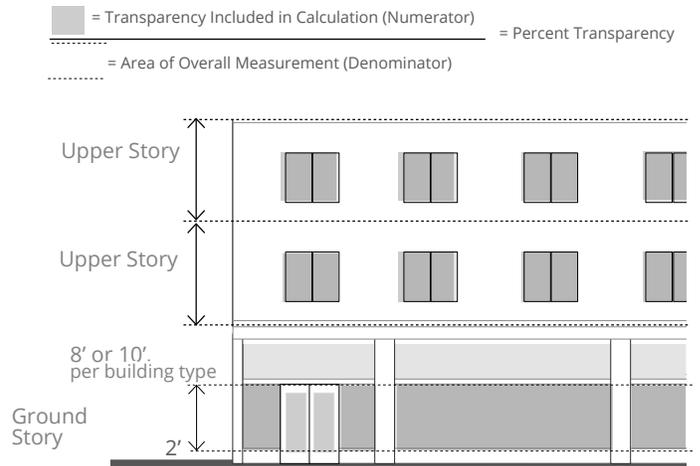
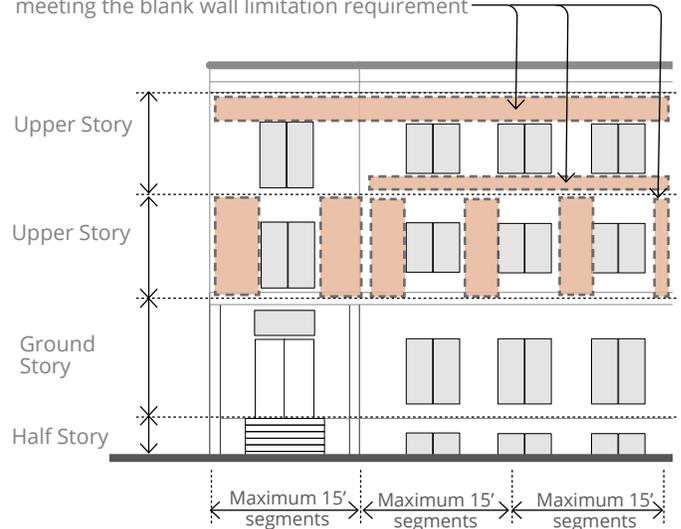


Figure 15-7 - Blank Walls

Examples of rectangular areas measured per story on a building facade, measuring less than 30% of the story and meeting the blank wall limitation requirement



(3) **Blank Wall Segments.** All rectangular areas greater than 30% of the story's facade, as measured floor to floor, must include transparent elements. Additionally, all horizontal segments of a story's facade greater than 15 feet in width must include transparent elements. See [Figure 15-7](#).

(4) **Exception<sup>2</sup>.** When the facade of any story is located less than 6 feet from another parallel building facade, no minimum transparency is required for that story.

(5) **Minimum Ground-Story Transparency.** When a separate minimum ground-story transparency is required per the building types requirements of [Article III](#), the following applies:

(a) Ground-story transparency is measured between 2 feet and either 8 or 10 feet, as specified per building type, from the average grade at the base of the facade.

(b) The minimum ground-story transparency requirement supersedes the minimum transparency required per story for the building type. The facade design must fulfill that requirement in addition to a minimum of transparency for the remainder of the ground-story.

(6) **Mezzanines.** Mezzanines are treated as a separate story and must include the required upper-story transparency amounts.

(7) **Tall Stories.** Stories that are 18 feet or taller in height must include additional transparency consistent with the following standards. See [Figure 15-8](#).

1. **Separate Ground-Story Transparency Required.** When a separate minimum ground-story transparency is required per the building types requirements of [Article III](#), the facade design must fulfill that requirement in addition to the minimum transparency for the remainder of the ground-story.

