

SECTION 17.0400 ZONING DISTRICTS

17.0401 ESTABLISHMENT

For the purpose of this Ordinance, the Village is hereby divided into 25 basic use districts and four (4) overlay districts as follows:

Agricultural District	A-1	Agricultural District
Residential Districts	CR-1	Conservation Residential District
	CR-2	Cluster Conservancy-Residential District
	TS-1	Traditional Suburban Single Family Residential District
	Rs-1	Single-family Residential District
	Rs-2	Single-family Residential District
	Rs-3	Single-family Residential District
	Rs-4	Single family Residential District
	Rd-1	Two-family Residential District
	Rd-2	Two-family Residential District
	SF-RD-3	Single Family Attached Residential District.
	Rm-1	Multi-family Residential District
Business/Industrial/Mixed Use Districts		
	B-1	Neighborhood Business District
	B-2	Regional Business District
	B-3	Highway Business District
	B-4	Central Mixed Use District
	BP-1	Business Park District
	OP-1	Office Park District
	M-1	Industrial District
	Q-1	Quarry District
Institutional/Parks Districts		
	I-1	Institutional District
	P-1	Park District
	P-2	Open Space Preservation District
Environmental/Overlay Districts		
	F-1	Floodway District
	F-2	Floodplain Conservancy District
	FFO	Floodplain Fringe Overlay District
	LCO	Lowland Conservancy Overlay District
	UCO	Upland Conservancy Overlay District
	PUD	Planned Unit Development Overlay District

- A. Boundaries of these Districts are hereby established as shown on the maps entitled "Zoning Map--Village of Sussex, Wisconsin," and "Supplementary Floodland Zoning Map--Village of Sussex, Wisconsin," dated January 1, 2010; which are updated from the February 28, 1998 maps, both maps which accompany and are herein made a part of this Ordinance. This Ordinance hereby incorporates herein any future changes or any later zoning maps that may be adopted by ordinance of the Village Board.
- B. The District Boundaries in all districts, except the F-1 Floodway District, the F-2 Floodplain Conservancy District, the FFO Floodplain Fringe Overlay District, and the LCO Lowland Conservancy Overlay District, shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended unless the boundary is specifically defined otherwise in the rezoning ordinance.

- C. Boundaries of the LCO Lowland Conservancy Overlay District are based on the Wisconsin Wetland Inventory Map for the Village of Sussex, dated January 6, 1988, and stamped "FINAL", and include, but are not limited to, all shoreland wetlands, five acres or greater in area shown on that map.
- D. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- E. Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the District the Plan Commission finds most appropriate given the Village's various planning documents and goals with particular emphasis on the Village's Land Use Plan. Within one (1) year, the Plan Commission shall evaluate and recommend a permanent classification to the Village Board.

17.0402

ZONING MAP

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village President and Village Clerk and shall be available to the public in the office of the Village Clerk. Changes, thereafter, to the general zoning districts, shall not become effective until entered and attested on the certified copy.

17.0403

A-1 AGRICULTURAL DISTRICT

The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban-oriented districts is required.

A. Permitted Uses

1. General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming, and viticulture (grape growing), provided, however, that farm buildings housing animals, barnyards, and feed lots shall not be located in a floodland, and shall be at least 100 feet from any navigable water or district boundary.
2. Keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes incidental to the principal use of the premises and subject to the following limitations:
 - (a) The keeping and raising of hogs or fur-bearing animals is prohibited.
 - (b) Not more than one (1) head of livestock or 20 head of poultry shall be permitted for each two and one-half (2 1/2) acres.
3. Existing dwellings not accessory to any farm operation or dwelling remaining after consolidation of farms.

B. Permitted Accessory Uses

1. Customary accessory buildings, including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign, and other provisions of this Ordinance.
2. One (1) farm dwelling per operating farm.
3. Attached or detached private garages and carports accessory to permitted uses, providing that such accessory uses shall not involve the conduct of a business.
4. Home occupations and professional home offices.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

1. Farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than 20 acres, and no farm parcel shall be less than 500 feet in width.
2. Accessory farm dwellings, existing residential structures, and farm dwellings remaining after the consolidation of existing farms shall provide a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet.

E. Building Height and Area

1. No building or parts of a building shall exceed 30 feet in height. No farm dwelling or other residential structure shall be less than 800 square feet in area.

- F. Setback and Yards
 - 1. There shall be a minimum building setback of 40 feet from the street right-of-way.
 - 2. There shall be a side yard on each side of the principal structure not less than 15 feet in width.
 - 3. There shall be a rear yard of not less than 25 feet.
 - 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

- G. Erosion Control
 - 1. See Chapter 14 of the Municipal Code of the Village.

17.0404

CR-1 CONSERVANCY-RESIDENTIAL DISTRICT

The CR-1 Conservancy-Residential District is intended to preserve, protect, enhance, and restore significant woodlands, areas of rough topography, and related scenic areas while providing for low-density residential development that will not disturb important eco-systems. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the wooded areas of the Village.

- A. Permitted Uses
 - 1. Agricultural uses when conducted in accordance with County Conservation Standards.
 - 2. General farm buildings: barns, silos, sheds, and storage bins.
 - 3. Preservation of scenic, historic, and scientific areas.
 - 4. Forest management.
 - 5. Park and recreation areas.
 - 6. Single-family dwellings.

- B. Permitted Accessory Uses
 - 1. Home occupations and professional home offices.
 - 2. Gardening, tool, and storage sheds incidental to the residential use.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - 1. Lots shall have a minimum area of 40,000 square feet and shall be not less than 150 feet in width, except the minimum lot width for any lot having frontage on a cul-de-sac bulb may be reduced down to 100 feet should the Plan Commission make a finding that such a lesser width will provide for an adequate building envelope.
 - 2. Each CR-1 district lot shall maintain 80 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - 1. No building or parts of a building shall exceed 50 feet in height.
 - 2. The total minimum finished living area of a one-story dwelling shall be 2,200 square feet; and the total minimum finished living area of a two-story or bi-level dwelling shall be 2,600 square feet.
 - 3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,600 square feet.
 - 4. A tri-level dwelling shall have a minimum finished living area of 2,600 square feet.
 - 5. The upper two levels of a tri-level dwelling shall be fully finished.
 - 6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.

7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
 8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.
- F. Setback and Yards
1. There shall be a minimum building setback of 50 feet from the street right-of-way.
 2. There shall be a side yard on each side of the principal structure of not less than 30 feet in width.
 3. There shall be a rear yard of not less than 50 feet.
 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. Erosion Control
1. See Chapter 14 of the Municipal Code of the Village.
- H. Modified Subdivision Improvements
1. In an effort to maintain the rural/conservancy appearance within the CR-1 district, subdivision standards may be modified in such a manner that streets with 26 feet of paved surface and mountable curbs may be constructed; no sidewalks shall be required; no fences shall be permitted within the minimum required street setback area; drainage shall be accommodated in roadside ditches, and where necessary, retention/detention basins shall be employed to manage stormwater runoff. Heavy vegetation shall be encouraged in front yard areas so as to minimize the view of homes by passing traffic.

17.0405

CR-2 CONSERVANCY-RESIDENTIAL DISTRICT

The CR-2 Conservancy-Residential District is intended to be utilized for smaller tracts of land with significant natural features such as steep slopes, woodlands, environmental corridors, and other natural features within areas surrounded by platted subdivisions. Development in this District shall not exceed a density of one unit per acre. This District is intended to be adjacent to natural areas within the CR-2 District or within other similar conservancy or floodway districts. The Conservancy Residential District is intended to preserve, protect, enhance and restore significant woodlands, wetlands, environmental corridors, areas of rough topography, and related scenic areas while providing for low-density residential development that will not disturb important ecosystems. Regulation of these areas will serve to correct erosion and sedimentation and will promote and maintain the natural beauty of the wooded and natural areas of the Village.

A. Permitted Uses

1. Agricultural uses when conducted in accordance with County Conservation Standards
2. General farm buildings: barns, silos, sheds and storage bins.
3. Preservation of scenic, historic and scientific areas
4. Forest management
5. Park and recreation areas
6. Single-family dwellings

B. Permitted Accessory Uses

1. Home occupations and professional home offices.
2. Gardening, tool and storage sheds incidental to the residential use.
3. Satellite dish antennae located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
4. Roof-mounted solar collectors provided that a certified engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

1. Lots shall have a minimum area of 20,000 square feet and shall be not less than 90 feet in width, except that the minimum lot width for any lot having frontage on a cul-de-sac bulb may be reduced down to 80 feet should the Plan Commission make a finding that such a lesser width will provide for an adequate building envelope.
2. Each CR-2 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, parking areas, and other impervious surfaces except as provided for in (3).
3. One patio, deck, swimming pool or tennis court shall count as open space, as follows: the first such feature constructed on the lot shall count as open space, except that if any two or more such features are constructed as part of the same building project, only the one with the least square footage shall count as open space. Any additional patio, deck, swimming pool, or tennis court shall not count as open space.
4. The open space shall be predominantly provided at the rear of the property when the adjacent natural area is to the rear of the property. Should the Plan Commission make a finding that protection of the natural

area is better served by an alternative arrangement, an exception may be allowed.

E. Building Height and Area

1. No building or parts of a building shall exceed 50 feet in height.
2. The total minimum finished living area of a one-story dwelling shall be 2,300 square feet; and the total minimum finished living area of a two-story or bi-level dwelling shall be 2,600 square feet.
3. The minimum finished first floor living area of a bi-level or two-story dwelling shall be 1,600 square feet.
4. A tri-level dwelling shall have a minimum finished living area of 2,600 square feet.
5. The upper two levels of a tri-level dwelling shall be fully finished.
6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
7. All living areas – finished and unfinished – shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

1. There shall be a minimum building setback of 40 feet from the street right-of-way.
2. There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

17.0406

TS-1 TRADITIONAL SUBURBAN SINGLE FAMILY RESIDENTIAL DISTRICT

The TS-1 Traditional Suburban Single-Family Residential District is intend to provide for single-family residential development at densities not exceeding 1.25 dwelling units per net acre, and served by municipal sewer and water facilities. This District is to be utilized for lands that have little or no significant wetlands, environmental corridors, or related environmental features and will consist of lots that are of similar shape and size, and are located adjacent to Town of Lisbon rural development of approximately ¾ to 1 acre platted parcels.

- A. Permitted Uses
 - 1. Single-family dwellings with attached garages.
 - 2. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
 - 3. Family day care home.
 - 4. Foster family home.

- B. Permitted Accessory Uses
 - 1. Home occupations and professional home offices.
 - 2. Gardening, tool, and storage sheds incidental to the residential use.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - 1. Lots shall have a lot area of not less than 30,000 square feet and a width of not less than 100 feet.
 - 2. Each TS-1 district lot shall maintain a minimum of 60 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - 1. No building or parts of a building shall exceed 30 feet in height.
 - 2. The total minimum finished living area of a one-story shall be 2,200 square feet and a two-story or bi-level dwelling shall be 2,600 square feet.
 - 3. The minimum finished first floor living area of a bi-level or two-story dwelling shall be 1,500 square feet or in the alternative, the minimum finished first floor living area of a two story dwelling shall be 1,600 square feet as long as the minimum total finished first floor living area and the second floor living area of the two story dwelling is 2,600 square feet.
 - 4. A tri-level dwelling shall have a minimum finished living area of 2,500 square feet.
 - 5. The upper two levels of a tri-level dwelling shall be fully finished.
 - 6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.

