

ORDINANCE NO. 2013-12

AN ORDINANCE REPEALING AND RECREATING SECTION 11.29 OF CHAPTER 11, ZONING, OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE RELATING TO SITE PLAN DESIGN AND REVIEW

The Village Board of the Village of Allouez, Brown County, Wisconsin, does ordain as follows:

SECTION 1.

11.29 SITE PLAN DESIGN AND REVIEW. Development and design standards in certain districts.

- (1) **Introduction.** This ordinance is designed to provide for the future growth and development of those multifamily residences, businesses, and industries that seek an aesthetically attractive working environment. The intent of this ordinance is to promote and maintain desirable economic development that is practical, feasible, and an asset to owners, neighbors, and the Village of Allouez while maintaining an attractive environment.
- (2) **Objectives.** The purpose of this ordinance is to establish standards, and procedures for review of all new development proposals and the expansion of existing businesses and industries in the applicable zoning districts in order to:
 - (a) Provide for safe, efficient vehicular, bicycle, and pedestrian circulation.
 - (b) Provide for screening, landscaping, signage, and lighting.
 - (c) Ensure efficient, safe, and attractive land development.
 - (d) Ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties.
 - (e) Develop proper safeguards to evaluate and identify the impact on the environment including but not limited to air quality, wetlands, and waterways.
 - (f) Ensure the provision of adequate water supply, drainage, storm water management, sanitary facilities, and other utilities.
 - (g) Encourage modern and innovative design, construction, technology, and planning methods.
 - (h) Maintain or enhance property values.
 - (i) Advance sound growth and continued development within the Village of Allouez in keeping with the goals, objectives, and policies of the currently adopted Village of Allouez Comprehensive plan.
- (3) **Applicability.** Site Plan and Design Review Ordinance review is required prior to the issuance of a building permit for new development, to structurally modify the building exterior or site of an existing development, or to facilitate a change of use of a development after a zoning district amendment in the following zoning districts:
 - (a) "A" Residence District, except single-family dwellings.
 - (b) "B" Residence District, except two-family dwellings.

- (c) High Density District.
 - (d) "C" Professional Office and Residence District.
 - (e) High Rise Residence District.
 - (f) Commercial District.
 - (g) Light Industrial District.
 - (h) Highway Business Uses District.
- (4) **Standard requirements.** The interpretation and application of the provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety, and welfare.
- (a) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.
 - (b) Where permitted and prohibited uses, site and landscape regulations, building design criteria, off-street parking and loading requirements, and other regulations contained herein are either more or less restrictive than comparable conditions imposed by provisions contained in the Village of Allouez Zoning Ordinance or of any other law, ordinance, rule, resolution or regulations, the requirements that are more restrictive or which impose a higher standard shall govern.
 - (c) General maintenance and repair of existing structures which are permitted uses in the applicable zoning districts are not subject to site plan and design review, provided there are no structural additions or subtractions and/or the use of the structure does not change.
- (5) **Administration.** The administration of this ordinance shall be vested in the following: Village of Allouez Zoning Administrator, the Village of Allouez departments identified in Section (b), below, the Village of Allouez Plan Commission, and the Allouez Village Board.
- (a) It shall be the duty of the Zoning Administrator to be in charge of the day-to-day administration and interpretation of the Development and Design Standards. Enforcement of these standards is charged to the Allouez Building Inspector in accordance Wis. Stats. § 62.23(7).
 - (b) All proposed site plans shall be forwarded to the following Village of Allouez departments: Zoning Administrator, Village Administrator, Building Inspection, Parks, Fire, Police, and Public Works. These departments shall review each plan and make recommendations to ensure the proposal meets the requirements of this and other applicable Village of Allouez ordinances, plans, or policies. These departments shall be responsive to applicants and their possible time constraints and shall expedite the review process to the extent possible.
 - (c) From time to time the design criteria may be amended, changed or deleted. Such action shall take place originating before the Village of Allouez Plan Commission with action by the Allouez Village Board in accordance with Wis. Stats. § 62.23(7).
 - (d) **Administrative Appeals.** Administrative determinations of the zoning administrator or building inspector regarding these requirements may be appealed to the Village of Allouez Zoning Board of Appeals.