2. **No Separate Ground-Story Transparency Required.** Except on a ground-story facade to which a

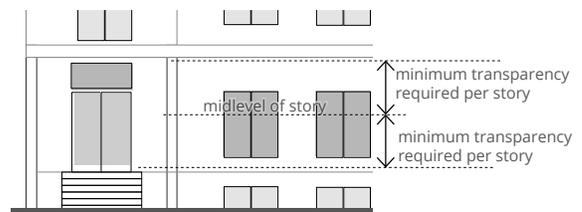
primary frontage ground-story facade transparency requirement applies, a tall-story is treated as 2 separate stories, divided in half horizontally, with the minimum transparency per story applied to each half.

(8) **Half Stories.** All half stories located within the roof structure and within visible basements are required to meet the minimum required transparency.

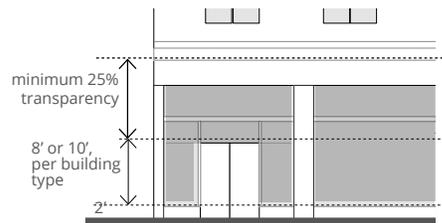
M. **Building Entrances**

Entrances must be provided consistent with the entrance location and number requirements established for the subject building type and consistent with [Figure 15-9](#).

Figure 15-8 - Transparency on Tall Stories

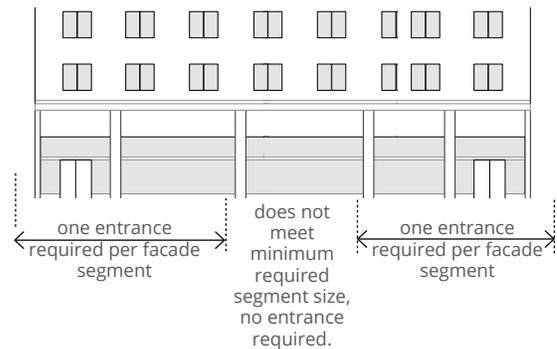


Ground story without a separate transparency requirement



Ground story with separate transparency requirement

Figure 15-9 - Building Entrances



<sup>2</sup> Only needed if transparency is required for facades other than public way facades.

**475-152 USE CLASSIFICATIONS**

See 475-71 for a description of the use classification and categorization system used in this zoning ordinance and for use-type definitions.

**475-153 TERMS BEGINNING WITH "A"**

**ABUT OR ABUTTING.** To touch or share a contiguous boundary or border.

**ACCESSORY STRUCTURE OR USE.** A use or structure that meets the criteria established in 475-78.

**ACT OF GOD.** An event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution.

**ADJACENT.** Lying near or in the immediate vicinity.

**AGENT.** A person duly authorized to act on behalf of the owner of the subject property.

**AISLE (PARKING OR CIRCULATION).** That portion of a parking lot that provides access to parking stalls.

**ALLEY.** A special public right-of-way affording only secondary access to abutting properties, typically at the rear or sides.

**ALTERATION.** An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

**AMATEUR RADIO FACILITY.** Any tower or antenna used for non-commercial radio communications (transmission and reception) maintained by an FCC-licensed amateur radio operator.

**ANIMAL, COMPANION.** Animals that are commonly kept by persons as a pet or for companionship. Companion animals have the following characteristics: have a special and close relationship with humans; are partially or totally dependent on people; commonly live inside a residence in close proximity with humans; form bonds with people; and interact with their human companions. Dogs and cats are common companion animals.

**ANIMAL, FARM.** Breeds of animals raised primarily for commercial or food production purposes in out-buildings or in open spaces away from residences. Typical examples include cattle,

bison, swine, poultry, sheep, goats, donkeys and horses.

**ANTENNA.** An exterior transmitting or receiving device mounted on the ground or on a telecommunications tower, building or structure and used in communications that radiate or capture electromagnetic waves, micro waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**APPLICANT.** The owner of the subject property or an agent authorized by the subject property owner to submit an application on the owner's behalf.