7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

1. There shall be a minimum building setback of 40 feet from the street right-of-way.
2. There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
3. There shall be a rear yard of not less than 30 feet.
4. No building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if: (a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

17.0407 This number is reserved for future use.

17.0408

Rs-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-1 Residential District is intended to provide for single-family residential development at densities not exceeding 1.7 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - 1. Single-family dwellings with attached garages.
 - 2. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(l) of the Wisconsin Statutes.
 - 3. Family day care home.
 - 4. Foster family home.

- B. Permitted Accessory Uses
 - 1. Home occupations and professional home offices.
 - 2. Gardening, tool, and storage sheds incidental to the residential use.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
 - 5. Detached Garages accessory to single-family dwellings provided that the residence was in existence as of January 1, 1978.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - 1. Lots shall have a lot area of not less than 25,000 square feet and a width of not less than 100 feet.
 - 2. Each Rs-1 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - 1. No building or parts of a building shall exceed 30 feet in height.
 - 2. The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,800 square feet.
 - 3. The minimum finished floor area of a bi-level or two-story dwelling shall be 1,200 square feet or in the alternative, the minimum finished first floor area of a two story dwelling shall be 1,100 square feet as long as the minimum total finished first floor area and the second floor area of the two story dwelling is 2,200 square feet.
 - 4. A tri-level dwelling shall have a minimum finished living area of 1,800 square feet.
 - 5. The upper two levels of a tri-level dwelling shall be fully finished.
 - 6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - 7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).

8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

1. There shall be a minimum building setback of 40 feet from the street right-of-way.
2. There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
3. There shall be a rear yard of not less than 25 feet.
4. In addition, no building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if: (a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and, (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

17.0409

Rs-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-2 Residential District is intended to provide for single-family residential development at densities not exceeding 2.1 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - 1. Single-family dwellings with attached garages.
 - 2. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(l) of the Wisconsin Statutes.
 - 3. Family day care home.
 - 4. Foster family home.

- B. Permitted Accessory Uses
 - 1. Home occupations and professional home offices.
 - 2. Gardening, tool, and storage sheds incidental to the residential use.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
 - 5. Detached Garages accessory to single-family dwellings provided that the residence was in existence as of January 1, 1978.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - 1. Lots shall have a lot area of not less than 20,000 square feet and a width of not less than 100 feet.
 - 2. Each Rs-2 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - 1. No building or parts of a building shall exceed 30 feet in height.
 - 2. The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,600 square feet.
 - 3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,200 square feet.
 - 4. A tri-level dwelling shall have a minimum finished living area of 1,600 square feet.
 - 5. The upper two levels of a tri-level dwelling shall be fully finished.
 - 6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - 7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
 - 8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

- F. Setback and Yards

1. There shall be a minimum building setback of 40 feet from the street right-of-way.
2. There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if: (a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and, (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

17.0410

Rs-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-3 Residential District is intended to provide for single-family residential development at densities not exceeding 2.9 dwelling units per net acre, and served by municipal sewer and water facilities.

A. Permitted Uses

1. Single-family dwellings with attached garages.
2. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(l) of the Wisconsin Statutes.
3. Family day care home.
4. Foster family home.

B. Permitted Accessory Uses

1. Home occupations and professional home offices
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

1. Lots shall have a lot area of not less than 15,000 square feet and a width of not less than 90 feet.
2. Each Rs-3 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

1. No building or parts of a building shall exceed 30 feet in height.
2. The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,400 square feet.
3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 1,000 square feet.
4. A tri-level dwelling shall have a minimum finished living area of 1,400 square feet.
5. The upper two levels of a tri-level dwelling shall be fully finished.
6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

1. There shall be a minimum building setback of 30 feet from the street right-of-way. For properties abutting Maple Avenue the street right-of-way setback shall be 20 feet.
2. Side Yard
 - (a). There shall be a side yard on each side of the principal structure of not less than 15 feet in width; or
 - (b). The Plan Commission may make a finding to allow the expansion/reconstruction of a principal structure such that one side yard is reduced in width below 15 feet if it finds all of the following:
 - (1) The principal structure was constructed prior to 1980.
 - (2) One side yard width remains at least 15 feet in width.
 - (3) The reduced side yard is the greater of at least 1 foot in width or the narrowest current side yard setback of the existing principal structure or detached garage.
 - (4) The expansion of the principal structure within the reduced side yard setback does not encroach into the street yard closer than the existing principal structure.
 - (5) The expansion does not impact the welfare and safety of the area.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if: (a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and, (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

17.0411

Rs-4 SINGLE-FAMILY RESIDENTIAL DISTRICT

The Rs-4 Residential District is intended to accommodate existing single-family residential development where densities may reach 6.1 dwelling units per net acre in order that single-family dwellings in this district shall not be rendered nonconforming uses. This district is intended to accommodate existing development, and accordingly, no undeveloped land shall be placed in the district.

A. Permitted Uses

1. Single-family dwellings (with attached or detached garages).
2. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(l) of the Wisconsin Statutes.
3. Family day care home.
4. Foster family home.

B. Permitted Accessory Uses

1. Home occupations and professional home offices.
2. Gardening, tool, and storage sheds incidental to the residential use.
3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

1. Lots shall be a minimum of 7,200 square feet in area and shall be not less than 50 feet in width.
2. Each Rs-4 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

1. No building or parts of a building shall exceed 30 feet in height.
2. The total minimum finished living area of a one-story, two-story or bi-level dwelling shall be 1,200 square feet.
3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 800 square feet.
4. A tri-level dwelling shall have a minimum finished living area of 1,200 square feet.
5. The upper two levels of a tri-level dwelling shall be fully finished.
6. The lower level of a tri-level dwelling may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

F. Setback and Yards

1. There shall be a minimum building setback of 30 feet from the street right-of-way. For properties abutting Maple Avenue the street right-of-way setback shall be 20 feet.
2. Side Yard
 - (a). There shall be a side yard on each side of the principal structure of not less than 10 feet in width; or
 - (b). The Plan Commission may make a finding to allow the expansion/reconstruction of a principal structure such that one side yard is reduced in width below 10 feet if it finds all of the following:
 - (1) The principal structure was constructed prior to 1980.
 - (2) One side yard width remains at least 10 feet in width.
 - (3) The reduced side yard is the greater of at least 1 foot in width or the narrowest current side yard setback of the existing principal structure or detached garage.
 - (4) The expansion of the principal structure within the reduced side yard setback does not encroach into the street yard closer than the existing principal structure.
 - (5) The expansion does not impact the welfare and safety of the area.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary; however, the Plan Commission may, in its sole discretion, after balancing the interests of the property owner and the public interest in wetland protection, allow a setback of less than 15 feet from a F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary if: (a) the proposed setback will be no less than 5 feet; (b) the average setback for the entire property from the adjacent wetlands will be at least 15 feet; and, (c) the Village Engineer has approved a plan to restore, define, and protect the adjacent wetlands. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

17.0412

Rd-1 TWO-FAMILY RESIDENTIAL DISTRICT

The Rd-1 Residential District is intended to provide for two-family residential development at densities not exceeding 5.8 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - 1. One- and two-family dwellings (with attached or detached garages).
 - 2. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
 - 3. Family day care home in either or both units of a two-family dwelling.
 - 4. Foster family home in either or both units of a two-family dwelling.

- B. Permitted Accessory Uses
 - 1. Home occupations and professional home offices.
 - 2. Gardening, tool, and storage sheds incidental to the residential use.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - 1. Lots shall have a minimum of 15,000 square feet in area, with not less than 7,500 square feet per dwelling unit. Lots shall be not less than 120 feet in width.
 - 2. Each Rd-1 district lot shall maintain 65 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - 1. No building or parts of a building shall exceed 30 feet in height.
 - 2. The total minimum finished living area of a dwelling shall be 1,200 square feet per dwelling unit.
 - 3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 600 square feet for a single-family dwelling and 1,200 square feet for a two-family building.
 - 4. A tri-level dwelling shall have a minimum finished living area of 1,200 square feet for a single-family dwelling and 1,200 square feet per dwelling unit for a two-family building.
 - 5. The upper two levels of a tri-level dwelling unit shall be fully finished.
 - 6. The lower level of a tri-level dwelling unit may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - 7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
 - 8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

- F. Setback and Yards
 - 1. There shall be a minimum setback of 30 feet from the street right-of-way.
 - 2. There shall be a side yard on each side of all buildings of not less than 15 feet in width.
 - 3. There shall be a rear yard of not less than 25 feet.
 - 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

- G. Erosion Control
 - 1. See Chapter 14 of the Municipal Code of the Village.

17.0413

Rd-2 TWO-FAMILY RESIDENTIAL DISTRICT

The Rd-2 Residential District is intended to provide for two-family residential development at densities not exceeding 8.7 dwelling units per net acre, and served by municipal sewer and water facilities.

- A. Permitted Uses
 - 1. One- and two-family dwellings (with attached or detached garages).
 - 2. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
 - 3. Family day care home in either or both units of a two-family dwelling.
 - 4. Foster family home in either or both units of a two-family dwelling.

- B. Permitted Accessory Uses
 - 1. Home occupations and professional home offices.
 - 2. Gardening, tool, or storage sheds incidental to the residential use.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 4. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

- D. Lot Area and Width
 - 1. Lots shall be a minimum of 10,000 square feet in area, with not less than 5,000 square feet per dwelling unit. Lots shall be not less than 90 feet in width.
 - 2. Each Rd-2 district lot shall maintain 65 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, swimming pool, or tennis court may be considered as open space.

- E. Building Height and Area
 - 1. No building or parts of a building shall exceed 30 feet in height.
 - 2. The total minimum finished living area of a dwelling shall be 1,000 square feet per dwelling unit.
 - 3. The minimum finished first floor area of a bi-level or two-story dwelling shall be 500 square feet for a single-family dwelling and 1,000 square feet for a two-family building.
 - 4. A tri-level dwelling shall have a minimum finished living area of 1,000 square feet for a single-family dwelling and 1,000 square feet per dwelling unit for a two-family building.
 - 5. The upper two levels of a tri-level dwelling unit shall be fully finished.
 - 6. The lower level of a tri-level dwelling unit may contain unfinished living area provided that the minimum finished floor area requirement is provided on the upper two levels.
 - 7. All living areas--finished and unfinished--shall comply with the energy conservation requirements of the Uniform Dwelling Code (Chapters SPS 320-325 of the Wisconsin Administrative Code).
 - 8. No dwelling level providing less than 200 square feet of finished living area shall be used in the calculation of living area.

- F. Setback and Yards
 - 1. There shall be a minimum building setback of 30 feet from the street right-of-way.
 - 2. There shall be a side yard on each side of all buildings. The minimum side yard shall be 15 feet, except that the minimum side yard shall be 10 feet where the principal dwelling contains an attached two-car garage.
 - 3. There shall be a rear yard of not less than 25 feet.
 - 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

- G. Erosion Control
 - 1. See Chapter 14 of the Municipal Code of the Village.

17.0414

SF-RD-3 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT

The SF-RD-3 Residential District is intended to provide for attracting a higher density development than freestanding structure single family residence, while creating a neighborhood environment for a local and regional market. This type of zoning should be concentrated along major thoroughfares and serve as a buffer between highways and residential development, manufacturing and single family and provide easy access to major routes. The district shall have densities not to exceed 5 dwelling units per acre.

