

# VILLAGE OF OREGON ZONING ORDINANCE

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# CHAPTER 17: ZONING ORDINANCE

## ARTICLE 0: INTRODUCTION AND DEFINITIONS

### **Section 17-001: Title**

This Chapter shall be known, cited and referred to as the VILLAGE OF OREGON ZONING ORDINANCE except as referred to herein, where it shall be known as “this Chapter”.

### **Section 17-002: Authority**

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law Reference: Section 62.23(7), 62.231, 87.30 Wisconsin Statutes

### **Section 17-003: Legislative Intent**

In enacting this Chapter, special attention has been given to ensuring a direct relationship of these regulations to the Village of Oregon’s Comprehensive Master Plan. The general intent of this Chapter is to implement certain goals and objectives of the Comprehensive Master Plan which are best addressed through zoning approaches, as enabled by State of Wisconsin Statutes.

### **Section 17-004: Rationale and the Appearance of Ordinance Text**

#### **(1) Rationale**

Throughout this Chapter, paragraphs labeled “Rationale” are included to ensure a complete understanding of the purpose and reasoning of the Village in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall be treated in the same manner as other aspects of legislative history, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section are not intended to be exhaustive, and other non-explicit rationale may also be applicable.

#### **(2) Appearance of Ordinance Text**

The underlined, boldfaced, italicized, alternative point-sized, and/or capitalized typefaces used in this Chapter are inserted only for convenience, and are in no way to be construed as part of the provisions of this Chapter or as a limitation on the scope of the particular sections or subsections to which they refer.

### **Section 17-005: Purpose**

- (1) The overall purpose of this Chapter is to implement the Village of Oregon Comprehensive Master Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes.
- (2) This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to promote adequate light and air; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in s.157.70(1). State Law Reference: Section 62.23(7)(c), Wisconsin Statutes.
- (3) Specifically, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the Comprehensive Master Plan. Additional purposes of this Chapter are specified throughout this Chapter.

**Rationale:** In developing the specific regulations of this Chapter, much effort has gone into balancing the goals and objectives of the Comprehensive Master Plan. The current status of this Chapter and its components (including the Official Zoning Map) represents the cohesive result of carefully considered plan

implementation practices. Amendments to these provisions and/or the Official Zoning Map shall seriously consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Master Plan, and related long-range planning policies and programs. (See Sections 17-902 and 17-903.)

### **Section 17-006 Separability and Non-Liability**

It is hereby declared to be the intention of the Village Board that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgement shall not affect any other provisions of this Chapter not specifically included in said judgement.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgement shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgement.
- (3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) The Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

### **Section 17-007: Abrogation**

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

### **Section 17-008: Rules of Interpretation**

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Oregon.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.
- (3) No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except structures not requiring a building or zoning permit (swing set, clothesline, etc), and without full compliance with the provisions of this chapter and all other applicable local, county and State regulations.
- (4) Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit.
- (5) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 17-210), Nonconforming Developments (Section 17-310), Substandard Lots (Section 17-407), and Nonconforming



Structures and Buildings (Section 17-408), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, that does not conform to the requirements of this Chapter.

- (6) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.
- (7) Except for outlots authorized under the Village's Land Division Regulations to contain permanently protected green space area, no yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot.

### **Section 17-009 Jurisdiction**

This Chapter is applicable to all territory located within the corporate limits of the Village of Oregon.

### **Section 17-010 Re-enactment and Repeal**

- (1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning Code", Chapter 17 of the Code of Ordinances for the Village of Oregon, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
- (2) All provisions of Chapter 17 of the Village of Oregon Code of Ordinances which are not re-enacted herein are hereby repealed.
- (3) The adoption of this Chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor Zoning Ordinance provided the violation occurred while that Chapter was in effect.

### **Section 17-011 Effective Date**

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to Developer's Agreement provisions. This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map.

### **Section 17-012 Introduction to Word Usage, Abbreviations and Definitions**

The purpose of Sections 17-031 through 17-034 is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration and enforcement of this Chapter, and which are not part of common English usage.

### **Section 17-013 Word Usage**

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the manifest intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses & derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall", "must" and "will" are mandatory.
- (5) The words "may", "can" and "might" are permissive.

- (6) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (7) The word “Village“ shall mean the Village of Oregon, Wisconsin.
- (8) The word “County” shall mean the County of Dane, Wisconsin.
- (9) The word “State” shall mean the State of Wisconsin.
- (10) The word “Commission” shall mean the Village of Oregon Plan Commission.
- (11) The words “Board” and “Village Board”, shall refer to the Village of Oregon Village Board.
- (12) The word “Board” shall mean the Village of Oregon Board of Zoning Appeals.
- (13) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

**Section 17-014 Abbreviations**

The following abbreviations in this Chapter are intended to have the following meanings:

<b>Abbreviation</b>	<b>Meaning</b>	<b>Abbreviation</b>	<b>Meaning</b>
Ac	Acre	NDA	Net Developable Area
CB	Central Business (zoning district)	nonres	nonresidential
db	decibel	PB	Planned Business (zoning district)
du	dwelling unit	PD(_-_)	Planned Development (zoning district)
ER-1	Exurban Residential-1 (zoning district)	PI	Planned Industrial (zoning district)
FAR	Floor Area Ratio	PO	Planned Office (zoning district)
ft	Foot	res	residential
GI	General Industrial (zoning district)	RPA	Resource Protection Area
GSA	Gross Site Area	RH	Rural Holding (zoning district)
GSR	Green Space Ratio	SR-3	Single-family Residential-3 (zoning district)
I	Institutional (zoning district)	SR-4	Single-family Residential-4 (zoning district)
ISR	Impervious Surface Ratio	SR-5	Single-family Residential-5 (zoning district)
LSR	Landscape Surface Ratio	SR-6	Single-family Residential-6 (zoning district)
max	maximum	sf or sq.ft.	square feet
MBS	Maximum Building Size	TR-6	Two-family Residential-6 (zoning district)
MGD	Maximum Gross Density	8-	eight or fewer
min	minimum	9+	nine or more
MH	Maximum Height	16+	sixteen or more
MLA	Maximum Lot Area	#F	number of floors
MSA	Minimum Site Area	-	or fewer
MR-8	Multi-family Residential-8 (zoning district)	+	or more
na	not applicable		
NB	Neighborhood Business (zoning district)		
NO	Neighborhood Office (zoning district)		

**Section 17-015: Definitions**

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

**Abutting:** Having a common border with, or being separated from such common border by an alley or easement.

**Access:** A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

**Access, direct:** A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

**Access, secondary:** A means of providing vehicular or non-vehicular ingress to or egress from a property and a source other than a street or alley (e.g. easement, common driveway, etc.).

**Access standards:** See Section 17-702.

**Acre:** 43,560 square feet.

**Accessory Residential Unit:** See Section 17-206(8)(y)

**Accessory use or structure:** A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. See Section 17-202(5).

**Active outdoor public recreational (land use):** See Section 17-206(3)(b).

**Activity center:** An area which is typified by a concentration of nonresidential and/or multi-family development.

**Addition:** Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

**Adjacent:** Abutting, or being located directly across a right-of-way from, a separate lot.

**Agricultural district:** See Section 17-105(1).

**Agricultural land use(s):** See Section 17-206(2).

**Agricultural services (land use):** See Section 17-206(2)(d).

**Air pollution standards:** See Section 17-710.

**Airport (land use):** See Section 17-206(6)(b).

**Alley:** A public or private right-of-way usually of reduced width as compared to a street, primarily intended to provide a secondary means of access to the side or rear of an abutting property fronting upon another street right-of-way and not for the use of through traffic.

**Amendment of zoning regulations:** See Section 17-902.

**Amendment of official zoning map:** See Section 17-903.

**Animal unit:** A measure which represents a common denominator for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit:

**Animal Unit Table**

Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit
Horse (> 2 yrs)	1	Calves (< 1 yr)	5	Lambs	14
Colt (< 2 yrs)	2	Brood Sow or Boar	2	Chickens – Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens – Fryers	60
Cattle (< 2 yrs)	2	Sheep	10	Turkeys	50

*Source: The Stockman's Handbook*

**Apartment:** See Section 17-206(1)(a)7.

**Appeal:** A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 17-912.

**Arterial street:** See Street, Arterial.

**Artisan studio:** See Section 17-206(4)(r).

**Average ground elevation:** The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

**Base flood:** The flood having a one percent chance of being equaled or exceeded in any given year. The 100 year flood.

**Basement:** A portion of a building located partly underground, but having one-half or less of its floor to ceiling height below the average grade of the adjoining ground.

**Bed and breakfast establishment (land use):** See Section 17-206(4)(l).

**Bedroom:** A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

**Blanket variance:** A variance which is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming developments (see Section 17-307 or legal nonconforming residential structures (see Section 17-408(9)).

**Boarding house (land use):** See Section 17-206(4)(o).

**Bufferyard:** Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property. See Article VI.

**Building:** A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by shared walls, each unit is a building.

**Building, accessory:** A building which:

- a) Is subordinate to and serves a principal structure or a principal use;
- b) Is subordinate in area, extent, and purpose to the principal structure or use served;
- c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
- d) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

**Building coverage:** The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

**Building front:** That exterior wall of a building which faces the front lot line of the lot.

**Building height:** The vertical distance from: (1) the average elevation of the adjoining ground level to the top of the cornice of a flat roof, to the deck line of a mansard roof, or to the average height of the tallest gable on a pitched shed or hip roof. Also applies to structures.

**Building line:** A line on a lot, generally parallel to a lot line or public or private road right-of-way line, located a sufficient distance from either to provide the minimum yards required by this Chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this Chapter. This is also referred to as a "setback".

**Building envelope:** A component of a group or large development which conforms to the lot lines of developments which are not group or large developments, in that required minimum setback distances are measured from the building envelope line. (Refer to Section 17-220)

**Building, principal:** A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

**Building separation:** The narrowest distance between two buildings. See Minimum Building Separation.

**Building size:** The total gross floor area of a building. See Maximum Building Size.

**Bulk (of a building):** The combination of building height, size, and location on a lot.

**Bulkhead Line:** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this ordinance.

**Business district(s):** See Section 17-105(4).

**Cafeteria, company (land use):** See Section 17-206(8)(d).

**Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measurement one-half (0.5) foot above natural grade. Used for trees in a nursery setting.

**Campground (land use):** See Section 17-206(4)(n).

**Candlepower:** The amount of light that will illuminate a surface one-foot distant from a light source to an intensity of one foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

**Caretaker's Residence:** A dwelling unit which is used exclusively by the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use. See Section 17-206(8)(w).

**Carpport (land use):** An open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. See Section 17-206(8)(c).

**Cellar:** That portion of the building having more than one-half (½) of the floor-to-ceiling height below the average grade of the adjoining ground.

**Central Business (CB) District:** See Section 17-105(4)(c).

**Certificate of Occupancy:** See Section 17-909.

**Clear cutting (land use):** See Section 17-206(2)(g).

**Clerestory window:** A window in which the lowest glassed area is a minimum of seven feet above the level of the floor located directly under the window.

**Climax Tree:** A tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include hickory, oak, maple, etc. See Section 17-610.

**Collector street:** See Street, Collector.

**Commercial animal boarding (land use):** See Section 17-206(4)(j).

**Commercial indoor lodging (land use):** See Section 17-206(4)(k).

**Commercial land use(s):** See Section 17-206(4).

**Commercial vehicle:** Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

**Communication tower (land use):** See Section 17-206(7)(c).

**Community character:** The impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

**Community living arrangement (land use):** See Sections 17-206(3)(g) through (i).

**Company provided on-site recreation (land use):** See Section 17-206(8)(e).

**Composting operation (land use):** See Section 17-206(5)(f).

**Comprehensive Master Plan:** The Comprehensive Master Plan of the Village of Oregon, Wisconsin, and as subsequently amended.

**Conditional use:** A land use which requires a conditional use permit in order to develop. See Section 17-202(4). See Section 17-905 for applicable procedures.

**Cone of Depression:** The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.

**Construction materials standards:** See Section 17-718.

**Construction, Start of:** The installation of foundation footings and/or materials for road construction.

**Contractor's on-site equipment storage (land use):** See Section 17-206(9)(d).

**Contractor's project office (land use):** See Section 17-206(9)(c).

**Conventional residential development:** See Section 17-206(1)(a).

**Cultivation (land use):** See Section 17-206(2)(a).

**Day Care:** See family day care home, intermediate day care home, or group day care center.

**Deck:** A structure that has no roof or walls. Can be attached or detached to the principle structure. If attached, it is required to have main supports and continuous footings below grade by 48" and must be raised above grade and must comply with the principle setback requirements or as modified by Section 17-405(4). If detached, shall be an accessory structure.

**Dedication:** The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

**Density:** A term used to describe the number of dwelling units per acre.

**Developer:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

**Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

**Development option(s):** The type of residential or nonresidential development as categorized by the proportion of the site devoted to permanently protected green space.

**Development pad:** The area of land where site disruption will occur, including building areas, paved areas, yard and septic system areas, and other areas of non-native vegetation.

**Disposal land use(s):** See Section 17-206(5).

**Distribution center (land use):** See Section 17-206(6)(d).

**Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

**Drainageway:** Drainageways are non-navigable, above-ground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following: (a) All areas within 75 feet of the ordinary high water mark of a “perennial stream” as shown on USGS 7.5 minute topographic maps for the Village of Oregon and its environs; (b) All areas within 50 feet of the ordinary high water mark of an “intermittent stream” or “open channel drainageway” as shown on USGS 7.5 minute topographic maps for the Village of Oregon and its environs. See Section 17-506.

**Drainage standards:** See Section 17-717.

**Drainage structure (land use):** See Section 17-206(8)(r).

**Dripline:** Outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.

**Drive-in theater (land use):** See Section 17-206(4)(i).

**Dryland access:** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

**Duplex:** See Section 17-206(1)(a)2.

**Dwelling:** A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

**Dwelling, attached:** A dwelling joined to another dwelling at one (1) or more sides by a shared wall or walls.

**Dwelling, detached:** A dwelling entirely surrounded by open space on the same lot.

**Dwelling unit:** A room or group of rooms, providing or intended to provide permanent living quarters for not more than one (1) family.