**ATTENTION-GETTING DEVICE.** A pennant, flag, valance, banner, propeller, spinner, streamer, search light, strobe light, flashing light, balloon, inflatable shape, or similar device used to draw attention to a particular place, including but not limited to the outlining of structures or premises by the use of internal or external lighting techniques.

**AWNING.** A roof-like structure typically made of cloth, metal or other material attached to a frame that extends from and is supported by a building. Awnings are typically erected over a window, doorway or building front and they may be raised or retracted to a position adjacent to the building.

**475-154 TERMS BEGINNING WITH "B"**

**BANNER.** A temporary sign composed of lightweight material enclosed or not enclosed in a rigid frame, secured or mounted to a permanent structure.

**BALCONY.** A platform, with or without a roof, that: (1) projects from the exterior wall of a structure above the ground floor, (2) is exposed to the open air, (3) has direct access to the interior of the building, and (4) is not supported by posts or columns extending to the ground.

**BASEMENT.** A story partly underground but having at least one-half of its height below the mean level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurements if the vertical distance between the ceiling and the mean level of the adjoining ground is more than 5 feet, or if used for business purposes, or if used for dwelling purposes. "Basement" is the same as, and includes, the word "cellar."

**BASE (ZONING) DISTRICT.** Any zoning district that is not an overlay district.

**BATTERY CHARGING STATION .** An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.

**BATTERY EXCHANGE STATION .** A facility designed to enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery for a more fully charged battery through an automated process..

**BAY WINDOW.** A window that projects outward from the structure and that does not rest on a building foundation or on the ground.

**BIORETENTION.** The use of soil and plants to remove pollutants from stormwater runoff.

**BERM.** A vegetated, elongated earthen mound.

**BLOCK FACE.** All lots abutting one side of a street between the 2 nearest intersecting streets.

**BUILDING.** A structure that is permanently affixed to the land; with or without a roof, or walls on all sides; and used or intended for supporting or sheltering any use or occupancy.

**BUILDING COVERAGE.** See [475-151](#).

**BUILDING, DETACHED.** A principal building surrounded by open space on the same lot.

**BUILDING FACADE.** That portion of a building that is parallel or nearly parallel to the abutting street.

**BUILDING HEIGHT.** See [475-151](#).

**BUILDING, PRINCIPAL.** A building or combination of buildings of chief importance or function on a lot. In general, the principal use of the property is carried out in the principal building.

**BUILD-TO-ZONE (OR BUILD-TO LINE).** See [475-151](#).

**475-155 TERMS BEGINNING WITH “C”**

**CALIPER.** The diameter of the tree trunk measured at a point 6 inches above the root ball or soil level.

**CANOPY.** A permanent structure that consists of an overhanging shelter connected to a building and constructed of materials such as wood or steel studs covered with wood or other material and that may or may not be supported by vertical columns.

**CARPORT.** A structure with a roof and at least

2 sides used for the protection of one or more vehicles.

**CAR-SHARE PROGRAM.** A system in which a fleet of cars (or other motor vehicles) is made available for use by members of the car-share program and that exhibit all of the following characteristics:

1. Members are permitted to use vehicles from the car-share program fleet on an hourly or shorter basis;
2. Car-share vehicles are generally available 24 hours a day and 7 days a week to members in parking spaces at dispersed locations or facilities; and
3. No separate written agreement is required each time a member reserves and uses a car-share vehicle.

**CAR-SHARE VEHICLE.** A motor vehicle that is part of a car-share program’s fleet of rental vehicles.

**CHARACTER.** Any letter of the alphabet or any numeral.

**COLD FRAME.** An unheated structure no more than 4 feet in height used for protecting seedlings and plants from the cold.

**COMMERCIAL MESSAGE.** Any sign, wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

**CONDITIONAL USE.** A use requiring conditional use approval in accordance with [475-114](#).

**COPY (SIGN).** Written material, printed text, numbers, logos, symbols or pictures located on the copy surface for the purpose of delivering a message.