- A. Permitted Uses
 - 1. One to four family attached dwellings with attached garages, with three bedrooms per dwelling unit or less.
- B. Permitted Accessory Uses
 - 1. Home occupations and professional home offices.
 - 2. Gardening, tool, and storage sheds incidental to the residential use.
 - 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
- D. Lot Area and Width
 - 1. Lots shall have a minimum of 20,000 square feet in area, with not less than 5,000 square feet per dwelling unit. Lots shall be not less than 120 feet in width.
 - 2. Each SF-RD-3 district lot shall maintain 60 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, swimming pool, or tennis court may be considered as open space. Open space shall be substantially divided equally on the entire parcel as to not concentrate it in one location, i.e., in the rear of the development.
- E. Building Height and Area
 - 1. No building or parts of a building shall exceed 30 feet in height.
 - 2. Minimum floor area per dwelling unit shall be:
 - (a) One bedroom 1,000 square feet.
 - (b) Two bedroom 1,200 square feet.
 - (c) Three bedroom 1,400 square feet.
- F. Setback and Yards
 - 1. There shall be a minimum setback of 30 feet from the street right-of-way. The Plan Commission may reduce the minimum setback to 20 feet from the back of curb and 1 foot from the right-of-way as long as the Plan Commission finds that:
 - (a) The site design allows for two parked cars for each unit to be parked in the driveway itself and not blocking the roadway or a public sidewalk,
 - (b) The Building size and locations will not adversely affect public safety with the closer setbacks, and
 - (c) The landscaping and building styles for the site will adequately provide the pedestrian scale design that collaborates with the

closer setbacks.

2. There shall be a side yard on each side of all buildings of not less than 30 feet. The Plan Commission may require additional building setbacks for buildings with more than two family attached dwellings.
3. There shall be a rear yard of not less than 25 feet.
4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

G. Erosion Control

1. See Chapter 14 of the Municipal Code of the Village.

H. Design Guidelines

1. All site layouts, building design, landscaping, entrances, etc., must be pursuant to the Village Design Guidelines approved June 1, 2002 and as subsequently updated, to include substantial landscaping walking paths, structures of substantially wood, brick, stone, glass, and other similar materials and must be submitted to the Architectural Review Board and shall be subject to the approval of the Architectural Review Board.

17.0415

Rm-1 MULTI-FAMILY RESIDENTIAL DISTRICT

The Rm-1 Residential District is intended to provide for multiple-family residential development at densities not exceeding 17.4 dwelling units per net acre for efficiency apartments; 14.5 dwelling units per net acre for one-bedroom apartments; and 12.4 dwelling units per net acre for two-bedroom or larger apartments. All Rm-1 residential developments should be served by municipal sewer and water facilities.

A. Permitted Uses

1. Two-family dwellings with attached or detached garages.
2. Multiple-family dwellings.
3. Community living arrangements and community-based residential facilities which have a capacity of fewer than 15 or fewer persons, subject to the limitations set forth in Section 62.23(7)(i) of the Wisconsin Statutes.
4. Foster family home unit.

B. Permitted Accessory Uses

1. Attached or detached private garages and carports for multiple-family dwellings.
2. Home occupations.
3. Gardening, tool, and storage sheds incidental to the residential use.
4. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
5. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Lot Area and Width

1. Lots shall be a minimum of 12,000 square feet and no dwelling units shall have a lot area of less than the following:
 - (a) Efficiency apartments provided with underground parking or attached garages--2,500 square feet per dwelling unit.
 - (b) One bedroom dwelling units provided with underground parking or attached garages--3,000 square feet per dwelling unit.
 - (c) Two bedroom or larger dwelling units provided with underground parking or attached garages--3,500 square feet per dwelling unit.
 - (d) Apartments which provide neither underground parking nor attached garages, but rather surface parking or detached garages, shall provide a minimum lot area of 4,000 square feet per dwelling unit for efficiency and one-bedroom apartments, and 5,000 square feet per dwelling unit for two bedroom and larger apartments.
 - (e) The provision of attached or underground guest parking is not required for the use of the minimum lot area requirement set forth in subsections a, b, and c above. Guest parking may be surface parking.
2. No lot shall be less than 120 feet in width.
3. Each Rm-1 district lot shall maintain 50 percent of the lot area in permanent open space; exclusive of dwellings, garages, storage sheds, driveways, and parking areas. A patio, deck, swimming pool, or tennis court may be considered as open space.

E. Building Height and Area

1. No building or parts of a building shall exceed 30 feet in height. The minimum first floor area of a principal structure shall be 1,000 square feet, and no dwelling unit shall have a livable floor area of less than the following:
 - (a) Efficiency apartment--350 square feet per dwelling unit.
 - (b) One bedroom unit--500 square feet per dwelling unit.
 - (c) Two bedroom or more units--750 square feet per dwelling unit.
- F. Setback and Yards
1. There shall be a minimum building setback of 30 feet from the street right-of-way.
 2. There shall be a side yard on each side of all buildings of not less than 25 feet in width.
 3. There shall be a rear yard of not less than 25 feet.
 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. Erosion Control
1. See Chapter 14 of the Municipal Code of the Village.
- H. Plans and Specifications to be Submitted to Plan Commission
1. Every builder of any building hereafter erected or structurally altered for multiple-family use shall, before a building permit is issued, present detailed plans and specifications of the proposed structure and a site plan to the Plan Commission, which will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or traffic congestion, or otherwise endanger the public health or safety or substantially diminish or impair property values within the neighborhood. Site plans shall show a minimum of: proposed ingress and egress to the site; a parking plan showing the amount and arrangement of parking and proposed potential locations of covered parking; and an open space utilization and landscaping plan.

17.0416

B-1 NEIGHBORHOOD BUSINESS DISTRICT

The B-1 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Bed and breakfast establishments
 - (b) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (c) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Automobile driving school
 - (c) General medical services
 - (d) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, for a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (d) Office equipment rental and leasing
5. General Services
 - (a) Repair and maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services

- (e) General business offices
- 6. Information Services
 - (a) Motion picture and video production
- 7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT.
 - (f) Research and development facilities excluding industrial types
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
- 8. Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
- 9. Manufacturing/Assembly
 - (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
- 10. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 11. Transportation and Warehousing
 - (a) U.S. postal service
 - (b) Courier, delivery, postal service businesses

B. Permitted Accessory Uses

- 1. Garages for storage of vehicles used in conjunction with the operation of

17.0400
 17.0410 F. 2
 17.0411 F. 2
 17.0418 A.5.(k)
 17.0417 A.2 and 17.0417 A.11

- business.
 - 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
 - 3. Residential quarters for the owner or proprietor, located in the same building as the business.
 - 4. Efficiency and one-bedroom residential apartments on a non ground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.
 - 5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 6. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
- 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Lot Area and Width
- 1. Lots shall be a minimum of 5,000 square feet in area and shall not be less than 60 feet in width.
 - 2. Individual business sites in the B-1 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no required minimum site width.
 - 3. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
- E. Building Height and Area
- 1. No principal building or parts of a principal building shall exceed 30 feet in height.
 - 2. The maximum square footage of the principal building shall not exceed 30,000 square feet in size.
- F. Setback and Yards
- 1. There shall be a minimum building setback of 25 feet from the right-of-way of all streets.
 - 2. No separation shall be required between business, service or commercial uses. No structure shall be closer than 15 feet to a side lot line.
 - 3. There shall be a rear yard of not less than 15 feet.
 - 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. Erosion Control
- 1. See Chapter 14 of the Municipal Code of the Village.
- H. Development Design Guidelines

1. The Village has established clear land use and design principals, as documented in the Village Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be submitted to Plan Commission

1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

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17.0400
17.0410 F. 2
17.0411 F. 2
17.0418 A.5.(k)
17.0417 A.2 and 17.0417 A.11

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Adopted 6/23/2020 Ord. 869
Adopted 8/25/2020 Ord. 870
Adopted 8/25/2020 Ord. 870
Adopted 02/23/2021 Ord.873
Adopted 6/8/2021 Ord. 875

17.0417

B-2 REGIONAL BUSINESS DISTRICT

The B-2 Regional Business District is intended to provide for the orderly and appropriate development along the STH 164 Corridor, to provide services and retail for the community and surrounding region.

A. Permitted Uses

- 1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Restaurants, snack stands. For a drive-through the Plan Commission must find that the vehicle stacking will not impact surrounding properties or any public roadway.
 - (c) Bars
 - (d) Food service contractors and caterers
- 2. Arts, Entertainment and Recreation Services
 - (a) Artists offices/studios
 - (b) Entertainment Facilities, such as arcades, bowling alleys, golf facilities, miniature golf facilities, pool and billiard halls, where the space of the use is under 30,000 square feet.
- 3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) General medical services
 - (c) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (d) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
- 4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, for a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.
 - (b) Financial investment, insurance offices, and similar financial products
 - (c) Real estate, appraisers, and developer offices
 - (d) Office equipment rental and leasing
 - (e) Rental Centers
- 5. General Services
 - (a) Barber, beauty, nail salons, spa treatment services
 - (b) Personal care and weight loss services
 - (c) Funeral home and funeral services
 - (d) Dry cleaning and laundry services (non-industrial)
 - (e) Travel and visitor services
- 6. Information Services
 - (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes.

- (b) Motion picture theaters excluding drive-in.
- 7. Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy/drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing/shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Department stores, supercenters, warehouse clubs
 - (m) Vehicle parts sales, and vehicle maintenance if the use is less than 25% of the facility and is part of a larger retail operation.
- 8. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 9. Transportation and Warehousing
 - (a) Courier, delivery, postal service businesses
- 10. Parking Lots
 - (a) Off street parking lots, excluding multi-level parking garages, are allowed without a primary structure if the Plan Commission finds that the parking lot is part of a larger commercial development where the master plan calls for a building to be placed on the site in the future, but the parking lot is necessary for the overall development and cross access and parking agreements are required by the Plan Commission.
- 11. Housing
 - (a) Single-Family residential detached homes only if the use is constructed prior to January 1, 2010.

B. Permitted Accessory Uses

- 1. Storage sheds for storage of ground maintenance equipment.
- 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

- 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
- 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508

D. Lot Area and Width

- 1. Lots shall be a minimum of 12,500 square feet in area and shall not be

- less than 80 feet in width.
 - 2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
 - 3. The requirements of Section (D)(2) above may be met in the district by including area from outlots that serve stormwater or other directly related purposes for the subject parcel, are owned in part by the parcel, and are reasonably expected to remain in open space for perpetuity as determined by the Administrator. If multiple lots are served by one or more outlot(s) in no case shall the greenspace area of the outlot(s) be counted more than once. Each lot which by this subsection is entitled to satisfy the requirements of Section D(2), in part, by land located on an outlot is entitled to use no more than the percentage of the qualifying outlot land that is equal to the percentage of the subject lot compared to the total area of the lands served by the outlot.
- E. Building Height and Area
- 1. No principal building or parts of a principal building shall exceed 45 feet in height.
 - 2. Buildings larger than 100,000 square feet in area shall have a deed restriction placed against the lot in a form approved by the Village to ensure the building, if it becomes vacant for more than 5 years to be removed from the site and the site returned to a buildable state.
- F. Setback and Yards
- 1. There shall be a minimum setback of 40 ft. from the road right-of-way.
 - 2. There shall be a rear yard of not less than 25 ft.
 - 3. There shall be a sideyard on each side of the buildings of not less than 25 ft., except as follows.
 - 4. The Plan Commission may reduce setbacks with-in this district outside of a Planned Development Overlay District if it finds that in granting the reduced setbacks:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction.
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards of the Village.
 - 5. No building or structure shall be located closer than 15 ft. to an F-1 Floodway District, F-2 Floodplain Conservancy District, or a LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. Erosion Control
- 1. See Chapter 14 of the Municipal Code of the Village.
- H. Development Design Guidelines
- 1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the

Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be Submitted to Plan Commission

To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscapes plans.

1. Pedestrian and Vehicle Access.

- (a) Property owners will provide cross access easements off-street where feasible.
- (b) Where feasible and desirable, pedestrian cross access from adjacent building will be encouraged.