**Dwelling unit separation:** The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

**Easement:** Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

**Electromagnetic radiation standards:** See Section 17-712.

**Elevated Building:** A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.



**Encroachment:** Any fill, structure, building, use, or development in the floodway.

**Environmental Control Facility:** Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

**Environs (of the Village of Oregon):** The area in which the Village of Oregon exercises extraterritorial powers.

**Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

**Essential Services:** Facilities that are:

- a) Owned or maintained by public utility companies or public agencies, and;
- b) Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way, and;
- c) Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;
- d) Not including any cross-country line on towers.

**Explosion standards:** See Section 17-714.

**Exterior Communication Devices (land use):** See Section 17-206(8)(v).

**Extraction use (land use):** See Section 17-206(7)(d).

**Extraterritorial area:** The area outside of the Village Limits in which the Village of Oregon may exercise extraterritorial powers of planning, land division, and/or zoning review.

**Exurban Residential (ER-1) District:** See Section 17-105(2)(a)

**Family:** An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

**Family day care home (land use):** See Section 17-206(8)(k).

**Farm residence (land use):** See Section 17-206(8)(b).

**Fees:** See Section 17-935.

**Fencing standards:** See Section 17-720.

**Filling (land use):** See Section 17-206(8)(s).

**Fire standards:** See Section 17-714.

**First habitable floor:** The top surface above an unfinished basement, cellar, or crawl space that is intended for living quarters.

**Five Year Time of Travel (TOT):** The recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that ground water and potential contaminants will take five years to reach a pumping well.

**Floodplain and related topics:** See Section 17-503.

**Floor area:** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space, Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

**Floor area ratio (FAR):** The ratio calculated by dividing the total floor area of all buildings on a site by the Gross Site Area. See Maximum floor area ratio.

**Foot-candle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

**Freeboard:** Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

**Freight terminal (land use):** See Section 17-206(6)(c).

**Garage (residential):** A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one (1) truck of a rated capacity not in excess of ten thousand (10,000) pounds. See Section 17-206(8)(c).

**Gas station:** See in-vehicle sales or service.

**General floor plans:** A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

**General Industrial (GI) District:** See Section 17-105(5)(b).

**General temporary outdoor sales (land use):** See Section 17-206(9)(a).

**Glare:** The brightness of a light source which causes eye discomfort.

**Glare standards:** See Section 17-713.

**Granny Flats:** See Section 17-206(8)(y)

**Green space ratio (GSR):** The percentage of the gross site area which is preserved as permanently protected green space. Green space ratio is calculated by dividing the area of permanently protected green space by the gross site area. See Minimum green space ratio.

**Gross density:** The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

**Gross floor area:** The total floor area on all levels of a building.

**Gross site area (GSA):** The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

**Group day care center (land use):** See Section 17-206(4)(m).

**Group or large development:** See Section 17-220.

**Habitable buildings:** Any building, or portion thereof used for human habitation.

**Heat standards:** See Section 17-713.

**Hearing Notice:** Publication or posting meeting the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

**Heavy Industrial (land use):** See Section 17-206(7)(b).

**Heavy Industrial (HI) District:** See Section 17-105(5)(c).

**Height of structure:** See Building Height.

**Heliport (land use):** See Section 17-206(6)(b).

**Highway:** All public right-of-ways (including sidewalks) and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular and pedestrian travel. It does not include private roads or driveways.

**High flood damage potential:** Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

**Holding zone:** A zoning district designed to limit development potential until adequate public services and infrastructure are provided.

**Home occupation (land use):** See Section 17-206(8)(j).

**Hotel:** See commercial indoor lodging

**Husbandry (land use):** See Section 17-206(2)(b).

**Impervious surface:** Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as concrete, brick, asphalt, and similar paved surfaces are considered impervious. Gravel areas and areas with “landscaped pavers” which are intended for vehicular traffic are considered to be impervious.

**Increase in regional flood height:** A calculated upward rise in the regional flood elevation, equal or greater than 0.01 foot, resulting in comparison of existing conditions and proposed conditions which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

**Indoor commercial entertainment (land use):** See Section 17-206(4)(h).

**Indoor institutional (land use):** See Section 17-206(3)(c).

**Indoor maintenance service (land use):** See Section 17-206(4)(e).

**Indoor sales (land use):** See Section 17-206(4)(c).

**Indoor sales accessory to light industrial use (land use):** See Section 17-206(8)(i).

**Indoor service (land use):** See Section 17-206(4)(c).

**Indoor storage (land use):** See Section 17-206(5)(a).

**Indoor wholesaling (land use):** See Section 17-206(5)(a).

**Industrial district(s):** See Section 17-102(5).

**Industrial land use(s):** See Section 17-206(7).

**Infill development:** Development located in areas which are largely developed already.

**Institutional (I) District:** See Section 17-105(6)(a).

**Institutional land use(s):** See Section 17-206(3).

**Institutional residential development:** See Section 17-206(1)(c).

**Intensity:** A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

**Intensive agricultural (land use):** See Section 17-206(2)(c).

**Intermediate day care home (land use):** See Section 17-206(8)(l).

**Interpretation:** See Section 17-911 for application procedures and Section 17-932(2)(n).

**In-vehicle sales (land use):** See Section 17-206(4)(g).

**In-vehicle sales as accessory use (land use):** See Section 17-206(8)(g).

**In-vehicle service (land use):** See Section 17-206(4)(h).

**In-vehicle service as accessory use (land use):** See Section 17-206(8)(g).

**Junkyard (land use):** See Section 17-206(5)(d).

**Lakeshore:** Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream; or to a landward side of the floodplain, whichever distance is the greater. Lakeshores shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. See Section 17-505.

**Landscape point:** See Section 17-603.

**Landscaped area:** The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters.

**Landscape surface area ratio (LSR):** The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

**Land use:** The type of development and/or activity occurring on a piece of property.

**Lawn Care (land use):** See Section 17-206(8)(t).

**Light Industrial (land use):** See Section 17-206(7)(a).

**Light Industrial incidental to indoor sales:** See Section 17-206(8)(i).

**Lighting standards:** See Section 17-707.

**Loading standards:** See Section 17-705.

**Local collector street:** See Street, Collector

**Local residential street:** See Street, Local Residential

**Local street:** See Street, Local

**Lot:** A parcel of land that: (a) is undivided by any street or private road; (b) is occupied by, or designated to be developed for, one (1) building or principal use; and (c) contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this Chapter for such building, use, or development.

**Lot area:** The area contained within the property boundaries of a recorded lot.

**Lot corner:** A lot situated at the junction of and abutting on two or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

**Lot depth:** The average distance between the front lot line and the rear lot line of a lot.

**Lot frontage:** Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

**Lot interior:** A lot other than a corner lot.

**Lot line:** A lot line is the property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

**Lot line, front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

**Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be

considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be selected by the property owner.

**Lot line, side:** Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

**Lot line, street side:** Any lot line which abuts a public or private street right-of-way which is not the front lot line.

**Lot of record:** A platted lot or lot described in a certified survey map or in a metes and bounds description which has been approved by the Village or by Dane County; and has been recorded in the office of the Register of Deeds.

**Lot, through:** A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

**Lot width:** The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard. See **Minimum lot width**.

**Lowest floor:** The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

**Maintenance guarantee:** A guarantee of facilities or work to either ensure the correction of any failures of any improvements required pursuant to this Chapter or to maintain same.

**Master Plan:** A plan, map, report, or other document pertaining to the physical development of the Village which has been adopted by the Village Plan Commission, as described in Wisconsin Statutes 62.23(2) and (3).

**Maximum accessory building coverage:** The largest permitted area of all accessory buildings on a lot.

**Maximum building coverage:** The largest permitted area of all buildings on a lot.

**Maximum building size (MBS):** The largest permitted total gross floor area a building may contain. See building size.

**Maximum floor area ratio (FAR):** The largest amount of floor area permitted on a lot. See floor area ratio.

**Maximum gross density (MGD):** The maximum number of dwelling units permitted per acre of Gross Site Area. See gross density.

**Maximum height:** The maximum height of the highest portion of any structure. See height.

**Migrant labor camp (land use):** See Section 17-206(8)(m).

**Minimum building separation:** The narrowest permitted building separation.

**Minimum dwelling unit separation:** The narrowest permitted dwelling unit separation.

**Minimum floor elevation:** The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

**Minimum landscape surface ratio (LSR):** The lowest permitted landscape surface ratio. See landscape surface ratio.

**Minimum lot area (MLA):** The minimum size lot permitted within the specified zoning district and development option.

**Minimum lot width:** The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.

**Minimum setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.

**Minimum site area (MSA):** The minimum gross site area in which the specified development option may occur. See gross site area (GSA).

**Mini-warehouse:** See Section 17-206(5)(c).

**Minor structures:** Structures not requiring a building or zoning permit (swing set, clothesline, etc.)

**Mobile home (land use):** See Section 17-206(1)(a)8.

**Mobile Home Park Residential Development:** See Section 17-206(1)(e).

**Mobile Home Residential Development:** See Section 17-206(1)(d).

**Mobile home sales:** See Sections 17-206(4)(d).

**Motel:** See commercial indoor lodging.

**Motor Court:** See commercial indoor lodging.

**Motor freight terminal:** See freight terminal.

**Multiplex:** See Section 17-206(1)(a)6.

**Multi-family Residential-8 (MR-8) District:** See Section 17-105(2)(g).

**Natural resource protection overlay zoning districts:** Zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources. See Sections 17-503 through 17-513. See overlay zoning districts.

**Navigable water:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

**Neighborhood Business (NB) District:** See Section 17-105(4)(b).

**Neighborhood Office (NO) District:** See Section 17-105(3)(a).

**Net developable area (NDA):** The area of a site which may be disturbed by development activity. Net Developable Area is the result of subtracting Required Resource Protection Area (RPA) from the Gross Site Area (GSA).

**Noise standards:** See Section 17-709.

**Nonconforming building or structure:** Any building, or other structure, which was lawfully existing under ordinances or regulations preceding this Chapter, but which would not conform to this Chapter if the building or structure were to be erected under the provisions of this Chapter.

**Nonconforming development:** A lawful development approved under ordinances or regulations preceding the effective date of this Chapter, but which would not conform to this Chapter if the development were to be created under the current provisions of this Chapter. See Section 17-310.

**Nonconforming use:** An active and actual use of land, buildings or structures which was lawfully existing prior to this Chapter, which has continued as the same use to the present, and which does not comply with all the applicable regulations of this Chapter. See Section 17-210.

**Nonresidential district(s):** See Section 17-105(1), (3)-(6).

**Nonresidential land use(s):** See Section 17-206(2)-(7).

**Noxious matter or materials:** Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**Noxious materials standards:** See Section 17-715.

**Odor standards:** See Section 17-711.

**Obstruction to flow:** Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

**Office (land use):** See Section 17-206(4)(a).

**Office district(s):** See Section 17-102(3).

**Official map:** The map adopted and designated by the Village as being the “Official Map” pursuant to Section 66.23(6) Wis. Stats.

**Official zoning map:** The map adopted and designated by the Village as being the “Official Zoning Map.” See Sections 17-103, 17-104, and 17-107.

**Off-site parking lot (land use):** See Section 17-206(6)(a).

**On-site:** Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

**On-site agricultural retail (land use):** See Section 17-206(2)(e).

**On-site parking lot (land use):** See Section 17-206(8)(n).

**On-site real estate sales office (land use):** See Section 17-206(9)(f).

**Opacity:** The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

**Open sales lot:** An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

**Ordinary high water mark:** The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**Other permanently protected green space:** Permanently protected green space areas which are not constrained by one of the protected natural resources (wetlands, floodplains, steep slopes, lakeshores, drainageways, and woodlands). Examples include portions of private lots, outlots, or parcels commonly held by a property owners' association which are deed restricted from site disruption.

**Outdoor assembly (land use):** See Section 17-206(9)(b).

**Outdoor commercial entertainment (land use):** See Section 17-206(4)(i).

**Outdoor display (land use):** See Sections 17-206(4)(d).

**Outdoor display incidental to indoor sales (land use):** See Sections 17-206(8)(f).

**Outdoor institutional (land use):** See Section 17-206(3)(d).

**Outdoor maintenance service (land use):** See Section 17-206(4)(f).

**Outdoor sales of farm products (land use):** See Section 17-206(9)(g).

**Outdoor storage (land use):** See Section 17-206(5)(b).

**Outdoor storage of firewood standards:** See Section 17-724.

**Outdoor wholesaling (land use):** See Section 17-206(5)(b).

**Overlay zoning district:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Section 17-102, as well as the general restrictions of this Chapter. See Article V

**Owner:** The person, persons, or entity having the right of legal title to a lot or parcel of land.

**Pad, Development:** See Development pad.

**Parcel:** The area within the boundary lines of a lot.

**Parking area pod:** An area of parking spaces within a parking lot substantially separated from other areas of the parking lot by landscaped islands or medians. (See Section 17-604(c)3.)

**Parking standards:** See Section 17-704.

**Parking lot design standards:** See Section 17-704(6)(j).

**Parking requirements:** See Section 17-704(7)(c).

**Parking space design standards:** See Section 17-704(6)(h).

**Passive outdoor public recreational (land use):** See Section 17-206(3)(a).

**Penalty:** See Section 17-920(2).

**Performance guarantee:** A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

**Performance standard:** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Article VII.

**Peripheral setback:** The distance between a structure and the boundary of a development option.

**Permanently protected green space:** An area in which site disruption and/or development is strictly limited. See Section 17-204.