**CURB LEVEL.** The average (mean) level of the established curb along the street frontage of the subject lot. Where no curb has been established, the village engineer is authorized to establish such curb level or its equivalent.

**475-156 TERMS BEGINNING WITH “D”**

**DB(A) .** The intensity of sound expressed in decibels read from a calibrated sound level meter utilizing the A-level weighing scale and the slow-meter response, as specified by the American National Standards Institute.

**DECIBEL (DB).** The logarithmic unit of measure

used to describe the amplitude of sound.

**DECK.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.

**DIAMETER AT BREAST HEIGHT (DBH).** The diameter of a tree trunk measured at a point 4.5 feet above ground level at the base of the tree.

**DISTRICT.** Zoning district.

**DRIVEWAY.** A paved or surfaced area which provides ingress and egress to a parking area or garage.

**DUMPSTER.** A container with a capacity of more than 1.5 cubic yards or a height of more than 4.5 feet that is designed for receiving, transporting, and depositing waste materials produced by uses that are on the subject site. Dumpsters are typically designed to be hoisted and emptied into a garbage truck.

**DWELLING.** A building or portion of a building, but not including a mobile home or manufactured housing unit, designed or used exclusively for residential occupancy, including detached houses, attached houses, two-unit houses, and residential buildings occupied by 3 or more dwelling units, but not including group residential or lodging uses.

**DWELLING UNIT.** One or more rooms in a dwelling designed for occupancy by a single household for living purposes and having its own permanently installed cooking and sanitary facilities.

**475-157 TERMS BEGINNING WITH "E"**

**ELECTRIC VEHICLE.** Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid or an off-board source, that is stored on-board via a battery. "Electric vehicle" includes: (1) battery electric vehicles; and (2) plug-in hybrid electric vehicles.

**ELECTRIC VEHICLE (EV) CHARGING STATION.** A public or private parking space that is served by battery charging station equipment.

**ELECTRIC VEHICLE CHARGING STATION, PRIVATE (RESTRICTED-ACCESS).** An EV charging station that is not available for use by the general public. Examples include electric vehicle charging stations that serve residential homeowners or renters, executive parking areas, designated employee parking areas and fleet parking areas.

**ELECTRIC VEHICLE CHARGING STATION, PUBLIC.**

An EV charging station that is accessible to and available for use by the general public.

**ELECTRIC VEHICLE PARKING SPACE.** Any parking space that is clearly identified to be used exclusively for the parking of an electric vehicle.

**EROSION.** The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

**EXERCISE OF RELIGION.** Exercise of religion means an act or refusal to act that is substantially motivated by religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.

**475-158 TERMS BEGINNING WITH "F"**

**FENCE.** A human-made barrier constructed of wood, iron, stone, or other material erected for the purpose of protection, confinement, enclosure, or privacy.

**FLOOR AREA.** See 475-151.

**FLOOR-TO-CEILING HEIGHT.** See 475-151.

**FOOTCANDLE.** The luminance on a one-square-foot surface of which there is a uniformly distributed flux of one lumen. One footcandle is equal to one lumen per square foot. Unless otherwise expressly provided, footcandle measurements in this section shall refer to ground-level measurements of luminance at fully maintained output as used rather than initial luminance.

**FOUNDATION, PERMANENT.** A closed perimeter formation consisting of materials such as concrete or concrete block that extends into the ground below the frost line.

**FRONTAGE, STREET.** The dimension of a lot abutting a public street, measured along the setback line.

**475-159 TERMS BEGINNING WITH "G"**

**GARAGE.** A structure primarily intended and used for the enclosed storage or shelter of the motor vehicles of the individuals who reside on the premises. Carports are considered garages within this definition.