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17.0400
17.0410 F. 2
17.0411 F. 2
17.0418 A.5.(k)
17.0417 A.2 and 17.0417 A.11

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Adopted 6/23/2020 Ord. 869
Adopted 8/25/2020 Ord. 870
Adopted 8/25/2020 Ord. 870
Adopted 02/23/2021 Ord.873
Adopted 6/8/2021 Ord. 875

17.0418

B-3 HIGHWAY BUSINESS DISTRICT

The B-3 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

A. Permitted Uses

- 1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (d) Bars
 - (e) Food service contractors and caterers
- 2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
- 3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Vocational rehabilitation services
 - (f) Religious facilities
 - (g) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (h) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
- 4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, for a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (e) Office equipment rental and leasing
 - (f) Rental Centers
- 5. General Services

- (a) Repair and maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods
- (b) Barber, beauty, nail salons, spa treatment services
- (c) Personal care and weight loss services
- (d) Funeral home and funeral services
- (e) Coin operated laundries and drycleaners
- (f) Dry cleaning and Laundry Services (non-industrial)
- (g) Photo finishing laboratories
- (h) General business offices
- (i) Travel and visitor services
- (j) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
- (k) Animal Boarding in the B-3 district provided that the animals are domestic pets including (dogs, cats, hamsters or similar pet rodents, pet fish, reptiles and pet birds). In no way shall the operation be allowed to board wild animals or any pets not included in the list above. The boarding shall be for limited periods of time with no animal allowed to be continually boarded for longer than 3 weeks in row. No boarding facility may sell, trade, or in any other way exchange animals. The Plan Commission when determining the appropriateness of the site for animal boarding shall take into account the available space for outside animal activity and the impact the noise of such a facility will have on adjacent properties. An animal boarding operation shall be at least 1,000 feet from a residential zoned property, measured from the closest point where any boarded animal may be located to the closest residential zoning district property line.

The Plan Commission recognizes that customer's demands of animal boarding services and the culture related to taking care of pets is regularly evolving. These changes make it improbable to list all of the accessory uses of an animal boarding operation in the Code; therefore, the Plan Commission may consider accessory uses to the animal boarding operation such as, but not limited to; animal grooming, animal physical rehab, animal photography studios, retail sales of animal related products, if the Plan Commission finds the following:

- 1) The accessory use is consistent with the intent of the zoning district.
- 2) The accessory use is clearly established by the petitioner to be interrelated to and an accessory use of the principal animal boarding operation.
- 3) The site and or building are appropriately designed and located, or will be made so, to accommodate the accessory use and any impacts thereof.

6. Information Services

- (a) Radio/TV/Cable network, stations, news syndicates, excluding towers and dishes.
- (b) Telecommunications services

- (c) Motion picture and video production
- (d) Newspaper, printers, paper and software publishers, recording studio record production, telecommunications services and data processing.
- (e) Libraries and archives.
- 7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Private investigators, locksmiths, security, and armored car services
 - (f) Janitorial services
 - (g) Pest control services
 - (h) Packaging and labeling service
 - (i) Veterinary Offices
 - (j) Offices of holding companies and regional managing offices
- 8. Retail Trade
 - (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/packaged beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
 - (m) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
 - (n) Outdoor Power Equipment
 - (o) Garden Centers
 - (p) Manufactured/mobile home sales
- 9. Manufacturing/Assembly
 - (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
- 10. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.

11. Transportation and Warehousing
 - (a) Courier, delivery, postal service businesses
12. Parking Lots
 - (a) Parking lots are permitted without a principal structure, provided that the property owner submits a parking plan to the Plan Commission, and the Plan Commission approves the parking plan. The parking plan shall indicate whether the private parking area described in the parking plan may be used by the general public when the parking spots are not needed for the private use. If the plan so indicates, and if the plan is approved, then general public parking uses may be permitted upon such terms and conditions as are agreed upon in writing between the Village Board and the property owner, in a form approved by the Village Attorney. The Plan Commission shall approve the parking plan only if it finds all of the following:
 - (1) The lot where the proposed parking is located must be immediately adjacent to a lot that is zoned B-4 Central Mixed Use District that is proposed for development or change of use; and
 - (2) The adjacent B-4 Central Mixed Use District lot must have inadequate parking available on the lot to serve the new development or change of use, per the requirements of Section 17.0603 of this Code; and
 - (3) The parking plan must demonstrate that the parking lot will be in full compliance with all applicable requirements of this Code, except as to any modifications that may be granted pursuant to Section 17.0603(L) of this Code; and
 - (4) Deed restrictions must be imposed and agreements must be entered between the adjacent lot owners, to the satisfaction of the Village Attorney, to allow the parking area to be used by the adjacent lot owner in compliance with the parking plan; and
 - (5) Subject to such reasonable conditions as the Plan Commission may deem to be necessary or appropriate.
13. Housing. Single-Family residential detached homes only if the use is constructed prior to January 1, 2010.

B. Permitted Accessory Uses

1. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
3. Residential quarters for the owner or proprietor located in the same building as the business.
4. Rental efficiency and one-bedroom apartments on a non-ground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

- D. Lot Area and Width
 - 1. Lots shall have a minimum area of 10,000 square feet and shall be not less than 75 feet in width.
 - 2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

- E. Building Height
 - 1. No principal building or parts of a principal building shall exceed 30 feet in height.

- F. Setback and Yards
 - 1. There shall be a minimum building setback of 30 feet from the right-of-way of all streets.
 - 2. There shall be a side yard on each side of all buildings not less than 15 feet in width.
 - 3. There shall be a rear yard of not less than 25 feet.
 - 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

- G. Erosion Control
 - 1. See Chapter 14 of the Village Municipal Code.

- H. Development Design Guidelines
 - 1. The Village has established clear land use and design principals, as documented in the Village Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be submitted to Plan Commission
 - 1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0419

B-4 CENTRAL MIXED USE DISTRICT

The B-4 Business District is intended to provide for the orderly and appropriate development of the Central Mixed Use District as designated by the Community Development Authority, in conformance with and to implement “The Downtown Design and Development Plan.”

- A. It is the specific intent of the B-4 District to:
 - 1. Encourage development of retail, residential, and office uses that are compatible with the historic Village setting in size, scale, and architectural character.
 - 2. Encourage the retention and restoration of existing buildings, along with the landscaping and design elements that are characteristic of the Village setting.
 - 3. Provide opportunities for a diversity of commercial uses and a mix of compatible residential uses.
 - 4. Encourage mixed-use development on larger tracts in order to fully utilize the area of these tracts for the economic benefit of both the Village and the property owner.
 - 5. Encourage those types of commercial and office uses that do not generate a traffic volume that may lead to congestion.
 - 6. Encourage consolidation of driveways, parking, and curb cuts to enhance safety and provide more efficient and economical access and parking.
 - 7. Encourage the creation of connection driveways parallel to Main Street, to the rear of existing and new development, where appropriate, in order to reduce conflicts between downtown commercial traffic and through traffic.
 - 8. Minimize visual and functional conflicts between residential and non-residential uses within and abutting the district.

- B. Lot Area and Width
Lots shall contain sufficient area and width to implement the “Downtown Design and Development Plan,” as determined by the Plan Commission and the Architectural Review Board.

- C. Permitted Uses in the B-4 District
On any lot in the B-4 district, one or a combination of the following uses is permitted:
 - 1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Bed and breakfast establishments
 - (c) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (d) Bars
 - (e) Food service contractors and caterers
 - 2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, and artists offices/studio
 - (b) Theater companies and dinner theaters, dance, musical groups, and performing arts companies.
 - (c) Sports teams, clubs and commercial recreational facilities.
 - (d) Museums, historical sites, zoos, botanical gardens, and marinas
 - 3. Educational, Health Services, and Social Services

- (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Vocational rehabilitation services
 - (f) Community food services
 - (g) Religious facilities
 - (h) Business, secretarial, computer, training exam, cosmetology, barber and prep schools.
 - (i) Youth, elderly and disability social services and emergency relief services (non-housing) in the B-4 district.
 - (j) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
4. Finance, Insurance, Real Estate, and Leasing
- (a) Financial service institutions, for a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.
 - (b) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
 - (e) Office equipment rental and leasing
5. General Services
- (a) Repair and Maintenance of consumer electronics, home and garden equipment, appliance, furniture/reupholsters, footwear and leather goods.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Personal care and weight loss services
 - (d) Funeral home and funeral services
 - (e) Coin operated laundries and drycleaners
 - (f) Dry cleaning and laundry services (non-industrial)
 - (g) Photo finishing laboratories
 - (h) General business offices
 - (i) Travel and visitor services
 - (j) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
6. Information Services
- (a) Radio/TV/Cable network, stations, news syndicates excluding towers and dishes

- (b) Telecommunications services
 - (c) Motion picture and video production
 - (d) Motion picture theaters excluding drive-ins
 - (e) Libraries and archives
 - (f) Newspaper, printers, paper and software publishers, recording studio record production, telecommunications services and data processing.
7. Professional, Technical, Scientific, and Administrative Services
- (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Research and development facilities (non industrial)
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Janitorial services
 - (g) Pest control services
 - (h) Veterinary services
 - (i) Offices of holding companies and regional managing offices
8. Public Administration and Government Services
- (a) Public utility, offices of Federal, State, and Local Governments
 - (b) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
9. Retail Trade
- (a) Furniture, flooring, and home furnishing stores
 - (b) Appliances, electronics, camera, office supply and copying stores
 - (c) Home improvement and hardware stores
 - (d) Grocery, supermarkets, convenience, and specialty food stores/markets
 - (e) Liquor/package beverage and tobacco stores
 - (f) Pharmacy, drug, beauty supplies, food supplement, and medical supply stores
 - (g) Clothing, shoes, jewelry, luggage/leather goods, formal wear/costume stores
 - (h) Entertainment stores such as books, music, sporting goods, hobby, and video tape/disc/game rental.
 - (i) Gift shops, florists, variety stores, antiques, used merchandise
 - (j) Pet and pet supply stores
 - (k) Art dealers/store
 - (l) Internet sales shopping/mail order business and vending machine sales
10. Manufacturing/Assembly
- (a) Processing and Assembling of Final Products provided that the limited industrial process does not exceed 2,000 square feet and the processing and assembling of final products shall be conducted entirely within an enclosed structure, and there shall be no outside storage of product or materials.
11. Transportation and Warehousing

- (a) Courier, delivery, postal service businesses and U.S. postal Service
12. Housing and Mixed Uses
- (a) Business or professional home offices such as residences of clergymen, architects, landscape architects, professional engineers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions where the office does not exceed 25 percent of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.
 - (b) Single-family residential detached home and two-family residential dwelling, but only if the use is constructed prior to January 1, 2010. In the event of a disaster these dwellings may be reconstructed.
 - (c) Conversions. A conversion of an existing single family residential detached building into a combination of non-residential and residential uses or all non-residential uses in a single existing building meeting the following requirements:
 - (1) The front facade and front porch of the existing building, if any, shall be preserved and any building addition shall be located to the rear, and shall be compatible with the existing building in size, scale, and building materials unless the Plan Commission with review and recommendation by the architectural review board determines that the particular façade or front porch is not architecturally significant or if the new proposed façade, front porch, or building addition more appropriately meets the design standards of the Village than the existing structures. Stairways, fire escapes, and other structural alterations shall be located to the rear or side of the building.
 - (2) A single-family detached dwelling may be converted to:
 - (a) A maximum of three non-residential uses with no residential uses, or
 - (b) One apartment with up to two non-residential uses.
 - (3) Residential units must meet the minimum size and facility requirements found in Section 17.0506(A)(15)(g).
 - (4) To encourage a business environment that is compatible with the residential character of the Village, conversions to permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission and Architectural Review Board. Said review and approval shall be concerned with general layout, building plans, architectural and façade treatment, ingress and egress, design, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the “Downtown Design and Development Plan.”
 - (d) A permitted or conditional non-residential use is allowed in accessory buildings located to the rear or side of principal buildings, provided that adequate parking is provided and the

non-residential use is owned or operated by a person or entity legally occupying a portion of the principal building.