**Permitted by right, use:** See Section 17-202(2).

**Personal service(s) (land use):** See Section 17-206(4)(b).

**Personal storage facility (land use):** See Section 17-206(5)(c).

**Piers and wharfs:** See Section 17-206(10)(m).

**Plan Commission:** The Plan Commission of the Village of Oregon. See also Section 17-933.

**Planned Business (PB) District:** See Section 17-105(4)(a).

**Planned Development (PD\_-\_) District:** See Section 17-105(7)(a).

**Planned Industrial (PI) District:** See Section 17-105(5)(a).

**Planned Office (PO) District:** See Section 17-105(3)(b).

**Pod:** See Parking Area Pod

**Principal building:** See Building, principal.

**Principal use:** Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use) per Section 17-206(1)-(7).

**Private Residential Kennel (land use):** See Section 17-206(8)(p).

**Private Residential Recreational Facility (land use):** See Section 17-206(8)(o).

**Private Residential Stable (land use):** See Section 17-206(8)(q).

**Private Sewage System:** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department of industry, labor, and human relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.



**Professional service(s) (land use):** See Section 17-206(4)(b).

**Protected natural resources:** Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter. See Sections 17-503 through 17-513.

**Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public services and utilities (land use):** See Section 17-206(3)(e).

**Public sewer:** Includes the Village of Oregon sewer system and other forms of sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems.

**Recharge Area:** An area in which water reaches the zone of saturation by surface infiltration. This encompasses all areas or features that supply groundwater recharge to a well.

**Recorded lot:** See Lot of record.

**Recreational vehicle:** See Section 17-706(2)(a)

**Relocatable building (land use):** See Section 17-206(9)(e).

**Required resource protection area (RPA):** The area of a site which may not be disturbed by development activity and which must also be reserved as permanently protected green space. Required resource protection area is the result of subtracting the net developable area (NDA) from the gross site area (GSA).

**Residential collector street:** A collector street serving primarily residential land uses which primarily serves to connect local residential streets to collector or arterial streets.

**Residential district(s):** See Section 17-102.

**Residential land use(s):** See Section 17-206(1).

**Residentially zoned:** A property located in a residential district per Section 17-102.

**Restrictive, more (less):** A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

**Restaurant:** See indoor commercial entertainment.

**Restaurant, fast food:** See in-vehicle sales and service.

**Rural Holding (RH) District:** See Section 17-105(1)(a).

**Salvage yard (land use):** See Section 17-206(5)(d).

**Scale (of development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

**Sedimentation:** The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

**Selective cutting (land use):** See Section 17-206(2)(f).

**Septic systems (land use):** See Section 17-206(8)(u).

**Setback:** The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line. See minimum setback.

**Sexually-oriented use (land use):** See Section 17-206(4)(p).

**Shopping center:** See group or large development.

**Shoreland and related topics:** See Section 17-504.

**Shrub:** A low-lying deciduous or evergreen plant. See Section 17-610.

**Sign:** See Section 17-802. See also Section 17-907 for applicable procedures.

**Signal receiving antenna (satellite dishes) standards:** See Section 17-721.

**Single-family detached dwelling unit:** See Section 17-206(1)(a)1.

**Single-family Residential-3 (SR-3) District:** See Section 17-105(2)(b).

**Single-family Residential-4 (SR-4) District:** See Section 17-105(2)(c).

**Single-family Residential-5 (SR-5) District:** See Section 17-105(2)(d).

**Single-family Residential-6 (SR-6) District:** See Section 17-105(2)(e).

**Site area:** See Gross site area.

**Site plan:** See Section 17-908. See also, Section 17-908 for applicable procedures.

**Skylight:** A window or other paned area located on the ceiling or roof of a structure.

**Solid fence:** Any fence which cannot be seen through. Such fences include basketweave fences, stockade fences, plank fences, and similar fences.

**Standard zoning districts:** Zoning districts which primarily regulate the use of land and intensity or density of such use. See Sections 17-102, 17-103, and 17-105.

**Stable, commercial:** See commercial animal boarding.

**Stable, private:** See private residential stable.

**Standard Industrial Classification code (SIC):** The numeric code for categorizing land uses developed by the US Department of Commerce. SIC codes in this Chapter are based on the listing contained within the 1987 manual.

**Standard pavement width:** Required pavement width per the Village of Oregon Subdivision Ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the Director of Public Works.

**Start of Construction:** The date the building permit is issued, provided the actual start of activity was within 730 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**Steep Slope:** Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the Village of Oregon and its environs. See Section 17-508.

**Storage land use(s):** See Section 17-706.

**Storage standards:** See Section 17-706.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

**Street:** Unless specifically designated otherwise by the Village, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is twenty-two (22) feet or more in width if it exists at the time of enactment of this Chapter or any such public right-of-way sixty (60) feet or more in width when established after the effective date of this Chapter.

**Street, Arterial:** a street which is anticipated to carry in excess of three thousand five hundred (3,500) vehicles per day in traffic volume, at desirable speeds ranging from thirty (30) to forty-five (45) miles per hour, and which is used for travel between areas within and outside the Village.

**Street, Collector:** a street which is anticipated to carry from two thousand five hundred (2,500) to five thousand (5,000) vehicles per day in traffic volume, at desirable speeds ranging from twenty-five (25) to thirty-five (35) miles per hour, which serves a collecting function by distributing traffic between local streets and arterial streets.

**Street, Local:** a street which is anticipated to carry less than two thousand five hundred (2,500) vehicles per day in traffic volume at desirable speeds up to twenty-five (25) miles per hour, and which provides access to abutting property and primarily serves local traffic.

**Street, Local Residential:** A local street serving primarily to collect traffic originating directly from residential driveways and private residential courts and streets.

**Street, Residential Collector:** A collector street serving primarily residential land uses which primarily serves to connect local residential streets to collector or arterial streets.

**Street Line:** See Lot line, front.

**Strip development:** A pattern of land uses typified by nonresidential and/or multi-family development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

**Substandard lot:** A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 17-407.

**Substantial improvement:** Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and
- b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

**Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

**Swale:** A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

**Temporary use:** A land use which is present on a property for a limited and specified period of time. See Section 17-206(9). See also Section 17-906 for applicable procedures.

**Townhouse:** See Section 17-206(1)(a)5.

**Toxic materials standards:** See Section 17-715.

**Transportation land use(s):** See Section 17-206(6).

**Truck stop:** See In-Vehicle sales and service.

**Twin house:** See Section 17-206(1)(a)3.

**Two-Flat house:** See Section 17-206(1)(a)4.

**Two-family Residential-6 (TR-6) District:** See Section 17-105(2)(f).

**Unnecessary hardship:** The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

**Upper Storey Dwelling Unit (land use):** See Section 17-206(8)(a).

**Use:** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, Accessory:** See Accessory use.

**Use, Conditional:** See Conditional use.

**Use, Principal:** See Principal use.

**Utility shed (land use):** See Section 17-206(8)(c).

**Utility vehicle:** A vehicle designed and used primarily for the transport of equipment and/or materials.

**Variance:** Permission to depart from the literal requirements of this Chapter granted pursuant to Section 17-910.

**Vibration standards:** See Section 17-708.

**Violation:** See Section 17-920(1).

**Visibility standards:** See Section 17-703.

**Waste disposal facility (land use):** See Section 17-206(5)(e).

**Waste materials standards:** See Section 17-716.

**Well Field:** A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

**Wetland:** See Section 17-504.

**Wind energy systems standards:** See Section 17-722.

**Wisconsin Wetland Inventory Map:** Maps prepared by the Wisconsin Department of Natural Resources.

**Woodland:** Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village of Oregon and its environs. See Section 17-507.

**Working days:** Monday, Tuesday, Wednesday, Thursday or Friday; excluding holidays granted by the Village Oregon to its Department Heads.

**Yard:** A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

**Yard, front:** A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

**Yard, rear:** A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

**Yard, side:** A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

**Zoning Administrator:** The person authorized and charged by the Village with the administration of this Chapter. See Section 17-916.

**Zoning Board of Appeals:** See Section 17-918.

**Zoning district(s):** See Section 17-102.

**Zoning district categories:** See Section 17-102.

**Zoning map:** See “Official Zoning Map”, above and see Section 17-103.



## ARTICLE I: ESTABLISHMENT OF ZONING DISTRICTS

### **Section 17-101 Purpose**

The area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the Village of Oregon Comprehensive Plan, and to achieve the other purposes of this Zoning Ordinance (See Section 17-005.).

### **Section 17-102 Standard Zoning Districts and Standard Zoning District Categories**

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter (See Section 17-009) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

**Agricultural Category:** *(See Section 17-105(1))*  
Rural Holding (RH) District

**Residential Category:** *(See Section 17-105(2))*  
Exurban Residential (ER-1) District  
Single-family Residential-3 (SR-3) District  
Single-family Residential-4 (SR-4) District  
Single-family Residential-5 (SR-5) District  
Single-family Residential-6 (SR-6) District  
Two-family Residential-6 (TR-6) District  
Multi-family Residential-8 (MR-8) District

**Office Category:** *(See Section 17-105(3))*  
Neighborhood Office (NO) District  
Planned Office (PO) District

**Business Category:** *(See Section 17-105(4))*  
Neighborhood Business (NB) District  
Planned Business (PB) District  
Central Business (CB) District

**Industrial Category:** *(See Section 17-105(5))*  
Planned Industrial (PI) District  
General Industrial (GI) District  
Heavy Industrial (HI) District

**Institutional Category:** *(See Section 17-105(6))*  
Institutional (I) District

**Planned Development Category:** *(See Section 17-105(7))*  
Planned Development District (year – order of approval in that year) e.g.: (PD 2005-2)

*State Law Reference: Section 62.23(7)(b), Wisconsin Statutes*

**Section 17-103 Map of Standard Zoning Districts**

Standard zoning districts established by this Chapter are shown on the Official Zoning Map of the Village of Oregon, which together with all explanatory materials thereon, is hereby made part of this Chapter.

**Section 17-104 Interpretation of Zoning District Boundaries**

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Oregon:

- (1) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Oregon or County of Dane Tax Maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (1) through (5), above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.



### **Section 17-105 Purpose and Intent of Standard Zoning Districts**

The following subsections specify the purpose and intent of the standard zoning districts established by this Chapter.

#### **(1) Agricultural District**

##### **(a) Rural Holding (RH) District**

###### **1. Description and Purpose:**

This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family detached residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of agricultural and agriculture-supporting land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Holding (RH) District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

**Rationale:** This district is used to provide for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Holding (RH) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Holding (RH) District designation, the rural community character of that area would still be maintained.

###### **2. List of Allowable Principal Land Uses (per Article II)**

###### **a. Principal Land Uses Permitted by Right: (per Section 17-202(2))**

Single-Family Detached – 35 acre lot (per Section 17-206(1)(a)1.)

Cultivation (per Section 17-206(2)(a))

On-Site Agricultural Retail (per Section 17-206(2)(e))

Selective Cutting (per Section 17-206(2)(f))

Passive Outdoor Public Recreation (per Section 17-206(3)(a))

Active Outdoor Public Recreation (per Section 17-206(3)(b))

Public Services and Utilities (per Section 17-206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))

###### **b. Principal Land Uses Permitted as Conditional Use: (per Section 17-202(4))**

Single-Family Detached – 40,000 sf lot (for lots smaller than 35 acres, remainder of 35 acres must be deed restricted with a conservation easement prohibiting subsequent development of additional principal structures unless rezoned for higher density development)

Husbandry (per Section 17-206(2)(b))

Intensive Agriculture (per Section 17-206(2)(c))

Agricultural Services (per Section 17-206(2)(d))

Clear Cutting (per Section 17-206(2)(g))

Outdoor Institutional (per Section 17-206(3)(d))

Outdoor Commercial Entertainment (per Section 17-206(4)(i))

Commercial Animal Boarding (per Section 17-206(4)(j))

Bed and Breakfast Establishments (per Section 17-206(4)(l))

Campground (per Section 17-206(4)(n))

Junkyard or Salvage Yard (per Section 17-206(5)(d))

Section 17-105(1)(a): Rural Holding (RH) District

through

Section 17-105(1)(a): Rural Holding (RH) District

Waste Disposal Facility (per Section 17-206(5)(e))  
 Composting Operation (per Section 17-206(5)(f))  
 Airport/Heliport (per Section 17-206(6)(b))  
 Communication Tower (per Section 17-206(7)(c))  
 Extraction Use (per Section 17-206(7)(d))  
 Group or Large Developments (per Section 17-220)

3. **List of Allowable Accessory Uses:** (per Section 17-202(5))

a. **Accessory Land Uses Permitted by Right:**

Farm Residence (per Section 17-206(8)(b))  
 Detached Private Garage, Carport or Shed (per Section 17-206(8)(c))  
 Home Occupation (per Section 17-206(8)(j))  
 Family Day Care Home (4-8 children) (per Section 17-206(8)(k))  
 On-Site Parking Lot (per Section 17-206(8)(n))  
 Private Residential Recreational Facility (per Section 17-206(8)(o))  
 Drainage Structure (per Section 17-206(8)(r))  
 Filling (per Section 17-206(8)(s))  
 Lawn Care (per Section 17-206(8)(t))  
 Exterior Communication Devices (per Section 17-206(8)(v))

b. **Accessory Land Uses Permitted as Conditional Use:**

Outdoor Display Incidental (per Section 17-206(8)(f))  
 Intermediate Day Care Home (per Section 17-206(8)(l))  
 Migrant Labor Camp (per Section 17-206(8)(m))  
 Private Residential Kennel (per Section 17-206(8)(p))  
 Private Residential Stable (per Section 17-206(8)(q))  
 Septic Systems (per Section 17-206(8)(u))

4. **List of Allowable Temporary Uses:** (per Section 17-202(6))

Outdoor Assembly (per Section 17-206(9)(b))  
 Contractor's Project Office (per Section 17-206(9)(c))  
 Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))  
 On-Site Real Estate Sales Office (per Section 17-206(9)(f))  
 Outdoor Sales of Farm Products (per Section 17-206(9)(g))