(e) **Variances.** The Allouez Village Board may vary the provisions of this ordinance when in the Village Board's judgment applying literally to the provisions would result in an unreasonable hardship, as opposed to a mere inconvenience. Any variance granted shall be entered in the minutes of the Village Board, setting forth the reasons which justified the modification.

(6) **Site Plan**

(a) **Procedure.** The following procedure shall be followed for the submittal of site plans.

- 1) **Preliminary consultation.** Prior to the submittal of a site plan, the developer or his/her agent shall meet with the Zoning Administrator, the Building Inspector, and/or other appropriate Village of Allouez staff to discuss all elements considered during site plan review. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Village of Allouez.
- 2) **Plan submittal.** Fifteen (15) dated paper copies, one (1) digital image file of all site plans and one (1) digital copy on CD or DVD containing AutoCAD.dwg files referenced to the Brown County Coordinate System requiring review by the Village Board shall be submitted to the Village Clerk along with the corresponding review fee. An aerial photo of the site showing all adjacent properties shall also be included. All plans and all subsequent revisions shall be dated and shall be drawn to an engineering scale no greater than one (1) inch equals one hundred (100) feet plus one (1) complete set of such plans reduced in size to eleven (11) inches by seventeen (17) inches and include the following information:
 - a. Name of project/development;
 - b. Location of project/development by street address;
 - c. Name and contact information of the applicant;
 - i. If the applicant is not the same as the property owner, the applicant shall submit a signed statement from the owner approving of the site plan and design review application.
 - d. Name and mailing address of engineer/architect/surveyor;
 - e. North arrow;
 - f. Scale;
 - g. Boundary lines of property, with dimensions and building setback lines;
 - h. Location, identification, and dimensions of existing and proposed:
 - i. Topographic contours at a minimum interval of two (2) feet;
 - ii. Adjacent streets and street rights-of-way;
 - iii. On site streets and street rights-of-way;
 - iv. Utilities and utility easements;

- a. Electric
- b. Natural Gas
- c. Telephone
- d. Water
- e. Sewer (sanitary and storm)
- f. Fiber optic lines
- g. Cable television lines
- h. Antennas, satellite dishes, other communication poles and transmission lines
- i. All buildings and structures;
- ii. Parking facilities; with provisions for bicycles, scooters, and motorcycles that meet the requirements of Section 11.13;
- iii. Water bodies, wetlands, floodplain and floodway delineations, and other environmentally sensitive areas;
- iv. Stormwater ponds, drainage ditches, and drainage patterns;
- v. Sidewalks, walkways, trails, and driveways;
- vi. Off street loading areas and docks that meet the requirements of Section 11.29(11).
- vii. Fences and retaining walls meeting the requirements of Section 11.29(8);
- viii. All exterior signs meeting the requirements of Section 11.28;
- ix. Exterior refuse storage/collection areas;
- x. Exterior lighting plan with lumen distribution; and
- xi. Traffic flow on and off site, including any ingress/egress easements.
- i. Landscaping plan meeting the requirements of Section 11.29(10);
- j. Site statistics, including:
 - i. Site square footage;
 - ii. Percent site coverage;
 - iii. Percent open space;
 - iv. Floor area ratio.
- k. Location and dimensions of proposed outdoor display areas, including vending machines and donation bins;
- l. Color architectural rendering of the proposed structures and buildings, including:
 - i. All exterior dimensions;

- ii. Gross square footage of existing and proposed buildings and structures; and,
- iii. Description of all exterior finish materials.
- m. Erosion control and stormwater management plans;
- n. A staging plan for any projects involving more than one phase or construction season which sets forth the chronological order of construction and relates to the proposed uses and structures of various service facilities and estimated completion dates;
- o. Impact analysis to determine the potential direct or indirect effects of a proposed development on activities, utilities, traffic circulation, surrounding land uses, community facilities, noise, environment and other factors, as requested by the Village of Allouez.
- p. Other site specific information considered pertinent by the Village of Allouez.

3) Review and Approval.