(e) Mixed Use Development. Mixed-use development if it meets the following conditions:

(1) The project shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture, signs, lighting standards, parking, driveways and pedestrian circulation, in conformance with the following requirements:

(a) Residential and non-residential uses may be combined on a single parcel in new buildings or a combination of new and existing non-residential building(s).

(b) Residential uses on the ground floor of buildings in a mixed use development are allowed if the Plan Commission finds that the overall mixed-use development has sufficient retail/office presence to meet the intent of the Downtown Development and Design Plan.

(c) When the mixed use involves a conversion of an existing non-residential building the development must establish and or maintain non-residential uses on the ground level of the building(s) such that the Plan Commission finds that the overall mixed-use development will maintain sufficient non-residential presence to meet the intent of the Downtown Development and Design Plan.

(d) On large buildings, variations in facades, canopies, and roof lines to provide contrasts of height, color, texture, and materials are encouraged.

(e) Any building facade which is visible from a street or other public place shall be constructed of traditional building materials such as local stone, brick, and wood. The use of these materials on other facades is also encouraged.

(2) Pedestrian circulation shall be included in the design of the development, with walkways planned for linkage to an existing or future pedestrian network of sidewalks. New sidewalks shall connect to the Bugline Recreation Trail where appropriate and in accordance with the "Downtown Design and Development Plan."

(3) A traffic impact study may be required for any development that, in the opinion of the Architectural Review Board or Plan Commission, may generate a traffic volume that may require special mitigation measures.

(4) Residential units in mixed use developments shall at a minimum each have one bedroom, one kitchen, and one bathroom. A one bedroom unit shall be at least 600 square feet in size and a two bedroom or larger unit shall be at least 800 square feet in size.

- (f) Single Family Residential Attached Units, if approved as part of a TIF project plan of the Village.
13. Parking Lots
- (a) Parking Lots without a principal use on the lot are permitted as long as the parking lot supports an adjacent parcels use and is sufficiently screened so as to minimize any impact to any adjacent residential uses.
 - (b) To facilitate traffic circulation:
 - (1) Parking areas for a proposed nonresidential use should be directly connected to nonresidential parking areas on adjacent lots where possible. If a connection cannot be made when the proposed use is constructed, a driveway may be constructed extending to the adjacent property line in a location where a future connection can be made. Cross-easements for access shall be provided where applicable.
 - (2) Driveway access from Main Street or Waukesha Avenue should be limited and shared driveways between abutting lots are encouraged. If only one lot is being developed, a cross-easement to an abutting lot or lots may be offered, and recorded on a plan for the first lot. When such shared driveways are established, no additional driveways shall be permitted to access either lot from Main Street or Waukesha Avenue. Additional driveways may be permitted off a side street or a service street.
 - (c) Shared parking facilities maximize the use of the limited area available for parking within the Central Mixed Use District and should be used wherever possible. When parking facilities are shared, the overall parking requirement may be reduced. The number of residential parking spaces, however, shall not be reduced. It shall be the burden of the applicant to provide documentation that uses sharing parking are complimentary and that the full required number of parking spaces would not be required

D. Permitted Accessory Uses

- 1. Off-street parking and loading. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 2. Detached garages for storage of vehicles used in conjunction with the operation of the principal business or for occupants of the premises.
- 3. Roof-mounted, solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

E. Conditional Uses

- 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
- 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

F. Dimensional Standards.

The following standards shall apply to all uses:

- 1. Build-to Line: For all construction a build-to line rather than a minimum street yard shall be used. New buildings shall be constructed to a line

formed by the average building setback of the buildings on the adjacent lots on both sides. If no existing buildings are present on the adjacent lots, the average setback of the next nearest buildings on each side shall be used. The build-to line may be adjusted by the Plan Commission if it finds that a change in the build-to line would be consistent with the Downtown Design and Development Plan, and the Design Standards. The build-to line shall not be less than five (5) feet.

2. Side yard: 10 feet on each side, except one or both sideyards may be reduced if the Plan Commission finds that:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards and the Downtown Design and Development Plan of the Village.
3. Rear yard: 15 feet.
4. Loading docks may be required to be set back a greater distance from the side or rear lot line, as determined by the Plan Commission.
5. Setback from the Bugline Recreation Trail right-of-way: 15 feet.
6. Accessory buildings shall be set back from all property lines at least five (5) feet, except that accessory buildings used for principal uses shall meet all the setback requirements for principal buildings.
7. Maximum height: 45 feet.
8. Minimum shoreyard: No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
9. Parking lot setbacks:
 - (a) From street right-of-way: The setback of the principal or 25 feet, whichever is less. No parking shall be permitted between the front of the principal building and the street line with the following exception: The Plan Commission may allow up to ten (10) percent of the parking to be in the street yard if it finds that the no street yard parking requirement is unfeasible for the site.
 - (b) From rear property lines: ten (10) feet; except that the Plan Commission may allow a reduction of this requirement to five (5) feet, upon the Architectural Review Board's recommendation of a landscape plan that meets the design standards and intent of the Downtown Design and Development Plan.
 - (c) From side property lines: five (5) feet, however no setback is required if shared parking is used and cross-easements are established.
 - (d) From buildings: five (5) feet.
 - (e) Any parking structure that was constructed prior to the date of the original adoption of the parking lot setback requirements for the B-4 Central Mixed Use District in 1990, that does not meet the current requirements of subsection 17.0419 (F)(9)(a-d), is considered legal non-conforming and does not have to be removed upon performing parking lot restoration work. Extension, expansion, enlargement, reconstruction, substitution, or moving of the parking lot, however, may be subject to said requirements of subsection 17.0419(F)(9)(a-d), as described in

Section 17.0900 of this Zoning Ordinance.

10. Property line buffer: A buffer area landscaped with trees and shrubs meeting the intent of the “Downtown Design and Development Plan” and the Village Design Standards, shall be required along all side and rear property lines. Driveways may not encroach into the buffer area unless the lot is too narrow to permit any other alternative, in the opinion of the Plan Commission, or for the purpose of shared parking or connected parking areas between lots.
- G. Erosion Control
1. See Chapter 14 of the Village Municipal Code.
- H. Development Design Standards
1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village’s Smart Growth 2040 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.
- I. Plans and Specifications to be Submitted to Plan Commission
1. To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in the B-4 Central Mixed Use District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, architectural and facade treatment, ingress and egress, parking, loading and unloading, and sign design and landscaping. The Plan Commission and Architectural Review Board shall determine that all proposed development and redevelopment in the B-4 district will serve to implement the “Downtown Design and Development Plan.”

17.0420

BP-1 BUSINESS PARK DISTRICT

The BP-1 Business Park District is intended to provide for the orderly and attractive grouping of diverse office, retail, and customer service uses, mixed with industrial uses of limited intensity where the appearance of such mixed uses is enhanced by pleasing building architecture and generously landscaped sites free of outside storage and outside display of products. The district is intended to be located in highly visible locations adjacent to arterial highways, and should be buffered by means of landscaping and berms from residential uses.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (b) Food service contractors and caterers
 - (c) Hotels and Motels

2. Educational, Health Services, and Social Services
 - (a) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.

3. General Services
 - (a) Repair and Maintenance of consumer electronics, electronic and precision equipment commercial and Industrial machinery and equipment, appliances, furniture/reupholsters.
 - (b) Barber, beauty, nail salons, spa treatment services
 - (c) Dry cleaning and laundry services (non-industrial)
 - (d) Photo finishing laboratories
 - (e) General Business Offices.
 - (f) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)

4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial Service Institutions, for a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.
 - (b) Monetary Authority
 - (c) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, and developer offices
 - (e) Office equipment rental and leasing

5. Information Services
 - (a) Newspapers and Publishers
 - (b) Computer programming, software publishers and data/system processing
 - (c) Video, film, sound, photo production and studios
 - (d) Media station and distribution center, excluding towers and dishes
 - (e) Telecommunications services, excluding towers and dishes
6. Manufacturing: The manufacture, fabrication, assembly, and/or processing of the following products; or parts, supplies, or sub-assemblies of the same:
 - (a) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture and automotive
 - (b) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
 - (c) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items of art, lamps, furniture, wallpaper.
 - (8) Brooms and brushes
 - (d) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for of farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
 - (e) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices.
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, musical instruments, and marking devices
 - (5) Signage and advertising products
7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services of advertising, management, HR,

- marketing, IT.
- (f) Laboratories, research, and development facilities
- (g) Translation and interpretation services
- (h) Employment placement and provider services
- (i) Private investigators, locksmiths, security, and armored car services
- (j) Janitorial services
- (k) Pest control services
- (l) Business service centers and telemarketers
- (m) Building maintenance services
- (n) Packaging and labeling services
- (o) Veterinary Services
- (p) Offices of holding companies and regional managing offices
- 8. Retail Trade
 - (a) Internet sales shopping/mail order business and vending machine sales
 - (b) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
- 9. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 10. Transportation and Warehousing, as follows:
 - (a) Courier, delivery, postal service businesses
 - (b) Limited wholesaling, warehousing and storage facilities for distributors, provided that such warehousing and storage does not exceed 50,000 square feet.

B. Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the principal business park operation.
2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
3. Office, storage, power supply, distribution, warehousing, and other uses normally auxiliary to permitted business park uses.
4. Indoor storage and sale of machinery and equipment associated with the permitted business park uses.
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

1. Manufacturing/processing of ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum,

- insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
- 2. Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
- 3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

E. Lot Area and Width

- 1. Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
- 2. To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

F. Building Height

- 1. No building or parts of a building shall exceed 60 feet in height.

G. Setback and Yards

- 1. There shall be a minimum building setback of 40 feet from the street right-of-way.
- 2. There shall be a side yard of 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
- 3. There shall be a rear yard of not less than 25 feet.
- 4. The Plan Commission may reduce setbacks within this district outside of a Planned Development Overlay District if it finds that in granting the reduced setbacks:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards of the Village.
- 5. Service islands for gasoline service structures shall be considered principal structures and shall comply with building setback requirements. Canopies over a gasoline service island may extend into a front, side, or rear yard, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.
- 6. Service islands for gasoline service structures shall be considered principal structures and shall comply with building setback requirements. Canopies over a gasoline service island may extend into a front, side, or rear yard, but shall not encroach more than six (6) feet into any required yard. In no case, may a canopy extend into a street right-of-way.

H. Erosion Control

- 1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

- 1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the

Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage a business park environment that is compatible with the residential character of the Village, and that will maintain a campus like setting, building permits for permitted uses in the BP-1 Business Park District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, architectural plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

17.0421

OP-1 OFFICE PARK DISTRICT

The OP-1 Office Park District is intended to provide for individual or small groups of buildings limited to office, professional, and special service uses in a campus-like setting. Such office parks are intended to be developed in accordance with a coordinated park development plan.