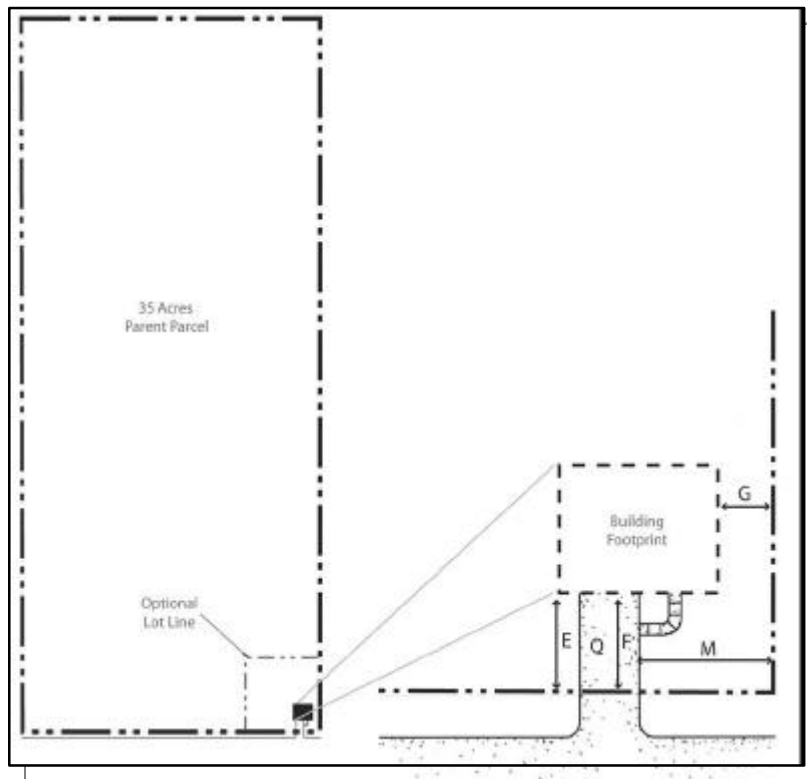
5. **Regulations Applicable to All Uses**

- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses**

- a. **Residential Density and Intensity Requirements:**  
 Maximum Gross Density (MGD): 0.03 dwelling unit/acre  
 Minimum Landscape Surface Ratio (LSR): 90%  
 Maximum Building Coverage: 5%  
 Maximum Accessory Building Coverage: 10%

b. **Residential Bulk Requirements\***



- A:** Minimum Lot Area: 35 acres, or 40,000 sf with conditional use permit (for lots less than 35 acres a conditional use permit shall require the remainder of 35 acres to be deed restricted with a conservation easement prohibiting subsequent development of additional principal structures unless rezoned for higher density development)
- B:** Minimum Lot Width: 100 feet
- C:** Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- E:** Front or Street Side Lot Line to House 30 feet
- F:** Front or Street Side Lot Line to Attached Garage: 30 feet
- G:** Side Lot Line to House or Attached Garage: 10 feet
- H:** Total of Both Sides, Lot Lines to House or Attached Garage: 20 feet
- I:** Rear Lot Line to House or Attached Garage: 20 feet
- J:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- K:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- L:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- N:** Minimum Dwelling Unit Separation: 20 feet for multiple principle dwellings on the same lot

Section 17-105(1)(a): Rural Holding (RH) District

through

Section 17-105(1)(a): Rural Holding (RH) District

- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 45 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces):  
 4 spaces if located on street with standard local pavement width  
 8 spaces if located on street with reduced pavement width
- \* For a nonconforming structure, see Section 17-408*

## 7. Regulations Applicable to Nonresidential Uses:

### a. Nonresidential Intensity Requirements:

- Maximum Number of Floors (F): 2  
 Minimum Landscape Surface Ratio (LSR): 90%  
 Maximum Building Size (MBS): na

### b. Nonresidential Bulk Requirements\*:

- A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
- B:** Minimum Lot Width: 100 feet;  
 Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 35 feet
- D:** Building to Residential Side Lot Line: 50 feet
- E:** Building to Residential Rear Lot Line: 50 feet
- F:** Building to Nonresidential Side Lot Line: 50 feet
- G:** Building to Nonresidential Rear Lot Line: 50 feet
- H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- L:** Minimum Building Separation: 100 feet for multiple principle dwellings on the same lot
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

*\* For a nonconforming structure, see Section 17-408*

## (2) Residential Districts

### (a) **Exurban Residential (ER-1) District**

#### 1. **Description and Purpose**

This district is intended to permit development which has a very low density, exurban community character. Unlike the case for the Rural Holding (RH) District, the land use standards for this district permit primarily single-family detached residential development served by septic systems and private wells, and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities. Density and intensity standards for this district are designed to ensure that the Exurban Residential (ER-1) District shall serve as a designation which preserves and protects the exurban community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 1 dwelling unit for every 1 gross acre. Generally, this zoning district is intended to apply to areas of septic-served subdivisions that have been incorporated into the Village, rather than to new development.

Rationale: This district is used to provide for the permanent protection of a very low density residential area for those who want to live in an exurban environment and retain enough land with their residence, or in their development, to ensure that the exurban character is maintained as long as the ER-1 District designation is retained, regardless of how much development occurs within that area.

#### 2. **List of Allowable Principal Land Uses (per Article II)**

- a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
  - Single-Family Detached –40,000 sf lot
  - Cultivation (per Section 17-206(2)(a))
  - Selective Cutting (per Section 17-206(2)(f))
  - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
  - Active Outdoor Public Recreation (per Section 17-206(3)(b))
  - Public Services and Utilities (per Section 17-206(3)(e))
  - Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))
- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
  - Clear Cutting (per Section 17-206(2)(g))
  - Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
  - Bed and Breakfast Establishments (per Section 17-206(4)(l))
  - Group or Large Developments (per Section 17-220)

#### 3. **List of Allowable Accessory Uses:** (per Section 17-202(5))

- a. **Accessory Land Uses Permitted by Right:**
  - Farm Residence (per Section 17-206(8)(b))
  - Detached Private Garage, Carport or Shed (per Section 17-206(8)(c))
  - Home Occupation (per Section 17-206(8)(j))
  - Family Day Care Home (4-8 children) (per Section 17-206(8)(k))
  - On-Site Parking Lot (per Section 17-206(8)(n))
  - Private Residential Recreational Facility (per Section 17-206(8)(o))
  - Drainage Structure (per Section 17-206(8)(r))
  - Filling (per Section 17-206(8)(s))
  - Lawn Care (per Section 17-206(8)(t))
  - Exterior Communication Devices (per Section 17-206(8)(v))

In-family Suite (per Section 17-206(8)(x))

- b. **Accessory Land Uses Permitted as Conditional Use:**
  - Intermediate Day Care Home (9-15 children) (per Section 17-206(8)(l))
  - Private Residential Kennel (per Section 17-206(8)(p))
  - Private Residential Stable (per Section 17-206(8)(q))
  - Septic Systems (per Section 17-206(8)(u))
  - Caretaker's Residence (per Section 17-206(8)(w))

- 4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
  - Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))
  - Outdoor Sales of Farm Products (per Section 17-206(9)(g))

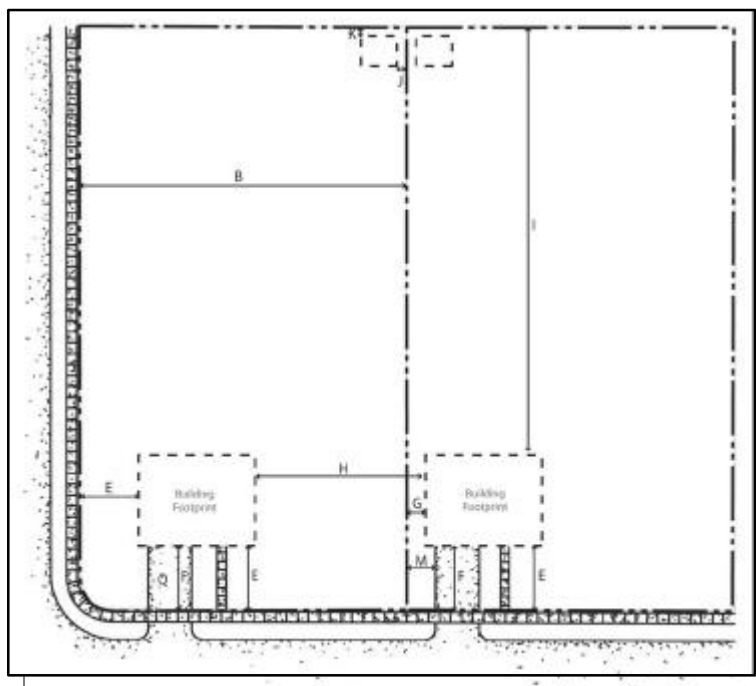
5. **Regulations Applicable to All Uses**

- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses**

- a. **Residential Density and Intensity Requirements:**
  - Maximum Gross Density (MGD): 1.0 dwelling unit/acre
  - Minimum Landscape Surface Ratio (LSR): 80%
  - Maximum Building Coverage: 20%
  - Maximum Accessory Building Coverage: 5%

b. **Residential Bulk Requirements\*:**



Section 17-105(2)(a): Exurban Residential (ER-1) District

through

Section 17-105(2)(a): Exurban Residential (ER-1) District

- A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
- B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- E:** Front or Street Side Lot Line to House: 30 feet
- F:** Front or Street Side Lot Line to Attached Garage: 30 feet
- G:** Side Lot Line to House or Attached Garage: 10 feet
- H:** Total of Both Sides, Lot Lines to House or Attached Garage: 20 feet
- I:** Rear Lot Line to House or Attached Garage: 20 feet
- J:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- K:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- L:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway
- N:** Minimum Dwelling Unit Separation: 20 feet for multiple principle dwellings on the same lot
- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 45 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3

*\* For a nonconforming structure, see Section 17-408*

## 7. Regulations Applicable to Nonresidential Uses

### a. Nonresidential Intensity Requirements:

Maximum Number of Floors (F): 2

Minimum Landscape Surface Ratio (LSR): 80%

Maximum Building Size (MBS): na

### b. Nonresidential Bulk Requirements\*:

**A:** Minimum Lot Area: 40,000 sf

**B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet

**Minimum Setbacks:**

**C:** Building to Front or Street Side Lot Line: 25 feet

**D:** Building to Residential Side Lot Line: 30 feet

**E:** Building to Residential Rear Lot Line: 30 feet

**F:** Building to Nonresidential Side Lot Line: 30 feet

**G:** Building to Nonresidential Rear Lot Line: 30 feet

**H:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley

**I:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley

**J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary

**K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

Section 17-105(2)(b): Single-family Residential-3 (SR-3) District through Section 17-105(2)(b): Single-family Residential-3 (SR-3) District

- L:** Minimum Building Separation: 60 feet
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

\* For a nonconforming structure, see Section 17-408

**c. Nonresidential Landscaping Requirements (Nonresidential and Multi-family):**

- 1) 50 landscaping points per 100 linear feet of building foundation
- 2) 30 landscaping points per 1,000 square feet of gross floor area
- 3) 50 landscaping points per 100 linear feet of street frontage
- 4) 100 landscaping points per 10,000 square feet paved area/20 stalls

**d. Nonresidential Performance Standards: (See Article VII)**

**e. Nonresidential Signage Regulations: (See Article VIII)**

**(b) Single-family Residential-3 (SR-3) District**

**1. Description and Purpose:**

This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-3 District shall serve as a designation which preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 3.5 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-3 District designation is retained, regardless of how much development occurs within that area.

**2. List of Allowable Principal Land Uses (per Article II)**

**a. Principal Land Uses Permitted by Right:** (per Section 17-202(2))

Single-Family Detached – 12,000 sf lot (per Section 17-206(1)(a)1.)

Cultivation (per Section 17-206(2)(a))

Selective Cutting (per Section 17-206(2)(f))

Passive Outdoor Public Recreation (per Section 17-206(3)(a))

Active Outdoor Public Recreation (per Section 17-206(3)(b))

Public Services and Utilities (per Section 17-206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))

**b. Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))

Clear Cutting (per Section 17-206(2)(g))

Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))

Bed and Breakfast Establishments (per Section 17-206(4)(l))

Group or Large Developments (per Section 17-220)

**3. List of Allowable Accessory Uses:** (per Section 17-202(5))

**a. Accessory Land Uses Permitted by Right:**

Farm Residence (per Section 17-206(8)(b))



- Detached Residential Garage or Shed (per Section 17-206(8)(c))
- Home Occupation (per Section 17-206(8)(j))
- Family Day Care Home (per Section 17-206(8)(k))
- On-Site Parking Lot (per Section 17-206(8)(n))
- Private Residential Recreational Facility (per Section 17-206(8)(o))
- Drainage Structure (per Section 17-206(8)(r))
- Filling (per Section 17-206(8)(s))
- Lawn Care (per Section 17-206(8)(t))
- Exterior Communication Devices (per Section 17-206(8)(v))
- In-Family Suite (per Section 17-206(8)(x))

- b. **Accessory Land Uses Permitted as Conditional Use:**  
Intermediate Day Care Home (9-15 children) (per Section 17-206(8)(l))

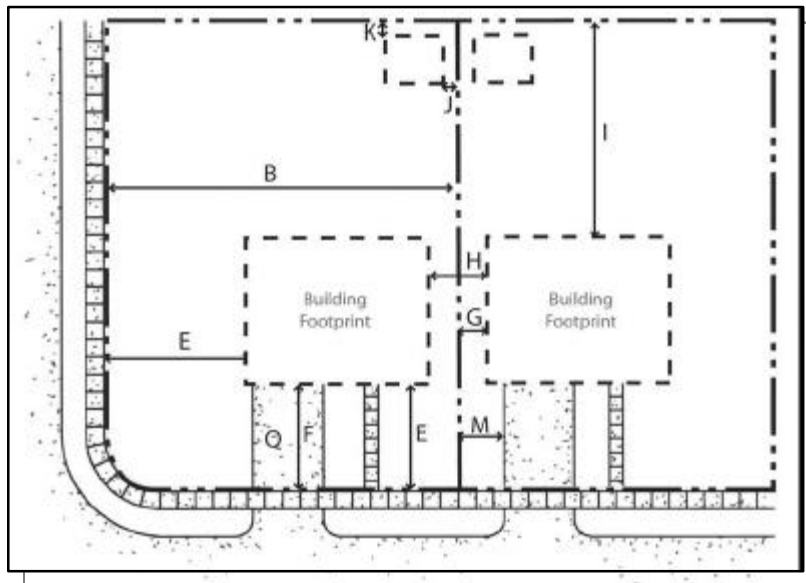
- 4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
  - Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))