- a. Following submittal of the site plan by the applicant and review by Allouez Village staff, the site plan shall be forwarded to the Plan Commission. The Plan Commission shall determine the overall compatibility of the proposed development in keeping with the Comprehensive Plan of The Village of Allouez and this ordinance and present a recommendation to the Village Board of Trustees to approve, approve with conditions, or deny the application. The Village of Allouez Board of Trustees will take action to approve, approve with conditions, or deny the application based upon the appropriate zoning district requirements and the criteria set forth in this ordinance and other applicable Village of Allouez ordinances.
- b. If approval is conditional, final approval may be withheld until a revision depicting such additional measures and/or modifications necessary to attain approval are submitted to the satisfaction of the Village Board. Alternatively the Village Board may conditionally approve the application subject to the provision of a revised site plan and/or design addressing the approval conditions to the satisfaction of Village staff.
- c. The Village Board may further condition approval on applicant providing a performance bond and/or escrow deposit to guarantee performance of applicant's obligations hereunder in such amount and with such surety company as is reasonably determined and requested by the Village Board.

(7) General building and site plan performance standards.

- (a) In reviewing site plan applications, the Village of Allouez shall utilize the following criteria as a basis to determine whether the submitted site plan and building design shall be approved, approved with conditions, or denied. The purpose of these criteria is to identify site plan and design features that affect the physical aspect of the village's environment. These criteria are not intended to restrict imagination, innovation, or variety, but rather to set minimum standards and assist in focusing on

site plan and design principles that will result in creative solutions to develop satisfactory visual appearance within the village, preserve taxable values, and promote the public health, safety, and welfare.

- 1) All standards of this chapter and other applicable Village regulations are met.
- 2) Adequate public facilities and utilities are provided.
- 3) Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is limited insofar as is practical.
- 4) Appropriate traffic control, parking, ingress/ egress, and pedestrian ways are provided.
 - a. All parking lots and/or driving areas are paved with concrete, asphalt, or water-permeable pavers.
 - b. Landscaped islands, raised sidewalks, or similar techniques are employed to break up the expanses of a parking lot and provide safe pedestrian access. Painted lines shall not be deemed as meeting this requirement.
 - c. Prefer parking lots to be located to the side or rear of the principal building.
 - d. Owner should provide parking for bicycles.
- 5) Landscaping must meet the requirements in Section 11.29(10).
- 6) Exterior lighting is contained on the lot to the extent practicable and meets the requirements of Section 11.29(9).
- 7) Outside refuse bins are located behind the principal structure and screened from view by use of solid brick/stone screening or opaque, treated wooden fencing. Except for the access gate, plastic or wooden slats through cyclone fencing shall not be deemed sufficient. The pavement adjacent to and under the dumpster must be of a quality to hold up to garbage trucks emptying dumpsters.
- 8) The building(s) maintain a consistency of design and arrangement.
 - a. Buildings have articulated front façades and varied rooflines.
 - b. Walls contain windows or other architectural treatments to break up the mass. A change in paint tone or color shall not be deemed sufficient.
 - c. Window treatments such as awnings, shutters, trim, and/or casings shall be utilized on the primary façade and windows facing streets.
 - d. All mechanical equipment is enclosed or screened. Rooftop equipment is integrated into the design of the structure, enclosed, or screened from ground-level view to the extent practicable.

- e. Loading docks shall meet the requirements of Section 11.29(11).
 - f. Gas station canopies shall consist of mansard, hip, or gable style roofs with architectural shingles and recessed lighting. Canopy supports shall consist of brick, stone, or colored, split-face concrete masonry. Convenience stores with gas filling stations shall be of a similar architectural style.
 - g. Principal structures shall have their primary façade oriented parallel to the primary street frontage. Where specific site constraints such as environmental features, physical dimensions of the parcel(s), or the existing development pattern make this requirement unreasonable, the Village Board may allow a different orientation provided that a direct pedestrian walkway is provided between the primary building(s) entrance(s) and primary street frontage.
- 9) Building exterior colors, materials, and finishes shall be coordinated in a consistent manner.
- a. In the “A” Residence, “B” Residence, High Density, “C” Professional Office and Residence District, High Rise Residence District, and Commercial District, exterior building cladding and store front materials may consist of the following:
 - i. Hard burned clay brick.
 - ii. Natural stone.
 - iii. Glass curtain walls.
 - iv. Fiber cement siding.
 - v. Colored, split-face concrete masonry.
 - vi. Exterior Insulation and Finish Systems (EFIS).
 - vii. Stucco.
 - viii. Wood siding.
 - b. In the Light Industrial District, exterior building cladding materials may consist of the following:
 - i. Any materials listed in 11.29(7)(a)(9)a.
 - ii. Concrete may be poured in place, tilt-up or pre- cast. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating. Textured finishes, except in special cases, shall be coated. Pre-cast units which are not uniform in color shall be coated. Coating shall be approved cement or epoxy type with a ten (10) year minimum life expectancy.