**GARAGE, ATTACHED.** A garage, the roof of which is attached to the principal building.

**GARAGE, PRIVATE.** A completely enclosed building

used in connection with one or more private dwelling units for the purpose of housing one or more vehicles, only one of which may be a commercial vehicle not exceeding two tons, owned by the occupant of the residence and which are used for personal or family use. A private garage also is a garage used in connection with a two-family dwelling or any type of multiple dwelling for the purpose of housing vehicles for each family living unit, all of which garage space is assigned to occupants of the dwelling, only one of which shall be a commercial vehicle not exceeding two tons’ capacity for each dwelling unit.

**GARAGE, PUBLIC.** Any building or premises used by the public for housing two or more motor-driven vehicles and which has an area of more than 500 square feet.

**GEOHERMAL ENERGY SYSTEM (GEOHERMAL HEAT EXCHANGE).** Equipment that transfers thermal energy to and/or from the ground for the purposes of heating and/or cooling a building. Geothermal energy systems consist of a closed-loop system of pipes filled with liquid, a heat exchanger and heat pump. This includes vertical closed loop, horizontal closed loop and water body closed loop systems.

**GRADE, FINISHED.** The vertical location of the ground or pavement surface after site grading work is completed in accordance with an approved plan.

**GREEN ROOF.** An extension of an above-grade building roof that includes at least a waterproof membrane, a root repellent system, a drainage system, a filtering layer, soil with a minimum depth of 3 inches and native or naturalized plants. Also commonly referred to as a “vegetated roof.”

**GROUND-FLOOR LEVEL.** The lowest level of a building that is at or above grade for at least 50% of its interior floor-to-ceiling height.

**475-160 TERMS BEGINNING WITH “H”**

**HEDGE.** A dense row of shrubs forming a boundary fence or barrier.

**HEIGHT, BUILDING.** See [475-151](#).

**HEIGHT, STRUCTURES OTHER THAN BUILDINGS.** See [475-151](#).

**HOME OCCUPATION.** An accessory use of a dwelling for limited commercial purposes. Home occupations are subject to the regulations of [475-](#)

[78](#).

**HOOP HOUSE.** A temporary or permanent structure typically made of flexible pipe or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape, for the purposes of protecting and cultivating plants. A hoop house is considered more temporary than a greenhouse.

**HOUSEHOLD.** One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group of individuals occupying a group living use.

**HABITABLE ROOM.** Any room that meets adopted building code requirements for a habitable room, including minimum room proportions, minimum egress requirements, and minimum standards for lighting, ventilation, electricity, and public safety requirements.

**HARD SURFACE.** A driveway or parking lot surfaced with concrete, paving brick, blacktop or porous pavement or bituminous paving (gravel, rock, patio blocks, bricks and other like materials are not considered hard surface).

**HOMELESS PERSON.** An individual who, or family which, lacks a fixed, regular and/or adequate nighttime residence.

**HOMELESS SHELTER.** Emergency housing with minimal supportive services for homeless persons that is intended for occupancy of 14 days or less in a given year by a homeless person.

**475-161 TERMS BEGINNING WITH “I”**

**INVASIVE (PLANT) SPECIES.** Any plant species, including its seeds, spores or other biological material capable of propagating that species, that is not native to that ecosystem; and whose introduction causes or is likely to cause environmental harm.

**475-162 TERMS BEGINNING WITH “J”**

RESERVED

**475-163 TERMS BEGINNING WITH “K”**

RESERVED

**475-164 TERMS BEGINNING WITH “L”**

**LANDOWNER.** Any person holding title to or having an interest in land.

**LANDSCAPING.** Any combination of living plants

(such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

**LAWFULLY ESTABLISHED.** A use, structure, lot or sign (as the context indicates) that was established in conformance with all applicable zoning regulations in effect at the time of its establishment.

**LIGHT TRESPASS.** Light from an artificial light source that is intruding across property boundaries.

**LIGHTING, OUTDOOR.** Includes, but is not limited to, floodlighting, security lighting, event lighting, landscape lighting or the lighting of off-street parking and loading areas, but does not include public streetlights or traffic signals.