5. **Regulations Applicable to All Uses**

- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses**

- a. **Residential Density and Intensity Requirements:**  
Maximum Gross Density (MGD): 3.50 dwelling units /acre  
Minimum Landscape Surface Ratio (LSR): 50%  
Maximum Building Coverage: 30%
- b. **Residential Bulk Requirements\*:**



*Section 17-105(2)(b): Single-family Residential-3 (SR-3) District through Section 17-105(2)(b): Single-family Residential-3 (SR-3) District*

- A:** Minimum Lot Area: 12,000 square feet
  - B:** Minimum Lot Width: 90 feet; 100 feet for corner lots
  - C:** Minimum Street Frontage: 50 feet
  - Minimum Setbacks:**
  - E:** Front or Street Side Lot Line to House: 30 feet
  - F:** Front or Street Side Lot Line to Attached Garage: 30 feet
  - G:** Side Lot Line to House or Attached Garage: 10 feet
  - H:** Total of Both Sides, Lot Lines to House or Attached Garage: 20 feet
  - I:** Rear Lot Line to House or Attached Garage: 20 feet
  - J:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
  - K:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
  - L:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
  - M:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
  - N:** Minimum Dwelling Unit Separation: 20 feet for multiple principle dwellings on the same lot
  - O:** Maximum Height of Dwelling Unit: 35 feet
  - P:** Maximum Height of Accessory Structure: 15 feet
  - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3
- \* For a nonconforming structure, see Section 17-408*

## 7. Regulations Applicable to Nonresidential Uses

- a. **Nonresidential Intensity Requirements:**
  - Maximum Number of Floors (F): 2
  - Minimum Landscape Surface Ratio (LSR): 50%
  - Maximum Building Size (MBS): na
- b. **Nonresidential Bulk Requirements\*:**
  - A:** Minimum Lot Area: 40,000 sq ft, 20,000 sq ft with a conditional use permit
  - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
  - Minimum Setbacks:**
  - C:** Building to Front or Street Side Lot Line: 30 feet
  - D:** Building to Residential Side Lot Line: 10 feet
  - E:** Building to Residential Rear Lot Line: 20 feet
  - F:** Building to Nonresidential Side Lot Line: 10 feet
  - G:** Building to Nonresidential Rear Lot Line: 20 feet
  - H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley

Section 17-105(2)(c): Single-family Residential-4 (SR-4) District through Section 17-105(2)(c): Single-family Residential-4 (SR-4) District

- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- L:** Minimum Building Separation: 20 feet for multiple principle dwellings on the same lot
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

\* For a nonconforming structure, see Section 17-408

(c) **Single-family Residential-4 (SR-4) District**

1. **Description and Purpose:**

This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-4 (SR-4) District shall serve as a designation which preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 4.5 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-4 District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Principal Land Uses (per Article II)**

- a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
  - Single-Family Detached – 9,600 sf lot (per Section 17-206(1)(a)1.)
  - Cultivation (per Section 17-206(2)(a))
  - Selective Cutting (per Section 17-206(2)(f))
  - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
  - Active Outdoor Public Recreation (per Section 17-206(3)(b))
  - Public Services and Utilities (per Section 17-206(3)(e))
  - Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))
- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
  - Clear Cutting (per Section 17-206(2)(g))
  - Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
  - Bed and Breakfast Establishments (per Section 17-206(4)(l))
  - Group or Large Developments (per Section 17-220)

3. **List of Allowable Accessory Uses:** (per Section 17-202(5))

- a. **Accessory Land Uses Permitted by Right:**
  - Farm Residence (per Section 17-206(8)(b))
  - Detached Residential Garage or Shed (per Section 17-206(8)(c))
  - Home Occupation (per Section 17-206(8)(j))
  - Family Day Care Home (per Section 17-206(8)(k))
  - On-Site Parking Lot (per Section 17-206(8)(n))

- Private Residential Recreational Facility (per Section 17-206(8)(o))
- Drainage Structure (per Section 17-206(8)(r))
- Filling (per Section 17-206(8)(s))
- Lawn Care (per Section 17-206(8)(t))
- Exterior Communication Devices (per Section 17-206(8)(v))
- In-family Suite (per Section 17-206(8)(x))

- b. **Accessory Land Uses Permitted as Conditional Use:**  
Intermediate Day Care Home (9-15 children) (per Section 17-206(8)(l))

- 4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
  - Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))

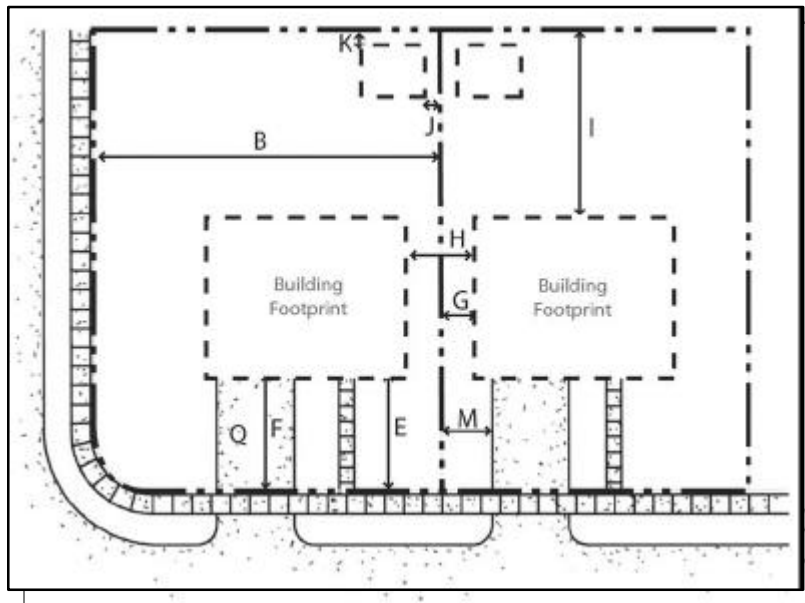
5. **Regulations Applicable to All Uses**

- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses**

- a. **Residential Density and Intensity Requirements:**  
Maximum Gross Density (MGD): 4.50 dwelling units/acre  
Minimum Landscape Surface Ratio (LSR): 50%  
Maximum Building Coverage: 30%

- b. **Residential Bulk Requirements\*:**



*Section 17-105(2)(c): Single-family Residential-4 (SR-4) District through Section 17-105(2)(c): Single-family Residential-4 (SR-4) District*

- A:** Minimum Lot Area: 9,600 square feet
  - B:** Minimum Lot Width: 80 feet; 90 feet for corner lot
  - C:** Minimum Street Frontage: 50 feet
  - Minimum Setbacks:**
  - E:** Front or Street Side Lot Line to House: 30 feet
  - F:** Front or Street Side Lot Line to Attached Garage: 30 feet
  - G:** Side Lot Line to House or Attached Garage: 10 feet
  - H:** Total of Both Sides, Lot Lines to House or Attached Garage: 20 feet
  - I:** Rear Lot Line to House or Attached Garage: 20 feet
  - J:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
  - K:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
  - L:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
  - M:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
  - N:** Minimum Dwelling Unit Separation: 12 feet for multiple principle dwellings on the same lot
  - O:** Maximum Height of Dwelling Unit: 35 feet
  - P:** Maximum Height of Accessory Structure: 15 feet
  - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3
- \* For a nonconforming structure, see Section 17-408*

## 7. Regulations Applicable to Nonresidential Uses

- a. **Nonresidential Intensity Requirements:**
  - Maximum Number of Floors (F): 2
  - Minimum Landscape Surface Ratio (LSR): 50%
  - Maximum Building Size (MBS): na
- b. **Nonresidential Bulk Requirements\*:**
  - A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
  - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
  - Minimum Setbacks:**
  - C:** Building to Front or Street Side Lot Line: 30 feet
  - D:** Building to Residential Side Lot Line: 10 feet
  - E:** Building to Residential Rear Lot Line: 20 feet
  - F:** Building to Nonresidential Side Lot Line: 10 feet
  - G:** Building to Nonresidential Rear Lot Line: 20 feet
  - H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley

Section 17-105(2)(d): Single-family Residential-5 (SR-5) District through Section 17-105(2)(d): Single-family Residential-5 (SR-5) District

- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- L:** Minimum Building Separation: 20 feet for multiple principle dwellings on the same lot
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

\* For a nonconforming structure, see Section 17-408

(d) **Single-family Residential-5 (SR-5) District**

1. **Description and Purpose:**

This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-5 (SR-5) District shall serve as a designation which preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 5 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-5 District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Principal Land Uses (per Article II)**

- a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
  - Single-Family Detached - 7,200 sf lot (per Section 17-206(1)(a)1.)
  - Cultivation (per Section 17-206(2)(a))
  - Selective Cutting (per Section 17-206(2)(f))
  - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
  - Active Outdoor Public Recreation (per Section 17-206(3)(b))
  - Public Services and Utilities (per Section 17-206(3)(e))
  - Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))
- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
  - Two-Flat – 7,200 sf lot
  - Clear Cutting (per Section 17-206(2)(g))
  - Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
  - Bed and Breakfast Establishments (per Section 17-206(4)(l))
  - Group or Large Developments (per Section 17-220)

3. **List of Allowable Accessory Uses:** (per Section 17-202(5))

- a. **Accessory Land Uses Permitted by Right:**
  - Farm Residence (per Section 17-206(8)(b))
  - Detached Residential Garage or Shed (per Section 17-206(8)(c))
  - Home Occupation (per Section 17-206(8)(j))
  - Family Day Care Home (per Section 17-206(8)(k))

- On-Site Parking Lot (per Section 17-206(8)(n))
- Private Residential Recreational Facility (per Section 17-206(8)(o))
- Drainage Structure (per Section 17-206(8)(r))
- Filling (per Section 17-206(8)(s))
- Lawn Care (per Section 17-206(8)(t))
- Exterior Communication Devices (per Section 17-206(8)(v))
- In-family Suite (per Section 17-206(8)(x))

- b. **Accessory Land Uses Permitted as Conditional Use:**
  - Intermediate Day Care Home (9-15 children) (per Section 17-206(8)(l))

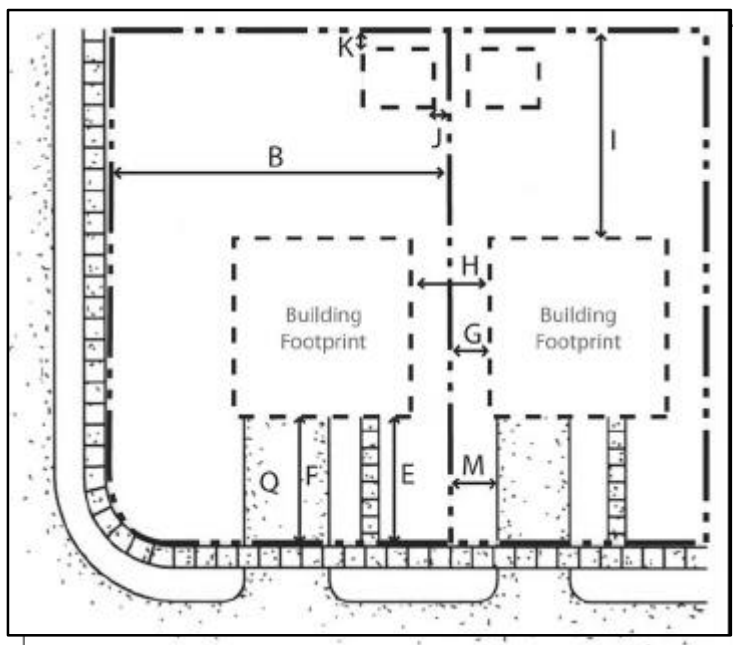
- 4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
  - Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))

5. **Regulations Applicable to All Uses**

- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses**

- a. **Residential Density and Intensity Requirements:**
  - Maximum Gross Density (MGD): 5.00 dwelling unit/acre
  - Minimum Landscape Surface Ratio (LSR): 50%
  - Maximum Building Coverage: 30%
- b. **Residential Bulk Requirements\*:**



*Section 17-105(2)(d): Single-family Residential-5 (SR-5) District* through *Section 17-105(2)(d): Single-family Residential-5 (SR-5) District*

- A:** Minimum Lot Area: 7,200 square feet
  - B:** Minimum Lot Width: 60 feet; 70 feet for corner lot
  - C:** Minimum Street Frontage: 50 feet
  - Minimum Setbacks:**
  - E:** Front or Street Side Lot Line to House: 30 feet
  - F:** Front or Street Side Lot Line to Attached Garage: 30 feet
  - G:** Side Lot Line to House or Attached Garage: 6 feet
  - H:** Total of Both Sides, Lot Lines to House or Attached Garage: 14 feet
  - I:** Rear Lot Line to House or Attached Garage: 20 feet
  - J:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
  - K:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
  - L:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
  - M:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
  - N:** Minimum Dwelling Unit Separation: 12 feet for multiple principle dwellings on the same lot
  - O:** Maximum Height of Dwelling Unit: 35 feet
  - P:** Maximum Height of Accessory Structure: 15 feet
  - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3
- \* For a nonconforming structure, see Section 17-408*

## 7. Regulations Applicable to Nonresidential Uses

- a. **Nonresidential Intensity Requirements:**
  - Maximum Number of Floors (F): 2
  - Minimum Landscape Surface Ratio (LSR): 50%
  - Maximum Building Size (MBS): na
- b. **Nonresidential Bulk Requirements\*:**
  - A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
  - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
  - Minimum Setbacks:**
  - C:** Building to Front or Street Side Lot Line: 30 feet
  - D:** Building to Residential Side Lot Line: 10 feet
  - E:** Building to Residential Rear Lot Line: 20 feet
  - F:** Building to Nonresidential Side Lot Line: 10 feet
  - G:** Building to Nonresidential Rear Lot Line: 20 feet
  - H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
  - I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley



Section 17-105(2)(e): Single-family Residential-6 (SR-6) District through Section 17-105(2)(e): Single-family Residential-6 (SR-6) District

- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- L:** Minimum Building Separation: 20 feet for multiple principle dwellings on the same lot
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

\* For a nonconforming structure, see Section 17-408

(e) **Single-family Residential-6 (SR-6) District**

1. **Description and Purpose:**

This district is intended to permit single family detached development which has a moderate density, traditional neighborhood community character using homes served by alleys. Density and intensity standards for this district are designed to ensure that the Single-family Residential-6 (SR-6) District shall serve as a designation which preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 6 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a high density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-6 District designation is retained, regardless of how much development occurs within that area. For moderate density single-family detached development not served by alleys, the SR-5 district should be used.