A. Permitted Uses

1. Accommodations and Food Service
 - (a) Hotels and motels
 - (b) Restaurants, snack stands, and mobile food services. For a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties or any public roadway.
 - (c) Food service contractors and caterers
2. Arts, Entertainment, and Recreation Services
 - (a) Promoter, agent, artists offices/studio
3. Educational, Health Services, and Social Services
 - (a) Fine arts and language schools and studios
 - (b) Sports and recreation instruction
 - (c) Automobile driving school
 - (d) General medical services
 - (e) Colleges, Universities, and Professional Schools
 - (f) Business/secretarial/computer training/exam prep schools
 - (g) Cosmetology and barber schools
 - (h) Flight training schools
 - (i) Apprenticeship and trade schools
 - (j) Vocational rehabilitation services
 - (k) Emergency and other relief services
 - (l) Commercial day care centers provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, underground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
4. Finance, Insurance, Real Estate, and Leasing
 - (a) Financial service institutions, for a drive-through the Plan Commission must find that the vehicle stacking and noise from its operation will not impact surrounding properties.
 - (b) Monetary authorities
 - (c) Financial investment, insurance offices, and similar financial products
 - (d) Real estate, appraisers, developer offices, and offices of lessors for residential and non-residential properties, excluding lessors of mini-warehouses/self-storage
5. General Services
 - (a) Repair and Maintenance of consumer electronics and precision electronic equipment.

- (b) Barber, beauty, nail salons, spa treatment services
- (c) Personal care and weight loss services
- (d) General business offices
- (e) Travel and visitor services
- 6. Information Services
 - (a) Newspapers and publishers
 - (b) Computer programming, software publishers and data/system processing
 - (c) Video, film, sound, photo production and studios
 - (d) Media station and distribution center excluding towers and dishes
 - (f) Telecommunications services excluding towers and dishes
 - (f) Libraries and archives
- 7. Professional, Technical, Scientific, and Administrative Services
 - (a) Legal, notaries, and title services
 - (b) Accountants, tax preparation, payroll, and other accounting services
 - (c) Architects, landscape architects, engineering, surveying services
 - (d) Interior, industrial, graphic, and fashion design services
 - (e) Consulting/professional services, advertising, management, HR, marketing, IT
 - (f) Laboratories, research, and development facilities
 - (g) Translation and interpretation services
 - (h) Employment placement and provider services
 - (i) Private investigators, locksmiths, security, and armored car services
 - (j) Business service centers and telemarketers
 - (k) Offices of holding companies, regional managing offices
- 8. Retail Trade
 - (a) Internet sales shopping/mail order business and vending machine sales
- 9. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
- 10. Transportation, and Warehousing as follows:
 - (a) Courier and Delivery Businesses
- 11. Parking Lots excluding multi-level parking garages
 - (a) Parking Lots without a principal use on the lot are permitted as long as the parking lot supports an adjacent parcels use.

B. Permitted Accessory Uses.

- 1. Garages used for storage of vehicles used in conjunction with the operation of the business.
- 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
- 3. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- 4. Roof mounted solar collectors, provided that a registered engineer shall certify that the structure is adequate to support the load.
- 5. Barber and beauty shops, child care facilities, clinics, delicatessens, pharmacies, restaurants, and similar retail/service establishments which are incidental to the principal office use, which are located within a

structure used principally for office use, which are intended for use by office facility tenants and clientele, and which do not occupy more than 15 percent of the structure.

- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.

- D. Lot Area and Width
 - 1. Lots shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width.
 - 2. To achieve a campus-like appearance, lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.

- E. Building Height and Area
 - 1. No principal building or parts of a principal building shall exceed 60 feet in height. No accessory building shall exceed 15 feet in height.

- F. Setback and Yards
 - 1. There shall be a minimum building setback of 40 feet from the right-of-way of any arterial street and 30 feet from the right-of-way of all other streets.
 - 2. There shall be a side yard 25 feet on each side of all structures not exceeding 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet up to a maximum height of 60 feet.
 - 3. There shall be a rear yard of not less than 25 feet.
 - 4. The Plan Commission may reduce setbacks within this district outside of a Planned Development Overlay District if it finds that in granting the reduced setbacks:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction,
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards of the Village.
 - 5. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
 - 6. Surface parking lots shall be located not closer than 20 feet to a street right-of-way. Parking lots constructed in a street yard shall be screened from the street right-of-way by means of a landscaped berm.

- G. Erosion Control
 - 1. See Chapter 14 of the Village Municipal Code.

- H. Development Design Standards
 - 1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide

future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

I. Plans and Specifications to be submitted to the Plan Commission

1. To encourage an office environment that is compatible with the residential character of the Village, and that will maintain a campus like setting, building permits for permitted uses in the OP-1 Office Park District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, and open space utilization.

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17.0400
17.0410 F. 2
17.0411 F. 2
17.0418 A.5.(k)
17.0417 A.2 and 17.0417 A.11

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Adopted 6/23/2020 Ord. 869
Adopted 8/25/2020 Ord. 870
Adopted 8/25/2020 Ord. 870
Adopted 02/23/2021 Ord.873
Adopted 6/8/2021 Ord. 875

M-1 INDUSTRIAL DISTRICT

The M-1 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

A. Permitted Uses

1. Educational, Health Services, and Social Services
 - (a) General medical services if use is part of the operation of a permitted manufacturer operation in the same district.
 - (b) Commercial day care centers if the use is part of the operation of a permitted manufacturer operation in the same district and provided that any outside play area is surrounded by a security fence; that no day care center is located within 300 feet of a gasoline service station, under-ground gasoline storage tanks, or any other storage of explosive material; that no day care center shall be located in an area where air pollution caused by smoke, dust, gases, or other particulate matter would endanger children; that no day care center shall be located in an area where noise would be so loud, shrill, or have an impulse to endanger children; that traffic be managed in a manner to minimize danger to children; and provided that adequate parking and circulation be provided on the day care facility site in accordance with the standards set forth in Section 17.0603(K)(6)(h)(3) of this Ordinance.
2. Finance, Insurance, Real Estate, and Leasing
 - (a) Commercial air, rail, and water transportation equipment rental and leasing.
 - (b) Construction, mining, and forestry machinery and equipment rental and leasing.
3. General Services
 - (a) Repair and maintenance of consumer electronics, electronic and precision equipment, commercial and industrial machinery and equipment, appliances, furniture/reupholstery
 - (b) Photofinishing laboratories
 - (c) General Construction trade services (carpenters, electricians, flooring services, lawn and landscaping services, lighting services, masonry services, painting services, plastering services, plumbing and heating contractors, roofing services, sheet metal services, welding services, and building showrooms)
 - (d) Industrial laundries under permit from the Wastewater Utility.
 - (e) Fitness centers
4. Manufacturing: The manufacture, fabrication, assembly, or processing of the following:
 - (a) Food and Beverage Products
 - (1) Bakery and flour products
 - (2) Dairy products
 - (3) Fruits, vegetables, and nuts
 - (4) Grains, seed and plant oils, cereal, and chocolate

- confections
 - (5) Snack food products
 - (6) Syrups, flavorings, extracts, spices, and dressings
 - (7) Tobacco and tobacco products
- (b) Fabrics and Textile Products
 - (1) Yarn, felt, and fabric
 - (2) Carpet, rugs, drapes, canvas, and rope
 - (3) Clothing, hosiery, hats, gloves, shoes
 - (4) Packing and assembly of fur and leather products, no tanning
 - (5) Upholstery of furniture, automotive
- (c) Wood and Paper Products
 - (1) Wood furniture and wood products
 - (2) Paper products (non pulp)
 - (3) Printing, binding, and associated printing services
- (d) Home, health, beauty, and cleaning Products
 - (1) Toiletries
 - (2) Medical, botanical, and pharmaceutical processing (non-hazardous)
 - (3) Cosmetic manufacturing
 - (4) China, pottery, porcelain, clay, ceramics, silverware
 - (5) Glass and glass products
 - (6) Jewelry
 - (7) Home décor items, art, lamps, furniture, wallpaper
 - (8) Brooms and brushes
- (e) Machinery and Metal Products
 - (1) Rolled wire, metal product manufacturing
 - (2) Tool and die, and machining
 - (3) Machinery for farming, construction, mining, woodworking, paper, textile, printing, food products, commercial or industrial uses, service industry, mechanical, crane, elevator, pumps, and motors.
- (f) General manufacturing
 - (1) Electronics, telecommunications, medical instruments, scientific and laboratory equipment, measuring and recording devices
 - (2) Electrical appliances, switches, cable, and components
 - (3) Vehicles, vehicle parts, and equipment
 - (4) Sporting goods, hobby products, and marking devices
 - (5) Signage and advertising products
- 5. Professional, Technical, Scientific, and Administrative Services
 - (a) Laboratories, research, and development facilities
 - (b) Packaging and labeling services
- 6. Retail Trade
 - (a) Mail-order businesses
 - (b) Building supply stores and general sales of industrial products, such as building materials, electrical supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing supplies, wallpaper and wallpaper supplies, and windows and doors.
 - (c) Pharmacy if use is part of the operation of a permitted manufacturer operation in the same district.
 - (d) Commercial service facilities such as restaurants and fueling stations if use is part of the operation of a permitted manufacturer

- operation in the same district.
 - (e) Factory Outlets and retail sales of products made onsite in the principal industrial operation.
 - 7. Public Administration and Government Services
 - (a) Governmental and cultural uses such as fire and police stations, community centers, public works garages, government administration buildings, parks and playgrounds.
 - 8. Transportation, and Warehousing as follows:
 - (a) Warehousing and wholesaling, except metal, coal, and ore materials, chemicals, and bulk petroleum.
 - (b) Courier, delivery, postal service businesses
 - (c) Household and office goods moving company
 - 9. Parking Lots
 - (a) Parking Lots are permitted without a principal structure if the Plan Commission finds that parking lot is adjacent to and necessary for the manufacturing operation.
- B. Permitted Accessory Uses
 - 1. Garages for storage of vehicles used in conjunction with the operation of an industry.
 - 2. Off-street parking and loading areas. Multi-level parking garages shall be designed to minimize impact to adjacent properties and be designed to architecturally match the principal structure.
 - 3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
 - 4. Residential quarters for the owner or caretaker.
 - 5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
 - 1. Conditional uses as allowed in Section 17.0500 Conditional Uses
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Certain Incompatible Uses Prohibited

The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

 - 1. Manufacturing/processing of ammonia, asbestos, asphalt (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
 - 2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation under a permit issued pursuant to Section 17.0506 of this Ordinance), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
 - 3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- E. Lot Area and Width
 - 1. Lots shall have a minimum of 15,000 square feet in area and shall be not

- less than 100 feet in width.
- 2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 80 percent of the lot area. Landscaped open space shall occupy not less than 20 percent of the lot area.

F. Building Height and Area

- 1. No building or parts of a building shall exceed 60 feet in height.
- 2. No building or buildings shall occupy more than 50 percent of the lot area.

G. Setback and Yards

- 1. There shall be a minimum structure setback of 40 feet from the street right-of-way. This setback may be reduced for essential services structures by the Building Inspector for the efficient delivery of services to the public.
- 2. There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for structures up to 45 feet in height. Structures in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (a) The Plan Commission may allow a structure over 45 feet to have a smaller sideyard than required by 17.0422(G)(2), but not less than 10 feet in width if it makes a finding that:
 - (1) A railroad line runs adjacent to the side of the property that is under consideration for the reduced side yard, and
 - (2) The width of the railroad owned property plus the side yard of the property in question is sufficient to meet the side yard requirements of 17.0422(G)(2), and
 - (3) The structure height and side yard are consistent with Design Standards, The Downtown Development and Design Standards, and other development plans of the Village.
- 3. There shall be a rear yard of not less than 25 feet.
- 4. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

H. Erosion Control

- 1. See Chapter 14 of the Village Municipal Code.