iii. Metal siding may be used only in combination with one of the approved materials and with approval of the Village Board. Metal siding may be utilized only on the side and rear building walls that do not face an adjacent street. The first twenty-five (25) feet of any building side wall or twenty-five (25) percent of the side wall surface, whichever is greater, and twenty-five (25) percent of the rear wall (excluding door, window or other openings), shall be constructed of the materials listed under 1) through 5), above. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Such panels shall be insulated (facing shall carry a U.L. Approval), have a vapor barrier and have a minimum eight (8) foot (from floor) interior wear wall. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.

c. Other materials approved by the Village Board.

d. The building exterior requirements of this Section are intended to be minimum requirements and more stringent requirements may be recommended by the Plan Commission and approved by the Village Board, taking into consideration public interests such as coordinating a consistent appearance and quality of construction with adjacent structures, the size of the proposed structure, the topography of the site, and the proximity of the structure to public rights-of-way.

(b) Approval, Construction, Expiration, and Amendments.

- 1) No land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this ordinance and shall be subject to all applicable enforcement mechanisms and penalties.
- 2) Construction shall commence within six (6) months of Village Board approval and be completed within twenty-four (24) months of plan approval. If construction is not completed within 24 months of approval, the site plan approval expires.
- 3) If Village Board approval is conditional, construction shall commence within six (6) months of the conditions of approval being met, as determined by the Village of Allouez. If construction is not completed within 24 months of the conditions for approval being met, the site plan approval expires.

- 4) An amendment to the timeline of the site plan approval (either conditional or not) may be granted if agreed upon in writing by the Village and the applicant prior to the expiration of the site plan approval. If the site plan approval does expire, the applicant must reapply for site plan approval for the project to continue.
 - 5) In the event the site plan approval does expire, before the completion of the project, and the applicant does not wish to reapply to complete the project, the Village has a right to provide the necessary services to bring the project to completion or to the satisfaction of the Plan Commission and the Village Board so as to not have an adverse effect upon the community as a result of termination of the project. The Village shall provide the necessary services mentioned above and levy the cost thereof as a special assessment on the tax bills of the applicant.
- (c) **Maintenance.** The exterior walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished, repaired, or repainted in accordance with the reasonable determination and order of the Building Inspector within sixty (60) days' notice of such defect.
- (8) **Fences.** In the zoning districts and uses subject to site plan review, compliance with Village of Allouez code Chapter 26 Fences is required in addition to the following:
- (a) **Construction and maintenance.** Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, is a public nuisance and shall be repaired. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except for limited outdoor storage areas.
 - (b) **Location/height.** On corner lots in all districts, no fence or planting in excess of thirty-six (36) inches above the street center line grade shall be permitted within a triangular area defined as follows: Vision clearance triangle shall be bounded by the street right-of-way lines and a "vision clearance setback line" connecting points on each right-of-way, which are located a distance of 30 feet back from the intersection of the right-of-way lines.
 - 1) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable as a collapsible section, or other such means of recognizable ingress, shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point

paralleling the front lot line between the side lot property line and the principal structure.

2) Fences shall not exceed eight (8) feet in height.