2. **Rules Specific to the Single-family Residential-6 District:**

- a. This district uses a maximum setback regulation to ensure a uniform traditional neighborhood character;
- b. This district prohibits street-loaded garages taking access to a public street, except by conditional use;
- c. Accessory Residential Units are permitted by right in this district.

3. **List of Allowable Principal Land Uses (per Article II)**

- a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
  - Single-Family Detached – 4,000 sf lot (per Section 17-206(1)(a1))
  - Cultivation (per Section 17-206(2)(a))
  - Selective Cutting (per Section 17-206(2)(f))
  - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
  - Active Outdoor Public Recreation (per Section 17-206(3)(b))
  - Public Services and Utilities (per Section 17-206(3)(e))
  - Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))
- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
  - Single-Family Detached – 7,200 sf lot: For any lot not served by an alley, the density and bulk requirements of the SR-5 district shall apply
  - Two-Flat – 6,000 sf lot
  - Clear Cutting (per Section 17-206(2)(g))
  - Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
  - Bed and Breakfast Establishments (per Section 17-206(4)(l))

Group or Large Developments (per Section 17-220)

4. **List of Allowable Accessory Uses:** (per Section 17-202(5))

a. **Accessory Land Uses Permitted by Right:**

Farm Residence (per Section 17-206(8)(b))

Detached Residential Shed (per Section 17-206(8)(c))

Attached or Detached Residential Garage (taking access to an alley) (per Section 17-206(8)(c))

Home Occupation (per Section 17-206(8)(j))

Family Day Care Home (per Section 17-206(8)(k))

On-Site Parking Lot (per Section 17-206(8)(n))

Private Residential Recreational Facility (per Section 17-206(8)(o))

Drainage Structure (per Section 17-206(8)(r))

Filling (per Section 17-206(8)(s))

Lawn Care (per Section 17-206(8)(t))

Exterior Communication Devices (per Section 17-206(8)(v))

In-family Suite (per Section 17-206(8)(x))

Accessory Residential Unit (per Section 17-206(8)(y))

b. **Accessory Land Uses Permitted as Conditional Use:**

Intermediate Day Care Home (9-15 children) (per Section 17-206(8)(l))

Street-Loaded Attached or Detached Garage Taking Access to a Public Street

5. **List of Allowable Temporary Uses:** (per Section 17-202(6))

Outdoor Assembly (per Section 17-206(9)(b))

Contractor's Project Office (per Section 17-206(9)(c))

Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))

On-Site Real Estate Sales Office (per Section 17-206(9)(f))

6. **Regulations Applicable to All Uses**

a. **Landscaping Regulations (See Article VI)**

b. **Performance Standards: (See Article VII)**

c. **Signage Regulations: (See Article VIII)**

7. **Regulations Applicable to Residential Uses**

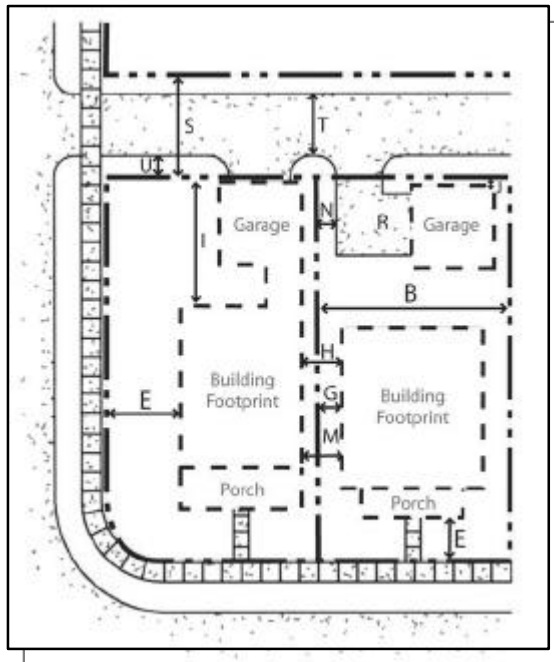
a. **Residential Density and Intensity Requirements:**

Maximum Gross Density (MGD): 6.00 dwelling unit/acre

Minimum Landscape Surface Ratio (LSR): 30%

Maximum Building Coverage: 50%

## b. Residential Bulk Requirements\*:



- A:** Minimum Lot Area: 4,000 square feet
- B:** Minimum Lot Width: 40 feet; 50 feet for corner lot
- C:** Minimum Street Frontage: 40 feet
- Minimum Setbacks:**
- E:** Front or Street Side Lot Line to House: **Minimum** 20 feet to House; 12 feet to Porch; **Maximum** 25 feet to House; 15 feet to Porch
- F:** Front or Street Side Lot Line to Attached or Detached Garage: 20 feet
- G:** Side Lot Line to House: 5 feet and 7 feet on adjoining lot as recorded on plat
- H:** Side Lot Line to Attached or Detached Garage with Side Access to Alley: 5 feet
- I:** Side Lot Line to Attached or Detached Garage with Rear Access to Alley: 5 feet
- J:** Total of Both Sides, Lot Lines to House: 12 feet
- K:** Rear Lot Line to House: 20 feet
- L:** Rear Lot Line to Attached or Detached Garage with Side Access to Alley: 2 feet; Rear Lot Line to Attached or Detached Garage with Rear Access to Alley: 2 feet
- M:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- N:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- O:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- P:** Minimum Paved Surface Setback: 5 feet from side, or 0 feet in the case of a shared driveway; 10 feet from street
- Q:** Minimum Dwelling Unit Separation: 12 feet for multiple principle dwellings on the same lot
- R:** Maximum Height of Dwelling Unit: 35 feet

*Section 17-105(2)(f): Two-family Residential-6 (TR-6) District* through *Section 17-105(2)(f): Two-family Residential-6 (TR-6) District*

- S:** Maximum Height of Accessory Structure: 25 feet
- T:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3
- U:** Alley Right-of-Way Width: 26 feet
- V:** Alley Pavement Width: 16 feet, with no curb
- W:** Alley Terrace Width: 5 feet

*\* For a nonconforming structure, see Section 17-408*

## 8. Regulations Applicable to Nonresidential Uses

### a. Nonresidential Intensity Requirements:

- Maximum Number of Floors (F): 2
- Minimum Landscape Surface Ratio (LSR): 50%
- Maximum Building Size (MBS): na

### b. Nonresidential Bulk Requirements\*:

- A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
- B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 30 feet
- D:** Building to Residential Side Lot Line: 10 feet
- E:** Building to Residential Rear Lot Line: 20 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet
- G:** Building to Nonresidential Rear Lot Line: 20 feet
- H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- L:** Minimum Building Separation: 20 feet for multiple principle dwellings on the same lot
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

*\* For a nonconforming structure, see Section 17-408*

## (f) **Two-family Residential-6 (TR-6) District**

### 1. Description and Purpose:

This district is intended to permit development which has a moderate density community character. The land use standards for this district permit both single-family detached residential development and twin house/duplexes permitted by right and two flat, mobile home parks, and mobile home subdivisions permitted as a conditional use. Density and intensity standards for this district are designed to ensure that

*Section 17-105(2)(f): Two-family Residential-6 (TR-6) District* through *Section 17-105(2)(f): Two-family Residential-6 (TR-6) District*

the Two-family Residential-6 District shall serve as a designation which preserves and protects the moderate density residential community character of its area. Various residential development options are available in this district, with a Maximum Gross Density (MGD) of 7.5 dwelling units per gross acre.

**Rationale:** This district is used to provide for the permanent protection of an area for those who want to live in a moderate density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the TR-6 District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including single-family, duplexes, twin houses, and two flats.

2. **List of Allowable Principal Land Uses (per Article II)**

- a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))  
 Single-Family Detached – 7,200 sf lot (per Section 17-206(1)(a)1.) (Follow bulk rules for SR-5 District.)  
 Twin House/Duplex - 5,800 sf per du (per Section 17-206(1)(a)2 or 3)  
 Cultivation (per Section 17-206(2)(a))  
 Selective Cutting (per Section 17-206(2)(f))  
 Passive Outdoor Public Recreation (per Section 17-206(3)(a))  
 Active Outdoor Public Recreation (per Section 17-206(3)(b))  
 Public Services and Utilities (per Section 17-206(3)(e))  
 Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))  
 Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))  
 Two-Flat – 7,200 sf lot (per Section 17-206(1)(a)4.)  
 Mobile Home Development or Park – 5,800 sf lot (per Sections 17-206(1)(c) or (d))  
 Clear Cutting (per Section 17-206(2)(g))  
 Bed and Breakfast Establishments (per Section 17-206(4)(l))  
 Group Day Care Center (9+ children) (per Section 17-206(4)(m))  
 Group or Large Developments (per Section 17-220)

3. **List of Allowable Accessory Uses:** (per Section 17-202(5))

- a. **Accessory Land Uses Permitted by Right:**  
 Farm Residence (per Section 17-206(8)(b))  
 Detached Residential Garage or Shed (per Section 17-206(8)(c))  
 Home Occupation (per Section 17-206(8)(j))  
 Family Day Care Home (4-8 children) (per Section 17-206(8)(k))  
 On-Site Parking Lot (per Section 17-206(8)(n))  
 Private Residential Recreational Facility (per Section 17-206(8)(o))  
 Drainage Structure (per Section 17-206(8)(r))  
 Filling (per Section 17-206(8)(s))  
 Lawn Care (per Section 17-206(8)(t))  
 Exterior Communication Devices (per Section 17-206(8)(v))  
 In-family Suite (per Section 17-206(8)(x))
- b. **Accessory Land Uses Permitted as Conditional Use:**  
 Intermediate Day Care Home (9-15 children) (per Section 17-206(8)(l))

- 4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
  - Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))

5. **Regulations Applicable to All Uses**

- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses:**

a. **Residential Density and Intensity Requirements:**

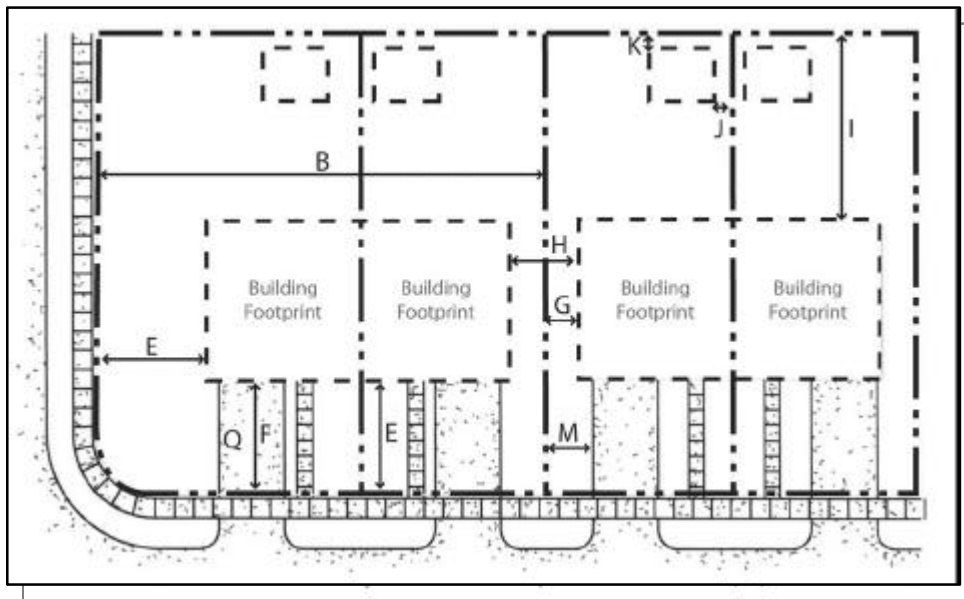
1) **Conventional Development**

- Minimum Zoning District Area: 11,600 square feet
- Maximum Gross Density (MGD): 6.00 dwelling units/acre
- Minimum Landscape Surface Ratio (LSR): 50%
- Maximum Building Coverage: 30%

2) **Mobile Home Park/Development**

- Maximum Gross Density (MGD): 6.00 du/acre
- Minimum Landscape Surface Ratio (LSR): 50%
- Maximum Building Coverage: 30%

b. **Residential Bulk Requirements\*:**



- A:** Minimum Lot Area: 11,600 square feet (twin home or mobile home: 5,800 sq ft for each dwelling unit)
- B:** Minimum Lot Width: 80 feet; 90 feet for corner lot (twin home: 40 feet and 50 feet for corner lot)

Section 17-105(2)(f): Two-family Residential-6 (TR-6) District through Section 17-105(2)(f): Two-family Residential-6 (TR-6) District

- C:** Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- E:** Front or Street Side Lot Line to House: 30 feet
- F:** Front or Street Side Lot Line to Attached Garage: 30 feet
- G:** Side Lot Line to House or Attached Garage: 10 ft or 0 ft along common wall
- H:** Total of Both Sides, Lot Lines to House or Attached Garage: 20 feet or 0 ft along common wall
- I:** Rear Lot Line to House or Attached Garage: 20 feet
- J:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- K:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- L:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- N:** Minimum Dwelling Unit Separation: 20 feet or 0 feet along common wall for multiple principle dwellings on the same lot
- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3

*\* For a nonconforming structure, see Section 17-408*

**7. Regulations Applicable to Nonresidential Uses:**

- a. Nonresidential Intensity Requirements:**
- Maximum Number of Floors (F): 2
- Minimum Landscape Surface Ratio (LSR): 30%
- Maximum Building Size (MBS): na
- b. Nonresidential Bulk Requirements\*:**
- A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
- B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 30 feet
- D:** Building to Residential Side Lot Line: 10 feet
- E:** Building to Residential Rear Lot Line: 20 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet
- G:** Building to Nonresidential Rear Lot Line: 20 feet
- H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- L:** Minimum Building Separation: 20 feet for multiple principle dwellings on the same lot

*Section 17-105(2)(g): Multi-family Residential-8 (MR-8) District through Section 17-105(2)(g): Multi-family Residential-8 (MR-8) District*

**M:** Maximum Building Height: 35 feet

**N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

*\* For a nonconforming structure, see Section 17-408*

(g) **Multi-family Residential-8 (MR-8) District**

1. **Description and Purpose:**

This district is intended to permit development which has a moderate density community character. The land use standards for this district permit single-family detached, twin house/duplex, two flats, townhouses, and multiplexes and apartments, and related land uses. Multi-family buildings containing more than 4 dwelling units and up to 8 dwelling units require approval of a conditional use permit. Density and intensity standards for this district are designed to ensure that the Multi-family Residential-8 District shall serve as a designation which preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8 District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for mixed residential development.