**LIGHTING, SECURITY.** Any light source used to illuminate a building, structure or property during the evening hours that seeks to deter criminal activity.

**LOGO.** A design used by an organization on its letterhead, advertising material and signs as an emblem by which the organization can be easily recognized.

**LOT AND BUILDING REGULATIONS.** Zoning district provisions governing such matters as required minimum lot area, minimum lot width, setbacks, maximum lot coverage and maximum building height.

**LOT.** A parcel of land occupied or to be occupied by one principal building or use, with its accessory building and/or use, and including the open spaces accessory to the same.

**LOT AREA.** See [475-151](#).

**LOT, CORNER.** A parcel of land at the junction of 2 streets intersecting at an angle not greater than 135°.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINE, FRONT.** The boundary of a lot that is along an existing or dedicated public street or, where no public street exists, that is along a public way. In the case of a corner lot, the front lot line is that line that borders the street that determines the address and upon which the main entrance is or will be located.

**LOT LINE, REAR.** That boundary of a lot that is most distant from and is, or is most nearly, parallel

to the front lot line.

**LOT LINES.** The lines bounding a lot.

**LOT OF RECORD.** A parcel of land, the deed to which has been recorded in the office of the Register of Deeds of Brown County.

**LOT, REVERSED CORNER.** A corner lot with a single adjoining interior lot that abuts a street different from the street upon which the adjoining interior lot abuts.

**LOT, THROUGH.** A lot having frontage on 2 parallel or approximately parallel streets.

**LUMEN.** A unit of illumination, being the amount of illumination of a unit area of spherical surface due to a light of unit intensity placed at the center of the sphere.

**475-165 TERMS BEGINNING WITH “M”**

**MOBILE (OR TEMPORARY) STORAGE UNIT.** A mobile, fully enclosed container that is specifically designed and used for the temporary storage of household goods, wares, and materials for the purpose of moving, relocation, or temporary storage during construction.

**475-166 TERMS BEGINNING WITH “N”**

**NONCONFORMING LOT.** See [475-132](#).

**NONCONFORMING SIGN.** See [475-108.C](#).

**NONCONFORMING STRUCTURE.** See [475-132](#).

**NONCONFORMING USE.** See [475-133](#).

**NONCONFORMITY.** Any nonconforming lot, nonconforming use, nonconforming structure or nonconforming sign.

**NONRESIDENTIAL (ZONING) DISTRICT.** Any base zoning district other than R (Residential) districts.

**475-167 TERMS BEGINNING WITH “O”**

RESERVED

**475-168 TERMS BEGINNING WITH “P”**

**PARAPET OR PARAPET WALL.** A wall-like barrier at the edge of a roof that acts as a vertical extension of an exterior building wall extending above the roof height of the building.

**475-169 TERMS BEGINNING WITH “Q”**

RESERVED

**475-170 TERMS BEGINNING WITH "R"**

**RAINWATER COLLECTION EQUIPMENT.** A rain barrel or similar container that collects and stores rainwater or other water that would otherwise be lost as runoff or diverted into a storm drain.

**475-171 TERMS BEGINNING WITH "S"**

**SETBACK.** An open space area required between a lot line and a building.

**SIGN.** Any object, device, structure or part thereof used to advertise, identify, display or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs as defined herein do not include temporary holiday decorations; or landscape features that display no words or symbols.

**ADD ILLUSTRATIONS TO SIGN-RELATED DEFINITIONS.**

**SIGN, ANIMATION.** The presentation of pictorials and graphics on signs displayed in a progression of frames that give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes.

**SIGN AREA.** See [475-109](#).

**(SIGN) BANNER.** A sign composed of lightweight, flexible, non-rigid material that is mounted to a pole or a structure at one or more edges either vertically or horizontally. Flags are not considered banners.

**(SIGN) BEACON.** A stationary or revolving light that flashes or projects illumination, single color or multi-colored, in any manner that is intended to attract or divert attention; except, however, that this term does not include lights required or necessary under the safety regulations prescribed by the Federal Aviation Administration or similar agencies.