(9) **Lighting standards:** To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design. Proposed lighting, whether freestanding or building-mounted, shall complement the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural, and safety factors:

- (a) Any lighting used to illuminate off-street parking, loading and service areas, shall be dark sky compliant and shaded, diffused, or arranged to reflect light away from adjacent parcels and public streets. Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates. All exterior lighting must be reduced or turned off, in concurrence with signs, according to the shut-off times stated in the village sign ordinance (11.28) for the respective zoning.
- (b) Walkway lighting should be of a decorative, pedestrian scale with a height of ten (10) to fourteen (14) feet above grade. Bollard lighting may be used for low level walkway illumination.
- (c) Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well-designed soft lighting of the building exterior is allowed provided it does not impact on the surrounding properties, complements the architecture, and the light source is concealed.
- (d) A photometric lighting plan with lumen distribution shall be submitted for review concurrently with the site plan and design review application.

(10) Landscaping

- (a) **General statement.** The Village of Allouez finds that it is in the public interest for all developments to provide landscape improvements for the purposes of: complementing the natural environment; improving the general appearance of the Village of Allouez and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.

(b) **Landscape plan.** All applicants for building permits in the following districts shall submit a landscape plan, prepared pursuant to (c), below, for review as required herein prior to the request for a building permit. Where procedures and requirements imposed by this section of the ordinance are either more restrictive or less restrictive than comparable procedures and requirements imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern.

- 1) "A" Residence District, except single-family dwellings.
- 2) "B" Residence District, except two-family dwellings.
- 3) High Density District.
- 4) "C" Professional Office and Residence District.
- 5) High Rise Residence District.
- 6) Commercial District.
- 7) Light Industrial District.
- 8) Highway Business Uses District.

(c) **Procedure.** The following procedure shall be followed for the submittal of landscape plans if not submitted concurrently with the site plan.

- 1) **Preliminary consultation.** Prior to the submittal of a landscape plan, the developer shall meet with the Zoning Administrator, the Building Inspector, Parks Director and/or other appropriate Village of Allouez staff to discuss zoning district, site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Village of Allouez.
- 2) **Plan submittal.** Fifteen(15) paper copies and one (1) digital copy of all landscape plans to be reviewed by the Village of Allouez shall be submitted as specified on the site plan application form. Landscaping plans may be submitted separately or included with the site plan. All plans and all subsequent revisions shall be dated and shall be drawn to an engineering scale no greater than one(1) inch equals one hundred (100) feet plus one (1) complete set of such plans reduced in size to eleven (11) by seventeen (17) inches and contain the following information:
 - a. The location, dimensions, and maintenance responsibility of all proposed open space areas;
 - b. Identification of all proposed vegetation:

- i. Symbols, quantities, common names, and size of all plant materials, and whether the plants are ball burlapped, potted, or bare root.
 - ii. Showing all species to scale of mature crown diameter or spread.
 - c. All existing vegetation to be saved, removed, or transplanted; and
 - d. Typical sections of berms, fences, retaining walls, planter boxes, etc.
- 3) **Reviews.** Review of landscape plans shall be conducted concurrently and follow the same procedure as site plan review.
- 4) **Species.** The landscape plan shall be reviewed by the Village of Allouez Parks Department to assure compliance with the requirements contained herein.
- 5) **Implementation/Replacement**
 - a. Landscaping is to be installed in accordance with compliance timetable
 - b. Any vegetation included on an approved landscape plan that dies shall be replaced within one planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.
- 6) **Maintenance.** It shall be the joint responsibility of the owner/and or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the landscape and site plans. The property owner shall engage in a long-term maintenance agreement with the village.
- 7) **Compliance timetable.** All landscape plans shall include a timetable for construction, installation, or planting within a period not to exceed two (2) years from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot and who has not complied with that requirement shall, within sixty (60) days of receipt of written notice from the Building Inspector that a violation of this chapter exists, comply with all requirements or be subject to Village of Allouez zoning code Section 11.24 Enforcement, Violation, Penalties.
- 8) **District requirements.** Landscape plans shall meet the following minimum requirements:
 - a. If not specified, in 2) or 3) below, all districts shall contain at a minimum the additive value listed below:
 - i. One (1) tree per dwelling unit.
 - ii. One (1) tree per 1,000 square feet of gross floor area, and any fraction thereof, for nonresidential uses.
 - iii. One (1) tree per every eight (8) parking stalls.