2. **List of Allowable Principal Land Uses (per Article II)**

a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))

Single-Family Detached – 7,200 sf lot (per Section 17-206(1)(a)1.) (Follow bulk rules for SR-5 District.)

Twin House/Duplex - 5,800 sf per du (per Section 17-206(1)(a)2/3) (Follow bulk rules for TR-6 District.)

Two-Flat – 7,200 sf lot (per Section 17-206(1)(a)4.) (Follow bulk rules for SR-5 District.)

Townhouse – 5,445 sf lot (3 or 4 unit building) (per Section 17-206(1)(a)5.)

Multiplex – 5,445 sf per du (3 or 4 unit building) (per Section 17-206(1)(a)6.)

Apartment – 5,445 sf per du (3 or 4 unit building) (per Section 17-206(1)(a)7.)

Cultivation (per Section 17-206(2)(a))

Selective Cutting (per Section 17-206(2)(f))

Passive Outdoor Public Recreation (per Section 17-206(3)(a))

Active Outdoor Public Recreation (per Section 17-206(3)(b))

Public Services and Utilities (per Section 17-206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))

Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))

b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))

Clear Cutting (per Section 17-206(2)(g))

Townhouse – 5,445 sf lot (5-8 unit building) (per Section 17-206(1)(a)5.)

Multiplex – 5,445 sf per du (5-8 unit building) (per Section 17-206(1)(a)6.)

Apartment – 5,445 sf per du (5-8 unit building) (per Section 17-206(1)(a)7.)

Community Living Arrangement (16+ residents) (per 17-206(3)(i))

Bed and Breakfast Establishments (per Section 17-206(4)(l))

Group Day Care Center (9+ children) (per Section 17-206(4)(m))

Boarding House (per Section 17-206(4)(o))



Group or Large Developments (per Section 17-220)

3. **List of Allowable Accessory Uses:** (per Section 17-202(5))

a. **Accessory Land Uses Permitted by Right:**

- Farm Residence (per Section 17-206(8)(b))
- Detached Residential Garage or Shed (per Section 17-206(8)(c))
- Home Occupation (per Section 17-206(8)(j))
- Family Day Care Home (4-8 children) (per Section 17-206(8)(k))
- On-Site Parking Lot (per Section 17-206(8)(n))
- Private Residential Recreational Facility (per Section 17-206(8)(o))
- Drainage Structure (per Section 17-206(8)(r))
- Filling (per Section 17-206(8)(s))
- Lawn Care (per Section 17-206(8)(t))
- Exterior Communication Devices (per Section 17-206(8)(v))
- In-family Suite (per Section 17-206(8)(x))

b. **Accessory Land Uses Permitted as Conditional Use:**

- Intermediate Day Care Home (9-15 children) (per Section 17-206(8)(l))

4. **List of Allowable Temporary Uses:** (per Section 17-202(6))

- Outdoor Assembly (per Section 17-206(9)(b))
- Contractor's Project Office (per Section 17-206(9)(c))
- Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
- On-Site Real Estate Sales Office (per Section 17-206(9)(f))

5. **Regulations Applicable to All Uses**

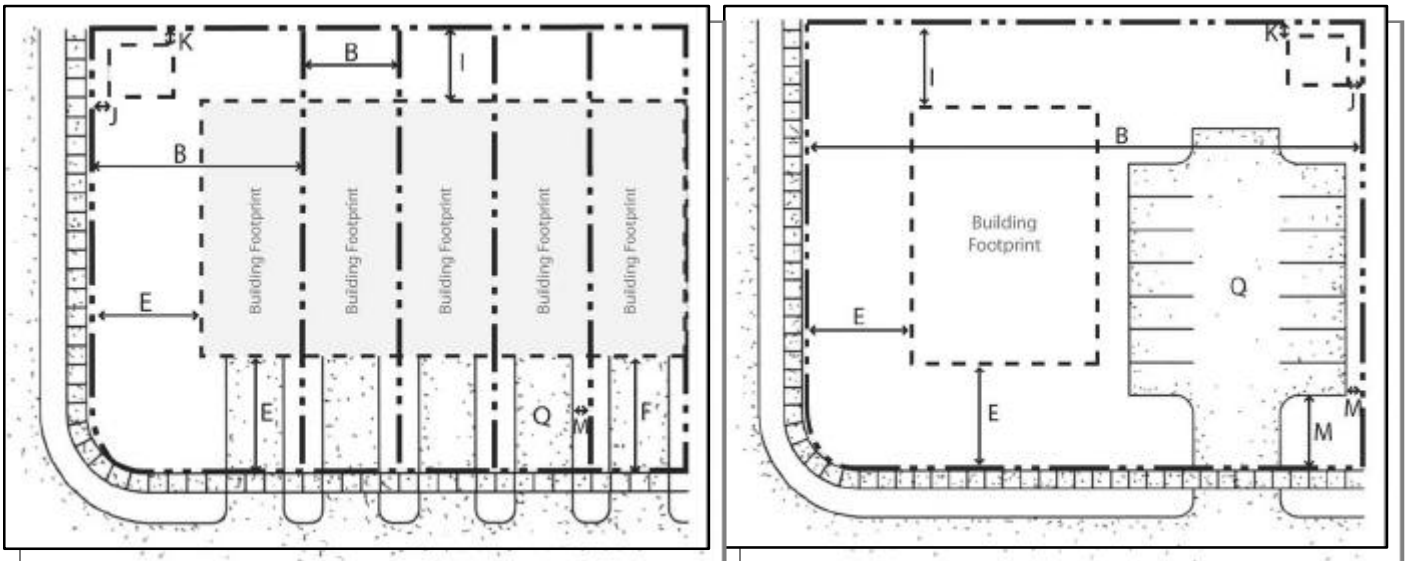
- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses:**

For single-family and two-family dwellings, see the TR-6 District. Bulk regulations below apply only to townhouse, multiplex, apartment and institutional residential development.

a. **Residential Density and Intensity Requirements:**

- Maximum Gross Density (MGD): 8.00 dwelling units/acre
- Minimum Landscape Surface Ratio (LSR): 50%
- Maximum Building Coverage: 40%

**b. Residential Bulk Requirements\*:**

- A:** Minimum Lot Area: 5,445 square feet per dwelling unit
- B:** Minimum Lot Width: 60 feet; 20 feet for townhouse on interior of row, 30 feet for townhouse on end of row, 80 feet for apartment or multiplex. Add 10 feet for corner lots.

- C:** Minimum Street Frontage: 50 feet

**Minimum Setbacks:**

- E:** Front or Street Side Lot Line to House: 30 feet
- F:** Front or Street Side Lot Line to Attached Garage: 30 feet
- G:** Side Lot Line to House or Attached Garage: 10 feet or 0 feet along common wall
- H:** Total of Both Sides, Lot Lines to House or Attached Garage: 20 feet or 0 ft along common wall
- I:** Rear Lot Line to House or Attached Garage: 20 feet
- J:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- K:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- L:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- N:** Minimum Dwelling Unit Separation: 20 feet or 0 feet along common wall for multiple principle dwellings on the same lot

*Section 17-105(2)(g): Multi-family Residential-8 (MR-8) District through Section 17-105(2)(g): Multi-family Residential-8 (MR-8) District*

- O:** Maximum Height of Dwelling Unit: 35 feet, greater with conditional use permit
  - P:** Maximum Height of Accessory Structure: 15 feet
  - Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot: (Includes garage and all designated parking surfaces): 2.5 per 3-bedroom, 2 per 2-bedroom, 1-bedroom, or efficiency
- \* For a nonconforming structure, see Section 17-408*

**7. Regulations Applicable to Nonresidential Uses:**

**a. Nonresidential Intensity Requirements:**

Maximum Number of Floors (F): 2  
 Minimum Landscape Surface Ratio (LSR): 25%  
 Maximum Building Size (MBS): na

**b. Nonresidential Bulk Requirements\*:**

- A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
- B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 25 feet, 40 feet for a lot adjacent to a street Officially Mapped as being equal to or exceeding 100 feet
- D:** Building to Residential Side Lot Line: 10 feet
- E:** Building to Residential Rear Lot Line: 20 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet
- G:** Building to Nonresidential Rear Lot Line: 20 feet
- H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear, or 0 feet in the case of a shared driveway; 10 feet from street
- L:** Minimum Building Separation: 20 feet for multiple principle dwellings on the same lot
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

*\* For a nonconforming structure, see Section 17-408*

### (3) Office Districts

#### (a) **Neighborhood Office (NO) District**

##### 1. **Description and Purpose:**

This district is intended to permit high-quality office and related land uses at an intensity compatible with the older portions of the Village predominately developed with large homes which are desirable to maintain, where traffic volumes and adjacent land uses dictate the transition of these areas to certain nonresidential uses. The desired neighborhood character of the development is attained through Landscape Surface Area Ratio (LSR) requirements, and by restricting the Maximum Building Size (MBS) of all buildings within each instance of this District to 5,000 square feet. A range of dwelling unit types may be allowed. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to adjacent residential development, development within this district shall take access to a collector or arterial street.

Rationale: This district is used to provide for the permanent protection of an area which preserves the original residential appearance, yet permits office and institutional land uses, and which ensures that the neighborhood character is maintained as long as the NO District designation is retained, regardless of how much development occurs within that area.

##### **Neighborhood Office Architectural and Operational Requirements**

- (a) Maximum Zoning District Area: 4 acres
- (b) Minimum Zoning District Separation: 500 feet
- (c) Maximum Building Size: 5,000 sq. ft. (one story); 10,000 sq. ft. (two-story)
- (d) No parking in required setbacks for principal buildings
- (e) Residential architectural and landscaping requirements include: foundation planting; residential roof materials, such as shingles; minimum 15% window covering; and acceptable exterior materials, including wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.
- (f) Minimum Landscape Surface Ratio: 40%
- (g) Operating Hours: No earlier than 7:00a.m. or later than 9:00p.m., unless otherwise extended by a granting of a conditional use permit.
- (h) Shall provide a neighborhood-oriented amenity, per Plan Commission direction (i.e., outdoor neighborhood gathering area, public art, etc)

##### 2. **List of Allowable Principal Land Uses (per Article II)**

- a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
  - Single-Family Detached – 7,200 sf lot (per Section 17-206(1)(a)1.) Based on SR-5 bulk requirements.
  - Cultivation (per Section 17-206(2)(a))
  - Selective Cutting (per Section 17-206(2)(f))
  - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
  - Active Outdoor Public Recreation (per Section 17-206(3)(b))
  - Public Services and Utilities (per Section 17-206(3)(e))
  - Office (per Section 17-206(4)(a))
  - Personal or Professional Services (per Section 17-206(4)(b))

Section 17-105(3)(a): Neighborhood Office (NO) District

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Section 17-105(3)(a): Neighborhood Office (NO) District

- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))  
 Twin House/Duplex - 5,800 sf per du (per Section 17-206(1)(a)2 or 3) based on TR-6 bulk requirements  
 Two-Flat – 7,200 sf lot (per Section 17-206(1)(a)4.) based on SR-5 bulk requirements  
 Clear Cutting (per Section 17-206(2)(g))  
 Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))  
 Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))  
 Community Living Arrangement (16+ residents) (per Section 17-206(3)(i))  
 Indoor Sales or Service (per Section 17-206(4)(c))  
 Indoor Commercial Entertainment (per Section 17-206(4)(h))  
 Bed and Breakfast Establishments (per Section 17-206(4)(l))  
 Group Day Care Center (9+ children) (per Section 17-206(4)(m))  
 Boarding House (per Section 17-206(4)(o))
3. **List of Allowable Accessory Uses:** (per Section 17-202(5))
- a. **Accessory Land Uses Permitted by Right:**  
 Farm Residence (per Section 17-206(8)(b))  
 Detached Residential Garage or Shed (per Section 17-206(8)(c))  
 Company Cafeteria (per Section 17-206(8)(d))  
 Company Provided On-Site Recreation—without exterior lighting (per Section 17-206(8)(e))  
 Home Occupation (per Section 17-206(8)(j))  
 On-Site Parking Lot (per Section 17-206(8)(n))  
 Private Residential Recreational Facility (per Section 17-206(8)(o))  
 Drainage Structure (per Section 17-206(8)(r))  
 Filling (per Section 17-206(8)(s))  
 Lawn Care (per Section 17-206(8)(t))  
 Exterior Communication Devices (per Section 17-206(8)(v))
- b. **Accessory Land Uses Permitted as Conditional Use:**  
 Upper Storey Dwelling Unit (per Section 17-206(8)(a))  
 Company Provided On-Site Recreation—with exterior lighting (per Section 17-206(8)(e))  
 In-Vehicle Sales and Service (per Section 17-206(8)(g))
4. **List of Allowable Temporary Uses:** (per Section 17-202(6))  
 Outdoor Assembly (per Section 17-206(9)(b))  
 Contractor's Project Office (per Section 17-206(9)(c))  
 Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))  
 Relocatable Building (per Section 17-206(9)(e))  
 On-Site Real Estate Sales Office (per Section 17-206(9)(f))
5. **Regulations Applicable to All Uses**
- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**
6. **Regulations Applicable to Residential Uses:**  
 For single-family dwellings see the SR-5 District. For two-family dwellings see the TR-6 District.