I. Development Design Standards

- 1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

J. Plans and Specifications to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

K. Waiver of Setback and Yard Requirements.

Property owners may petition the Plan Commission to request a waiver of the side yard and rear yard requirements as set forth in Section 17.0422(G)(2) and (3), respectively, to allow two existing buildings upon existing adjoining lots to be connected. Upon consideration of any such petition, the Plan Commission may waive the side yard and rear yard requirements set forth in Section 17.0422(G)(2) and/or (3), only upon finding that all of the following conditions have been satisfied:

1. Subject to the petitioner submitting to and receiving approval from the Plan Commission, proof that connecting the buildings in this manner serves the purpose of creating one cohesive industrial operation, that will operate under one common plan of operation, and that each of the combined buildings will serve the purpose of creating the same products.
2. Subject to the petitioner submitting to and receiving approval from the Plan Commission proof the lots are owned separately and will be leased by a single operator, who will conduct the industrial operation on both properties. All persons and entities, moreover, having an interest in the lots, buildings, improvements, or operations on those lots, must join in the petition.
3. Subject to the petitioner acknowledging that each separate parcel of land must still stand alone for all purposes as a separate and distinct lot, even though the buildings will be combined at the lot line, except as further restricted herein.
4. Subject to the property owners of the affected lots submitting to and receiving approval from the Plan Commission and Village Attorney of a deed restriction on each of the affected properties to state that at any time the combined building no longer operates as a single cohesive industrial operation under one plan of operation, then the two buildings must be separated such that each portion of each of the buildings fully complies with all then-existing setback and side yard requirements of the Village Zoning Ordinance.
5. Subject to the petitioner and all persons and entities having an interest in the lots, buildings, improvements and operations on these lots acknowledging in writing their acceptance of these conditions, and thereby acknowledging that failure to comply with the conditions or any one of them, may result in this waiver being null and void. In the event that this waiver becomes null and void, said persons and entities may then be in violation of the setback and side yard requirements stated in the Village Zoning Ordinance, and the Village shall have all lawful authority to enforce compliance with the Zoning Ordinance, including ordering the removal of that portion of the buildings that lie within the setback and offset areas.
6. Subject to all such other conditions as the Plan Commission may deem to be necessary or appropriate in order to preserve the intent of the Zoning Ordinance, to preserve property values, and to protect the health, safety and welfare. Such additional conditions may include, but not be limited to: additional yard requirements elsewhere on the property;

landscaping requirements; parking requirements; open space requirements; and green space requirements.

7. Subject to the petitioner's full compliance with all other applicable requirements of the Zoning Ordinance including, but not limited to providing all other plans and specifications required by the Plan Commission. Petitioner shall also fully comply with all Village, Waukesha County, State of Wisconsin or federal ordinances, statutes, codes, rules and lawful orders.

Q-1 QUARRY DISTRICT

The Q-1 Industrial District is intended to provide for the orderly development of quarry operations, which, on the basis of actual physical and operational characteristics considering the nature of the quarry operations, would not be detrimental to the surrounding area or to the Village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. The nature of any quarry operation can vary significantly based upon the specific facts of the site, the type of stone extracted and the nature of the operations required to extract the stone, its adjacent land uses, and technological changes over time, but quarry operations are also essential to produce products that are essential to development, growth, and the human condition. Therefore as a policy matter quarry operations are permitted uses in the Quarry district, but the Plan Commission shall have broad latitude and discretion to consider the means and methods of the operation within the plans contemplated in this section to ensure a balance between the importance of quarrying and the needs for the safety and welfare of the public in carrying out quarry operations. By placing a property in this category, it has been determined that the subject area is appropriate for such quarrying designation.

A. Permitted Uses

1. Mineral extraction operations including sand, gravel or rock quarrying; washing, crushing, refining or processing of rock, slate, gravel, sand and minerals indigenous to the site; crushing and handling of recycled concrete, asphalt or rock; lime manufacturing; peat and soil removal; blasting (when accessory to quarrying operations); sand, gravel, stone and rock stockpiles (when accessory to quarry operations); loading of stone products into trucks and railroad cars for shipment, repair of equipment used by operator, and manufacture of concrete building blocks or other similar concrete products, operation of a ready-mix concrete plant (when accessory to quarrying operations). All of the uses within this section must meet the following standards and have the various plans contemplated herein approved by the Plan Commission to be a permitted use.
 - (a) The operators use of the property must be in compliance with the provisions of Chapter 21 Rock Crushing, Blasting, and Quarrying Ordinance of the Municipal Code and pay the annual permit fee, which amount is set by resolution of the Village Board. Where the approvals granted under this section are more restrictive than Chapter 21, the more restrictive shall apply.
 - (b) Operators shall submit and maintain an approved operational plan, site plan and restoration plan for said use and submit an annual permit and report for the same.
 - (c) Operators shall submit an annual report on or before February 1 each year which shall be reviewed by the Administrator for compliance with the approved plans and Chapter 21. If substantial changes from previously approved plans are found the Plan Commission shall review and act on the changed plans. Operators shall not implement the changed plans unless and until approval is so granted by the Plan Commission. Said annual report shall include, but not be limited to, the following:
 - (1) An updated operational plan.
 - (2) An updated site plan.
 - (3) An updated restoration plan.
 - (4) Description of areas actively mined during the past year.
 - (5) Description of any restoration progress during the past

- (6) year, if any.
- (6) Description of areas to be actively mined during the next year.
- (7) Description of areas to be restored during the next year, if any.
- (8) A copy of the log of all complaints.
- (9) A listing of all materials removed from the quarry in the last calendar year.
- (10) The maximum depths of the quarry floor reached in the last calendar year.
- (11) Other pertinent information required by the Plan Commission.
- (d) Operation Plan Required. Each Operator in the Q-1 district shall submit an operation plan for the use. The operational plan shall specify:
 - (1) A list of the specific mineral extraction operations requested.
 - (2) A general phasing plan showing the location and timing of all proposed phases.
 - (3) Hours of operation and days of operation for the various mineral extraction operations and the process and terms by which the temporary extension of hours of operation can be so extended by approval of the Administrator and or Plan Commission.
 - (4) A Blasting procedure plan.
 - (5) The means by which noise, dust and other potential nuisances will be controlled.
 - (6) The means by which the operator will manage erosion control and handle backfilling on the site.
 - (7) A stormwater management plan to protect the watershed and groundwater aquifers.
 - (8) A Well monitoring program.
 - (9) An EPA Spill protection program
 - (10) A general listing of machinery and equipment types to be used and/or stored on site.
 - (11) The means, methods and financial guarantee to handle complaints and address concerns raised by operation on the site and correct impacts caused by operation of the use.
 - (12) A signage plan for the site.
 - (13) An acknowledgement of the professional chargeback Ordinance and any special provisions and ongoing obligations with regard to the same given the nature of the use and its impacts.
 - (14) Other pertinent information required by the Plan Commission
- (e) Site Plan. Each Operator in the Q-1 shall submit a site plan for the use. The site plan shall specify:
 - (1) A map of all lands owned by the applicant setting forth the current buildings, structures, and uses contained on the same.
 - (2) The general transportation plan identifying the ingress and egress to the site, the internal transportation plan of the site, and the primary modes of transportation to be

- used on the site.
 - (3) The location, height and type of proposed fences and/or berms and setback restrictions.
 - (4) A landscape plan including the general location and type of landscaping to be used to screen the mineral extraction operations from adjacent land uses and public rights-of-way.
 - (5) A tree preservation plan for the entire site.
 - (6) The limits and extent of outside storage including material stockpiles and heights for the same.
 - (7) Lighting plan for the site
 - (8) A natural resource and wetlands plan showing any changes proposed on the site and necessary reports as requested by the Village Engineer for the same.
 - (9) Other pertinent information required by the Plan Commission.
 - (f) Restoration requirements. In order to ensure that the area of quarrying, extraction, or other related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the applicant shall submit to the Plan Commission a plan for such restoration consistent with Village Ordinances and NR135. Additionally, a certified check or other financial guarantee satisfactory to the Village in an amount sufficient, in the determination of the Plan Commission, to secure the performance of the restoration agreement shall be required by the Plan Commission.
 - 2. Agriculture use of any restored area of a quarry or undeveloped lands not being currently used for quarrying provided that no confined raising or pasturing of animals shall be permitted within 100 feet of any residential property.
- B. Permitted Accessory Uses**
- 1. Garages for storage of vehicles used in conjunction with the operation of a quarry.
 - 2. Off-street parking and loading areas, excluding multi-level parking garages.
 - 3. Office, storage, power supply, and other uses normally auxiliary to the principal quarry operations.
 - 4. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - 5. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses**
- 1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 - 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Certain Incompatible Uses Prohibited**
- The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:
- 1. Manufacturing/processing of ammonia, asbestos, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticide,

- lampblack, offal, poison, pulp, pyroxylin, and radioactive materials.
 - 2. Storage of bulk fertilizer, explosives (except in a mineral extraction operation pursuant to this section of the Ordinance and a permit issued under Chapter 21), gasoline in excess of 50,000 gallons, grease, and radioactive materials.
 - 3. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- E. Lot Area and Width
 - 1. Lots shall be a minimum of five acre in area and shall be not less than 500 feet in width.
 - 2. Open space shall occupy not less than 20 percent of the lot area.
- F. Building Height and Area
 - 1. Due to the unique challenges of quarry operations both new and existing the Plan Commission on a site by site basis shall establish the height and area restrictions for all buildings, parts of a building, structures, and stockpiles in the Site Plan. The Plan Commission shall look to the intended purpose of providing sufficient screening from the public view of the quarry operations when establishing such height and area restrictions.
- G. Setback and Yards
 - 1. There shall be a minimum structure setback of 40 feet from the street right-of-way, and 25 feet from side and rear yards.
 - 2. Quarry operations shall not be located closer than 200 feet to a road right-of-way or exterior boundary of a quarry site, except as reduced or increased by the Plan Commission as part of the adopted site plan if it finds that such modified setbacks are appropriate based on the current conditions and operations of an existing quarry operation, current uses of surrounding properties, zoning of surrounding properties, or other relevant factors.
 - 3. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- H. Erosion Control
 - 1. See Chapter 14 of the Village Municipal Code.
- I. Development Design Standards
 - 1. The Village has established clear land use and design principals, as documented in the Village Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.
- J. Plans and Specifications to be Submitted to Plan Commission
 - 1. To encourage an industrial use environment that is compatible with the

residential character of the Village, building permits for permitted uses in Quarry Districts shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0424

I-1 INSTITUTIONAL DISTRICT

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the Use for public purpose is anticipated to be permanent.

A. Permitted Uses

- 1. Arts, Entertainment, and Recreation
 - (a) Public theater and related theater, dance, musical, and performing arts companies
 - (b) Public related sports teams and clubs
 - (c) Public Museums, art galleries, historical sites, zoos, botanical gardens, golf courses, skiing facilities, marinas, fitness and recreation centers, playfields, athletic fields, fairgrounds exhibition halls
- 2. Education, Health Services, and Social Services
 - (a) Elementary and secondary schools
 - (b) Colleges, technical colleges, universities, and professional schools
 - (c) General medical services
 - (d) Publicly operated nursery care facilities
 - (e) Publicly operated residential mental retardation facilities
 - (f) Publicly operated social services (child and youth, disability)
 - (g) Community food services
 - (h) Emergency and relief services
 - (i) Publicly operated vocational rehabilitation services
 - (j) Religious facilities
 - (k) Cemeteries and crematories
- 3. Information Services
 - (a) Libraries and archives
- 4. Public Administration and Government Offices
 - (a) Public utilities, offices of federal, state, and local governments
- 5. Transportation and Warehousing
 - (a) U.S. postal service
 - (b) Public buildings and garages
- 6. Utilities
 - (a) Utility substations, utility distribution, wells, pumping stations and towers provided that all principal structures and uses are not less than 50 feet from any residential district lot line. The Plan Commission may reduce this setback if sufficient screening is established or if the structures are underground.
 - (b) Municipal sewage disposal/treatment plants.
- 7. Parking Lots
 - (a) Parking Lots, excluding multi-level parking garages, without a principal structure to serve the general public or an institutional facility on an adjacent property.

