

# Memo

To: Plan Commission, Village Board

Fr: Trevor Fuller, Planning and Zoning Administrator

Re: ACTION RE: APPROVAL OF AMENDMENT TO ARTICLE IX OF CHAPTER 475 OF THE VILLAGE ORDINANCES, DISTRICT REGULATIONS

Date: 15 December 2017

The Plan Commission has been discussing amending Chapter 475 of the Village Ordinances; the Zoning Code. Recent discussions have been around stop-gap solutions to allow for more mixed-use development. Both Brown County and the Center for Land Use Education have recommended adding additional uses to the Commercial District by way of a Conditional Use Permit as a possible stop-gap solution. Attached is amended language with these changes. Existing Zoning Code is shown in black, with the proposed amendments highlighted and shown in blue.

The language was reviewed by the Plan Commission at the September and November meetings and the changes suggested at that time have been made. The Plan Commission recommended proceeding with amending the Zoning Code to allow for the additional Conditional Uses in the Commercial District.

**The Village Board is asked to review and discuss the proposed amendments and schedule a public hearing for January 16, 2018.**

§ 475-3 **Definitions.**

**DWELLING, EFFICIENCY**

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

**FLOOR AREA, GROSS**

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

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

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

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

**FLOOR AREA RATIO**

The numerical value obtained through dividing the Gross Floor Area (GFA) of a building or buildings by the total area of the lot or parcel of land on which the building or buildings are located. The total area of the lot or parcel shall include all the land within its boundaries, including the buffer areas.

§ 475-19 **Commercial District.**

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

- (1) No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:
  - (a) Office buildings.
  - (b) Buildings which are devoted to retail trade or service.
  - (c) Indoor tennis facilities, public or private.
  - (d) Health facilities, gymnasiums, yoga centers, meditation centers, martial arts training facilities and the like.
  - (e) Dance studios.
  - (f) Greenhouses.
  - (g) Bank buildings and drive-up banking facilities in conjunction with bank buildings located on the same parcel.
  - (h) Restaurants, excluding drive-in restaurants or food-serving facilities offering in-car service from a drive-through service window or counter.
  - (i) Taverns and pubs, including licensed liquor establishments and excluding brewpubs and micro-breweries. [Amended 8-18-2015 by Ord. No. 2015-06]
  - (j) Laundromats and dry-cleaning establishments providing direct retail customer services.
  - (k) Day-care centers.
  - (l) Hospital(s).
  - (m) Clinic(s).
  - (n) Hair styling salons, beauty salons, and/or health and beauty spa facilities.



- (o) The following, if approved as a conditional use under the provisions of Article VII, Conditional Uses: [Added 8-18-2015 by Ord. No. 2015-06]
- [1] Brewpub.
  - [2] Micro-brewery.
  - [3] Mixed residential and commercial uses.
  - [4] Apartment buildings, multiple family dwellings, and residential condominiums for three or more families.
- (2) Advertising signs on and off premises are subject to the requirements of Article IX, Signs.
- B. Height regulations. In the Commercial District no building shall be hereafter erected or structurally altered to exceed four stories or 50 feet in height, except that public and semipublic buildings may be erected to a height not exceeding 75 feet, provided that the side yards are increased two feet for each foot such building exceeds the height limit specified.
- C. Area regulations.
- (1) Front yards. Every lot in the Commercial District shall have a front yard with a depth of not less than 15 feet, except for the following:
- (a) ~~that where lots~~ Lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than six feet from such average, ~~no building hereafter erected or structurally altered shall project beyond the average front yard line so established, and~~ provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet.
  - (b) New developments in which the Village or the developer requests a front yard setback less than what is required under this section, one may be permitted through a conditional use permit, so long as the setbacks are not in the sight triangle or do not conflict with other vision requirements in this chapter.
- (2) Side yards.
- (a) Where a lot abuts on the side of a lot in a residence district, there shall be a side yard of not less than six feet in width.
  - (b) Every side yard that is provided, but which is not required by these regulations, shall be not less than six feet in width.
  - (c) Corner lots shall have a side yard not less than 15 feet in width on the side of the lot which abuts the street.
- (3) Rear yards. Every lot shall have a rear yard with a depth of not less than six feet, except that if the rear of a lot abuts a lot in a residential district, the rear yard shall be not less than 10 feet in depth.
- (4) Total lot area. There is no minimum size lot requirement.
- D. Off-street parking. Parking shall be regulated as set forth in Article IV, Off-Street Parking.
- E. Architectural requirements. All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure. [Added 8-18-2015 by Ord. No. 2015-06] Required Conditions for Conditional Use Permits under this section.
- (a) Architectural requirements Brewpubs and micro-breweries. All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure or housed within completely enclosed buildings. [Added 8-18-2015 by Ord. No. 2015-06]
  - (b) Mixed residential and commercial uses.

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

§ 475-20 **Light Industrial District.** (*Microbrewery added to the list of allowed uses*)

A. Use regulations. In a Light Industrial District no building or land shall be used and no building shall hereafter be erected or structurally altered except for one or more of the following uses:

- (1) All uses permitted in the Commercial District, including those that require a conditional use permit. [Amended 8-18-2015 by Ord. No. 2015-06]
- (2) Storage of structural material, exclusive of coal or oil.
- (3) Privately owned athletic field operated for profit.
- (4) Warehousing or wholesaling materials not otherwise prohibited in this chapter.
- (5) Hospitals and clinics.
- (6) Any other use except the following:

..... Liquors (malt) manufacture, except for the case of a brewpub and microbrewery.....