**SIGN, CAMPAIGN.** A temporary sign displayed on a lot during an active local, state or federal campaign for public office or ballot issue or referenda, generally intended to promote the ultimate exercise of voting by the general public.

**(SIGN) COMMERCIAL MESSAGE.** See "Commercial Message."

**SIGN, CONSTRUCTION.** A temporary sign located on a lot upon which building or construction is actively occurring.

**SIGN, DRIVE-THROUGH.** A sign associated with an allowed drive-through use.

**SIGN, DRIVEWAY.** A sign located near a driveway entrance from a street or near an internal site driveway or drive aisle.

**(SIGN) DWELL TIME.** The duration or interval of time during that each individual advertisement or message is displayed on any sign with a dynamic display.

**SIGN, DYNAMIC DISPLAY.** Any element of a sign or sign structure capable of displaying words, symbols, figures, images or messages that can be electronically or mechanically changed by remote or automatic means. This also includes any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows a sign to present a series of images, messages or displays.

**(SIGN) FLAG.** A generally rectangular or triangular sign or part of a sign made of fabric or other pliant material attached to a flagpole only along one side and which predominately displays distinctive colors, images, shapes or designs rather than legible words, letters, numbers or other linguistic characters.

**SIGN, FLASHING (ILLUMINATION).** A light source or other image that in whole or in part physically changes in light intensity or gives the appearance of such change.

**SIGN, FREESTANDING.** A sign that is part of a self-supporting structure, other than a building or portion of a building. Sometimes referred to as a "ground sign."

**SIGN, HEIGHT OF.** See [475-109](#).

**SIGN, ILLUMINATED.** Any sign, other than a dynamic display, that is directly lighted by any constant light source, internal or external, except light sources specifically and clearly operated for the purpose of lighting the general area in which the sign is located rather than the sign itself.

**SIGN, ILLUMINATION AND LUMINANCE.** See [475-109](#).

**SIGN, MONUMENT.** A freestanding sign where the base of the sign structure is on the ground or

no more than 12 inches above the ground adjacent to the sign. Typically constructed of brick, wood, stone, or metal, monument signs have a base that is at least 75% of the width of the sign face.

**(SIGN) NAMEPLATE.** A sign attached flush against a building.

**SIGN, OFF-PREMISE ADVERTISING.** A sign that directs attention to a business, commodity, service, or activity that is conducted, sold or offered elsewhere than upon the lot where the subject sign is located.

**SIGN, ON-PREMISE.** A sign that directs attention to a business, commodity, service, or activity that is conducted, sold or offered upon the lot where the subject sign is located.

**SIGN, PROJECTING.** A sign that is affixed to a building wall, canopy, awning or marquee and that extends horizontally more than 15 inches from the wall, canopy, awning or marquee.

**SIGN, PROMOTIONAL.** A temporary sign that is located on a lot on which a business promotion is actively occurring and that consists of tinsel, flags, balloons, banners, wind devices, or similar attention-getting devices, whether or not the same contain any words, numbers or characters.

**SIGN, REAL ESTATE.** A temporary sign located on a lot or portion of a lot that is actively being marketed for sale, rental or lease.

**SIGN, ROOF.** A sign that is affixed to a roof, extended roof, pitched roof, or canopy, and that extends above the building wall or parapet wall.

**(SIGN) RULES OF MEASUREMENT.** See [475-109](#).

**SIGN, SPECIAL EVENT.** A sign approved in connection with a special event permit approved by the village board.

**(SIGN) STORYBOARDING.** The consecutive display of advertisements or messages on a sign, used to provide a continuing or evolving message, theme or story.

**(SIGN) STATIC MESSAGE.** An advertisement or message that, when displayed, contains no motion, flashing, changeable copy, running lights, variances in brightness, or animation.