- iv. One (1) street tree for street frontages greater than 100 feet.
 - v. Twenty (20) percent of total lot area shall remain as open space.
 - b. Highway Business Use and Commercial Districts shall contain, at a minimum:
 - i. One (1) tree per 1,000 square feet, or fraction thereof, of gross floor area.
 - c. Light Industrial District shall contain, at a minimum:
 - i. One (1) tree per 10,000 square feet of lot area, or fraction thereof.
- 9) Buffers. That portion of any High Density District, “C” Professional Office and Residence District, High Rise Residence District, Light Industrial District, or Highway Business Use District which includes or is adjacent to single or two-family residential development shall have a landscaped area of at least six (6) feet wide extending the full length of the Business, Industrial, or Multifamily District and meeting the following minimum requirements:
- a. One (1) tree per thirty-five (35) lineal feet, or fraction thereof, of lot line bordering single and/or two-Family residential development.
 - b. A shrub, border, hedge, wall, fence earthen berm, or other durable landscape barrier, or combination thereof, at least six (6) feet high, but not exceeding eight (8) feet high which is ninety (90) percent opaque to sight placed along the perimeter of such landscaped strip, except in the front yard setback.
 - c. **Variance.** The Village Board may vary the buffer provisions and minimum requirements following input from adjoining property owners and residents, consideration of the nature of the business, hours of operation and duration of the business and impact of business on adjacent residential properties. Any waiver or variance granted hereunder by the Village Board is personal to the applicant and the nature of the business at the time of consideration and does not transfer or carry over to any new owner or upon material change in business usage and/or hours of operation, in which event, the waiver and/or variance shall expire and new application need be made.

(11) Off-street loading requirements: Shall apply to High Density District, “C” Professional Office and Residence District, High Rise Residence District, Commercial District, Light Industrial District, and Highway Business Uses District:

- (a) Minimum facilities. All warehousing, manufacturing plants, or any other building where large amounts of goods are received or shipped, shall provide adequate loading and unloading requirements as determined by the Village Board.
- (b) Location.

- 1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.
 - 2) Loading berths shall be located on the rear or side of the building. If due to production techniques, loading berths must be located in the front of the building, they shall be set back a minimum of five (5) feet from the front of the building.
 - 3) Loading berths located at the side of buildings on a corner lot shall observe the following requirements:
 - a. Loading berths shall not conflict with pedestrian movement.
 - b. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.
 - c. Loading berths shall comply with all other requirements of this ordinance.
 - 4) Each loading berth shall be located with appropriate means of vehicular access to a street in a manner which will cause the least interference with vehicle, pedestrian, and bicycle traffic.
- (c) Surfacing. All areas intended to be utilized for off-street loading shall be surfaced with bituminous asphalt or concrete.
- (d) Utilization. Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities.
- (e) Change of use. Where a change of use in off-street loading facilities is made necessary due to damage, destruction, increased use, or any other change of use, such change shall be reviewed by the Village Board.
- (f) Loading dock screening. All loading dock areas shall be screened from adjacent uses. Screening shall consist of fences, walls, and berms of sufficient height, plantings, or a combination of the above elements. Loading dock areas shall be screened at a minimum elevation of five (5) feet above the finished grade at property lines.
- (g) Standards. All plant material shall conform to the specifications and procedures stated in the Landscape Plan Requirements section of these standards.
- (h) Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use, uses or building, to maintain in a neat and adequate manner, the loading space, access ways, striping, landscaping, screening, and required fences.
- (12) Outdoor Storage:** Outdoor storage of any material other than motor vehicles in operable condition is prohibited. Storage of materials, equipment, parts, inventory, etc. shall take

place in completely enclosed structures that meet the General Building and Performance Requirements contained herein. Outdoor storage of motor vehicles in operable condition is allowed provided such outdoor parking (storage) areas are screened pursuant to the definition (of screening) contained in the Definitions Section.

(13) Parking: Parking shall comply with the requirements of Chapter 11.13.

(14) Signs: All signs shall comply with the requirements of Section 11.28.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Dated this 5th day of November, 2013.

Steven VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

Date of Publication: _____