B. Permitted Accessory Uses

- 1. Residential quarters for caretakers or clergy.
- 2. Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- 3. Off-street parking and lots, excluding multi-level parking garages
- 4. Service buildings and facilities normally accessory to the permitted use.
- 5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.

6. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- C. Conditional Uses
1. Conditional uses as allowed in Section 17.0500 Conditional Uses.
 2. No Adult Oriented Establishment except as permitted in accordance with Conditional Uses Section 17.0508.
- D. Lot Area and Width
1. Lots shall be a minimum area of 12,000 square feet in area and shall not be less than 80 feet in width.
 2. Lot coverage by buildings, accessory structures, surface parking and loading areas, and driveways shall occupy no more than 75 percent of the lot area. Landscaped open space shall occupy not less than 25 percent of the lot area.
- E. Building Height and Area
1. No principal building or part of a principal building shall exceed 30 feet in height.
 2. Residential uses permitted in the I-1 district shall comply with the building area requirements of the Rs-3 Single-Family Residential District.
- F. Setback and Yards
1. There shall be a minimum building setback of 30 feet from the right-of-way of all streets.
 2. There shall be a side yard on each side of all buildings not less than 10 feet in width.
 3. There shall be a rear yard of not less than 25 feet
 4. The Plan Commission may reduce setbacks within this district outside of a Planned Development Overlay District if it finds that in granting the reduced setbacks:
 - (a) The Site is masterplanned and provides an efficient use of land,
 - (b) The health, welfare, and safety of the public is not jeopardized by the setback reduction.
 - (c) The setback change will encourage pedestrian interaction between buildings.
 - (d) The reduced setback serves to implement the Design Standards of the Village.
 5. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.
- G. Erosion Control
1. See Chapter 14 of the Village Municipal Code.
- H. Development Design Standards
1. The Village has established clear land use and design principals, as documented in the Village Development Design Guidelines, to guide future development planning decisions towards implementation of the Village's Smart Growth 2020 Comprehensive Plan. These guidelines are intended to serve as basic criteria during reviews, and are not to be construed as the only applicable design elements. All development

proposals shall be evaluated against the adopted Village vision of maintaining a small town atmosphere within the Village, featuring a generous amount of greenspace in residential, commercial, and industrial developments.

- I. Plans and Specifications to be Submitted to Plan Commission.
 - 1. To encourage an institutional use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Institutional District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0425

P-1 PARK DISTRICT

The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Village can be met without undue disturbance of natural resources and adjacent uses.

A. Permitted Uses

1. Arts, Entertainment, and Recreation
 - (a) Public theater and related theater, dance, musical, and performing arts companies
 - (b) Public related sports teams and clubs
 - (c) Public Museums, art galleries, historical sites, zoos, botanical gardens, conservatories, fitness and recreation centers, fairgrounds, exhibition halls
 - (d) Natural recreation, hiking, biking, nature trails, bird watching
 - (e) Athletic recreation, sledding, skiing, swimming, playfields and athletic fields
 - (f) General recreation, picnicking, parks, playgrounds, tot lots and shelters
 - (g) Archery ranges, bathhouses, beaches, boating, camps, driving ranges, firearm ranges, golf courses, skiing facilities, marinas, ice boating, riding academies and stadiums

B. Permitted Accessory Uses

1. Buildings accessory to the permitted use
2. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
3. Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

C. Conditional Uses

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

D. Building Height

1. No building or part of a building shall exceed 30 feet in height.

E. Yards

1. No building or structure shall be erected, altered, or moved closer than 15 feet to a lot line.
2. No building or structure shall be located closer than 15 feet to an F-1 Floodway District, F-2 Floodplain Conservancy District, or LCO Lowland Conservancy Overlay District boundary. Where shoreland regulations apply no building or structures shall be located closer than as allowed by Village shoreland regulations.

F. Erosion Control

1. See Chapter 14 of the Village Municipal Code.

G. Plans and Specifications to be submitted to Plan Commission.

1. To encourage a recreational use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Park District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and

unloading, and landscape plans. Municipally owned facilities shall be exempt from site plan review, but shall still be reviewed by the Architectural Review Board in an advisory fashion.

17.0426

P-2 OPEN SPACE PRESERVATION DISTRICT.

The P-2 Open Space Preservation District is intended to prevent the destruction of valuable natural resources, including wetlands, woodlands, wildlife habitat, significant water recharge areas, floodlands, scenic areas, and areas of steep topography. Regulation of these areas will serve to control erosion and sedimentation; will promote and maintain the natural beauty of the Village; and will provide for passive recreational opportunities.

- A. Permitted Uses
 - 1. Controlled studies of ecosystems for educational purposes.
 - 2. Forest and game management.
 - 3. Natural stormwater management.
 - 4. Preservation of scenic, historic, and scientific areas.
 - 5. Hiking, biking, and nature trails, cross country skiing, picnic areas

- B. Permitted Accessory Uses
 - 1. Essential Services.
 - 2. Accessory buildings necessary for the storage of equipment and materials to maintain the open space area.

- C. Conditional Uses
 - 1. None.

- D. Building Height
 - 1. No building shall exceed 15 feet in height.

- E. Yards
 - 1. No building or structure shall be erected, altered, or moved closer than 15 feet to a lot line.

- F. Erosion Control
 - 1. See Chapter 14 of the Village Municipal Code.

- G. Plans and Specifications to be Submitted to Plan Commission
 - 1. To encourage an open space environment that is compatible with the residential character of the Village, building permits for permitted uses in the Open Space Preservation District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

17.0427 through 17.0429 (Reserved for Future Use)

17.0430 F-1 FLOODWAY DISTRICT

Refer to Chapter 14 Section 14.900

17.0431 F-2 FLOODPLAIN CONSERVANCY DISTRICT

Refer to Chapter 14 Section 14.900

17.0432 FFO FLOODPLAIN FRINGE OVERLAY DISTRICT

Refer to Chapter 14 Section 14.900

17.0433

LCO LOWLAND CONSERVANCY OVERLAY DISTRICT

The LCO Lowland Conservancy Overlay District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Village. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the Village.

A. Permitted Uses

1. Hiking, fishing, trapping, swimming, and boating, unless prohibited by other ordinances and laws.
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
3. The practice of silviculture, including the planting, thinning, and harvesting of timber.
4. Construction and maintenance of fences
5. Agricultural cultivation and pasturing provided they do not involve extension of or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
6. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing drainage system only to the extent necessary to maintain the level of drainage required to continue the existing use.
7. The construction and maintenance of piers, docks, and walkways, including those built on pilings.
8. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

B. Conditional Uses

1. Conditional Uses as allowed in Section 17.0500 Conditional Uses.

C. Prohibited Uses

1. Any use not listed as a permitted use or a conditional use is prohibited unless the LCO District lands concerned are first rezoned into another district.
2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary highwater mark of any navigable water are prohibited.
3. Lands lying within the LCO Lowland Conservancy Overlay District shall not be used to meet the minimum lot area requirements in development districts.

17.0434

UCO UPLAND CONSERVANCY OVERLAY DISTRICT

The UCO Upland Conservancy Overlay District is intended to preserve, protect, enhance, and restore all significant wood-lands, wildlife habitat areas, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Village, while not interfering with development rights perceived by the Village Board and assigned by the underlying basic use district.

A. Permitted Uses

1. Preservation of scenic, historic, and scientific areas.
2. Forest and game management.
3. Park and recreation areas.
4. Recreational trails.
5. Any use of land, except development involving structures, that is permitted in the basic underlying district, providing that such development does not destroy the natural resource features protected by the district.

B. Conditional Use

1. Conditional uses as allowed in Section 17.0500 Conditional Uses.

C. Tree Cutting and Shrubbery Clearing Prohibited

1. Lands lying within the upland conservancy overlay district shall not be clear cut of trees, shrubbery, or underbrush. No more than 10 percent of the natural vegetation shall be removed from a parcel in any one calendar year. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silviculture thinning conducted under the recommendation of a forester shall be exempt from this restriction.

D. Earth Movements Limited

1. No filling, excavation, or top soil removal shall be permitted which involves the disturbance of an area exceeding 10,000 square feet on slopes of 12 percent or more except by the granting of a conditional use permit pursuant to Section 17.0506 of this Ordinance.

17.0435

PDO PLANNED DEVELOPMENT OVERLAY DISTRICT

The PDO planned development district is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PDO Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under this section of the Ordinance and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met.

A. Permitted Uses

- 1. Uses permitted in a Planned Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

B. Minimum Area Requirements

- 1. Areas designated as Planned Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

	<u>Principal Uses</u>	<u>Minimum Area of PDO</u>
(a)	Residential PDO	10 acres
(b)	Commercial PDO	5 acres
(c)	Industrial PDO	20 acres
(d)	Mixed Use	5 acres

C. Procedural Requirements

- 1. Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay District, the owner or his agent making such petition shall meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- 2. Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk for approval of a Planned Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Village Board pursuant to Section 17.0300 of this Ordinance, and the following information:
 - (a) A statement which sets forth the relationship of the proposed PDO

to the Village's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:

- (1) Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
- (2) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
- (3) A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
- (4) Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations or administrative rules, or other universal guidelines.
- (5) The expected date of commencement of physical development as set forth in the proposal.

(b) A general development plan including:

- (1) A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding properties.
- (2) The location of public and private roads, driveways, and parking facilities.
- (3) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
- (4) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
- (5) The type, size, and location of all structures.
- (6) General landscape treatment.
- (7) Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
- (8) The existing and proposed location of public sanitary sewer and water supply facilities.
- (9) The existing and proposed location of all private utilities or other easements.
- (10) Characteristics of soils related to contemplated specific uses.
- (11) Existing topography on the site with contours at no greater than two (2) foot intervals.
- (12) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.

3. Referral to Plan Commission. The petition for a Planned Development Overlay District shall be referred to the Plan Commission for its review

and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.

4. Public Hearing. The Plan Commission shall report its findings and recommendation and the Village Board shall hold a public hearing pursuant to the requirements of Sections 17.1300 and 17.1400 of this Ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Development Overlay District.

D. Basis for Approval of the Petition

1. The Plan Commission in making its recommendation and the Village Board in making its determination shall consider:
2. That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.
3. That the proposed Planned Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
4. The Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:
 - (a) The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
 - (b) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - (c) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - (d) The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
 - (e) Public water and sewer facilities shall be provided.
 - (f) The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Register of Deeds for Waukesha County.
5. That in the case of a proposed residential Planned Development Overlay District:
 - (a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
 - (b) The total net residential density within the Planned Development

- Overlay District will be compatible with the Village master plan or component thereof.
- (c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - (d) Adequate, continuing fire and police protection is available.
 - (e) The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
6. That in the case of a proposed commercial Planned Development Overlay District:
- (a) The proposed development will be adequately served by off-street parking and truck service facilities.
 - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
 - (c) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (d) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
7. That in the case of a proposed industrial Planned Development Overlay District:
- (a) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
 - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
 - (c) The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
 - (d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
8. That in the case of a mixed use Planned Development Overlay District:
- (a) The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood.
 - (b) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.

- (c) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

E. Determination

- 1. The Village Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Village Board.

F. Changes and Additions

- 1. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Plan Commission and if in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of Section 17.1400 of this ordinance, and said proposed alterations shall be submitted to the Village Board for approval.

G. Subsequent Land Division

- 1. The division of any land or lands within a Planned Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PDO approval.