**SIGN, WALL.** A sign affixed to a building wall, canopy, awning, marquee or parapet wall, or a sign displayed in or on a door that does not extend horizontally more than 15 inches from the wall, canopy, awning, marquee, parapet wall, or door,

nor extend above the parapet wall.

**(SIGN) WIND DEVICE.** Any flag, banner, pennant, streamer or similar device that moves freely in the wind.

**SIGN, WINDOW.** A sign attached to a window.

**(SIGN) WORD.** Any and all of the following (otherwise, each separate character is considered to be a word):

1. A word in any language found in any standard unabridged dictionary or dictionary of slang.
2. A proper noun or any initial.
3. A separate symbol or abbreviation, such as "&", "S", "%" and "INC".
4. A telephone number, street number or commonly used combination of numerals and/or symbols such as "\$5.00" or "50%".
5. A symbol or logo that is a registered trademark, but that itself contains no word or character.

**SOLAR ENERGY SYSTEM.** A system intended to convert solar energy into thermal, mechanical or electrical energy.

**SOLAR ENERGY SYSTEM, BUILDING-INTEGRATED.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural part of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, skylights, shading devices and similar architectural components.

**SOLAR ENERGY SYSTEM, STRUCTURE-MOUNTED.** A solar energy system that is mounted on the façade or roof of either a principal or accessory structure.

**SOLAR ENERGY SYSTEM, FLUSH-MOUNTED.** A solar energy system that is mounted flush with a finished building surface, at no more than 6 inches in height above that surface.

**SOLAR ENERGY SYSTEM, GROUND-MOUNTED.** A solar energy system mounted on the ground and not attached to any other structure other than structural supports.

**SOLAR PANEL.** A group of photovoltaic cells assembled on a panel. Panels are assembled

on-site into solar arrays.

**STORY.** A habitable space between two floors or between a floor and the ceiling above it.

**STORY, HALF.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not less than two feet above the floor of such story.

**STREET.** A public thoroughfare 30 feet or more in width.

**STRUCTURAL ALTERATION.** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location on the ground.

**475-172 TERMS BEGINNING WITH "T"**

**TREE HOUSE OR PLAYHOUSE.** An accessory structure supported in whole or in part by a tree.

**475-173 TERMS BEGINNING WITH "U"**

**UNDERLYING ZONING.** The zoning district existing at the time the overlay conditional use is adopted or is subsequently amended.

**475-174 TERMS BEGINNING WITH "V"**

**VARIANCE.** An exemption from certain of the requirements of the zoning district.

**VEHICLE, MOTORIZED.** A self-propelled vehicle, and/or a combination of two or more vehicles that is used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rails or tracks.

**VEHICLE, NONMOTORIZED.** Bicycles, roller skates, skateboards, wheelchairs and similar human-propelled conveyances.

**VISION CLEARANCE SETBACK LINE.** A line connecting the points on each right-of-way line at a street intersection, which points are located 30 feet from the closest intersection of the right-of-way lines.

**VISION CLEARANCE TRIANGLE.** The area in each segment of land at the intersection of two or more streets which is bounded by the street right-of-way lines and a vision clearance setback line. Also known as a "sight triangle."

**475-175 TERMS BEGINNING WITH "W"**

RESERVED

**475-176 TERMS BEGINNING WITH "X"**

RESERVED

**475-177 TERMS BEGINNING WITH "Y"**

**YARD, FRONT.** An open space on the same lot with the main building, extending the full width of the lot and situated between the front lot line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be the mean distance as measured between the front line of the building and the front lot line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

**YARD, REAR.** An open space on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be the mean distance as measured between the rear line of the lot, or the center line of the alley if there is an alley, and the rear line of the building.

**YARD, SIDE.** An open space on the same lot with a main building situated between the side of the building and the adjacent side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard. The street side yard on corner lots shall extend to the rear line of the lot in every case.

**475-178 TERMS BEGINNING WITH "Z"**

RESERVED