7. **Regulations Applicable to Nonresidential Uses:**

a. **Nonresidential Intensity Requirements:**

- Maximum Number of Floors (F): 2
- Minimum Landscape Surface Ratio (LSR): 40%
- Maximum Floor Area Ratio (FAR): .25
- Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:**

- A:** Minimum Lot Area: 7,200 square feet
- B:** Minimum Lot Width: 60 feet; 70 feet for corner lot; Minimum Street Frontage: 50 feet

**Minimum Setbacks:**

- C:** Building to Front or Street Side Lot Line: 30 feet
- D:** Building to Residential Side Lot Line: 10 feet
- E:** Building to Residential Rear Lot Line: 20 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet
- G:** Building to Nonresidential Rear Lot Line: 20 feet
- H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- L:** Minimum Building Separation: 20 feet
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

(b) **Planned Office (PO) District**

1. **Description and Purpose:**

This district is intended to permit high-quality office and related land uses at an intensity compatible with the overall community character of the Village. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, development within this district shall take access to a collector or arterial street.

Rationale: This district is used to provide for the permanent protection of an area for those who desire a high quality office environment which maintains the attractiveness of the site and retains enough open land in their development to ensure that the community character is maintained as long as the PO District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Principal Land Uses (per Article II)**

a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))

- Cultivation (per Section 17-206(2)(a))
- Selective Cutting (per Section 17-206(2)(f))
- Passive Outdoor Public Recreation (per Section 17-206(3)(a))
- Active Outdoor Public Recreation (per Section 17-206(3)(b))

Section 17-105**(3)(b)**: Planned Office (PO) District

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Section 17-105**(3)(b)**: Planned Office (PO) District

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- Public Services and Utilities (per Section 17-206(3)(e))
  - Office (per Section 17-206(4)(a))
  - Personal or Professional Services (per Section 17-206(4)(b))
  - b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
    - Clear Cutting (per Section 17-206(2)(g))
    - Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
    - Community Living Arrangement (16+ residents) (per 17-206(3)(i))
    - Indoor Sales or Service (per Section 17-206(4)(c))
    - In-Vehicle Sales or Service (per Section 17-206(4)(g))
    - Indoor Commercial Entertainment (per Section 17-206(4)(h))
    - Commercial Indoor Lodging (per Section 17-206(4)(k))
    - Group Day Care Center (9+ children) (per Section 17-206(4)(m))
    - Airport/Heliport (per Section 17-206(6)(b))
  - 3. **List of Allowable Accessory Uses:** (per Section 17-202(5))
    - a. **Accessory Land Uses Permitted by Right:**
      - Farm Residence (per Section 17-206(8)(b))
      - Detached Residential Garage or Shed (per Section 17-206(8)(c))
      - Company Cafeteria (per Section 17-206(8)(d))
      - Company Provided On-Site Recreation (per Section 17-206(8)(e))
      - Home Occupation (per Section 17-206(8)(j))
      - On-Site Parking Lot (per Section 17-206(8)(n))
      - Private Residential Recreational Facility (per Section 17-206(8)(o))
      - Drainage Structure (per Section 17-206(8)(r))
      - Filling (per Section 17-206(8)(s))
      - Lawn Care (per Section 17-206(8)(t))
      - Exterior Communication Devices (per Section 17-206(8)(v))
    - b. **Accessory Land Uses Permitted as Conditional Use:**
      - Company Provided On-Site Recreation (per Section 17-206(8)(e))
      - In-Vehicle Sales and Service (per Section 17-206(8)(g))
  - 4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
    - Outdoor Assembly (per Section 17-206(9)(b))
    - Contractor's Project Office (per Section 17-206(9)(c))
    - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
    - Relocatable Building (per Section 17-206(9)(e))
    - On-Site Real Estate Sales Office (per Section 17-206(9)(f))
  - 5. **Regulations Applicable to All Uses**
    - a. **Landscaping Regulations (See Article VI)**
    - b. **Performance Standards: (See Article VII)**
    - c. **Signage Regulations: (See Article VIII)**
  - 6. **Regulations Applicable to Residential Uses:**
    - Not applicable.

**7. Regulations Applicable to Nonresidential Uses:****a. Nonresidential Intensity Requirements:**

Maximum Number of Floors (F): 4

Minimum Landscape Surface Ratio (LSR): 25%

Maximum Floor Area Ratio (FAR): .30

Maximum Building Size (MBS): na

**b. Nonresidential Bulk Requirements:**

**A:** Minimum Lot Area: 20,000 square feet

**B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet

**Minimum Setbacks:**

**C:** Building to Front or Street Side Lot Line: 25 feet

**D:** Building to Residential Side Lot Line: 10 feet

**E:** Building to Residential Rear Lot Line: 30 feet

**F:** Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side

**G:** Building to Nonresidential Rear Lot Line: 30 feet

**H:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley

**I:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley

**J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary

**K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

**L:** Minimum Building Separation: 20 feet or 0 feet on zero lot line side

**M:** Maximum Building Height: 60 feet

**N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206



#### (4) Business Districts

##### (a) **Neighborhood Business (NB) District**

###### 1. Description and Purpose:

This district is intended to permit small-scale commercial development which is compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular. The desired neighborhood community character of the development is attained through Landscape Surface Area Ratio (LSR) requirements, and by restricting the Maximum Building Size (MBS) of all buildings within each instance of this District to 5,000 square feet. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street.

Rationale: This district is used to provide both convenience oriented goods and services and for the permanent protection of adjacent residential areas by permitting only a limited range of commercial activities. Together, these requirements ensure that the desired character is maintained as long as the NB District designation is retained, regardless of how much development occurs within that area.

###### **Neighborhood Business Architectural and Operational Requirements**

- a. Maximum Zoning District Area: 4 acres
- b. Minimum Zoning District Separation: 500 feet
- c. All new Neighborhood Business (NB) Districts shall be established through the conditional rezoning process. Under this approach, the Neighborhood Business District shall not be vested until the approved project has been completed.
- d. Maximum Building Size: 5,000 sq. ft. (one story); 10,000 sq. ft. (two-story)
- e. No parking in required setbacks for principal buildings
- f. Residential architectural and landscaping requirements include: foundation planting; residential roof materials, such as shingles; minimum 15% window coverage; and acceptable exterior materials, including wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.
- g. Minimum Landscape Surface Ratio: 40%
- h. Operating Hours: No earlier than 7:00 a.m. or later than 9:00 p.m., unless otherwise extended by a granting of a conditional use permit
- i. Shall provide a neighborhood-oriented amenity, per Plan Commission direction (i.e., outdoor neighborhood gathering area, public art, etc)

###### 2. List of Allowable Principal Land Uses (per Article II)

- a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
  - Single-Family Detached – 7,200 sf lot (per Section 17-206(1)(a)1.) based on SR-5 District.
  - Cultivation (per Section 17-206(2)(a))
  - Selective Cutting (per Section 17-206(2)(f))
  - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
  - Active Outdoor Public Recreation (per Section 17-206(3)(b))
  - Public Services and Utilities (per Section 17-206(3)(e))
  - Office (per Section 17-206(4)(a))
  - Personal or Professional Services (per Section 17-206(4)(b))
  - Indoor Sales or Service (per Section 17-206(4)(c))
  - Indoor Maintenance Service (per Section 17-206(4)(e))

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*Section 17-105(4)(a): Neighborhood Business (NB) District**through**Section 17-105(4)(a): Neighborhood Business (NB) District*

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- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
  - Twin House/Duplex - 5,800 sf per du (per Section 17-206(1)(a)2 or 3) Based on TR-6 District
  - Two-Flat – 7,200 sf lot (per Section 17-206(1)(a)4.) Based on TR-6 District
  - Clear Cutting (per Section 17-206(2)(g))
  - Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))
  - Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
  - Community Living Arrangement (16+ residents) (per 17-206(3)(i))
  - In-Vehicle Sales or Service (per Section 17-206(4)(g))
  - Indoor Commercial Entertainment (per Section 17-206(4)(h))
  - Bed and Breakfast Establishments (per Section 17-206(4)(l))
  - Group Day Care Center (9+ children) (per Section 17-206(4)(m))
  - Boarding House (per Section 17-206(4)(o))
3. **List of Allowable Accessory Uses:** (per Section 17-202(5))
  - a. **Accessory Land Uses Permitted by Right:**
    - Farm Residence (per Section 17-206(8)(b))
    - Detached Residential Garage or Shed (per Section 17-206(8)(c))
    - Home Occupation (per Section 17-206(8)(j))
    - On-Site Parking Lot (per Section 17-206(8)(n))
    - Private Residential Recreational Facility (per Section 17-206(8)(o))
    - Drainage Structure (per Section 17-206(8)(r))
    - Filling (per Section 17-206(8)(s))
    - Lawn Care (per Section 17-206(8)(t))
    - Exterior Communication Devices (per Section 17-206(8)(v))
  - b. **Accessory Land Uses Permitted as Conditional Use:**
    - Upper Storey Dwelling Unit (per Section 17-206(8)(a))
    - In-Vehicle Sales and Service (per Section 17-206(8)(g))
    - Light Industrial Incidental to Indoor Sales (per Section 17-206(8)(i))
4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
  - General Temporary Outdoor Sales (per Section 17-206(9)(a))
  - Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - Relocatable Building (per Section 17-206(9)(e))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))
  - Outdoor Sales of Farm Products (per Section 17-206(9)(g))
5. **Regulations Applicable to All Uses**
  - a. **Landscaping Regulations (See Article VI)**
  - b. **Performance Standards: (See Article VII)**
  - c. **Signage Regulations: (See Article VIII)**
6. **Regulations Applicable to Residential Uses:**
  - For single-family dwellings see the SR-5 District. For two-family dwellings see the TR-6 District.

## 7. Regulations Applicable to Nonresidential Uses:

### a. Nonresidential Intensity Requirements:

- Maximum Number of Floors (F): 2
- Minimum Landscape Surface Ratio (LSR): 30%
- Maximum Floor Area Ratio (FAR): .25
- Maximum Building Size (MBS): 5,000 square feet

### b. Nonresidential Bulk Requirements:

- A:** Minimum Lot Area: 7,200 square feet
- B:** Minimum Lot Width: 60 feet; Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 30 feet
- D:** Building to Residential Side Lot Line: 10 feet
- E:** Building to Residential Rear Lot Line: 20 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet
- G:** Building to Nonresidential Rear Lot Line: 20 feet
- H:** Side Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 5 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- L:** Minimum Building Separation: 20 feet
- M:** Maximum Building Height: 35 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

## (b) **Planned Business (PB) District**

### 1. Description and Purpose:

This district is intended to permit large and small scale commercial development which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street.

**Rationale:** This district is intended to provide the principal zoning district for commercial development which occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the Central Business District in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of the development is attained through the Landscape Surface Area Ratio (LSR) requirements. Together, these requirements ensure that the desired community character is maintained as long as the Planned Business District designation is retained, regardless of how much development occurs within that area.

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2. **List of Allowable Principal Land Uses (per Article II)**
    - a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
      - Cultivation (per Section 17-206(2)(a))
      - Selective Cutting (per Section 17-206(2)(f))
      - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
      - Active Outdoor Public Recreation (per Section 17-206(3)(b))
      - Public Services and Utilities (per Section 17-206(3)(e))
      - Office (per Section 17-206(4)(a))
      - Personal or Professional Services (per Section 17-206(4)(b))
      - Indoor Sales or Service (per Section 17-206(4)(c))
      - Indoor Maintenance Service (per Section 17-206(4)(e))
    - b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
      - Clear Cutting (per Section 17-206(2)(g))
      - Outdoor Display (per Section 17-206(4)(d))
      - In-Vehicle Sales or Service (per Section 17-206(4)(g))
      - Indoor Commercial Entertainment (per Section 17-206(4)(h))
      - Commercial Animal Boarding (per Section 17-206(4)(j))
      - Commercial Indoor Lodging (per Section 17-206(4)(k))
      - Bed and Breakfast Establishments (per Section 17-206(4)(l))
      - Group Day Care Center (9+ children) (per Section 17-206(4)(m))
      - Vehicle Repair and Maintenance (per Section 17-206(4)(q))
  3. **List of Allowable Accessory Uses:** (per Section 17-202(5))
    - a. **Accessory Land Uses Permitted by Right:**
      - Farm Residence (per Section 17-206(8)(b))
      - Detached Residential Garage or Shed (per Section 17-206(8)(c))
      - Company Cafeteria (per Section 17-206(8)(d))
      - Company Provided On-Site Recreation (per Section 17-206(8)(e))
      - Home Occupation (per Section 17-206(8)(j))
      - On-Site Parking Lot (per Section 17-206(8)(n))
      - Private Residential Recreational Facility (per Section 17-206(8)(o))
      - Drainage Structure (per Section 17-206(8)(r))
      - Filling (per Section 17-206(8)(s))
      - Lawn Care (per Section 17-206(8)(t))
      - Exterior Communication Devices (per Section 17-206(8)(v))
    - b. **Accessory Land Uses Permitted as Conditional Use:**
      - Upper Storey Dwelling Unit (per Section 17-206(8)(a))
      - Company Provided On-Site Recreation (per Section 17-206(8)(e))
      - Outdoor Display Incidental (per Section 17-206(8)(f))
      - In-Vehicle Sales and Service (per Section 17-206(8)(g))
      - Light Industrial Incidental to Indoor Sales (per Section 17-206(8)(i))
  4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
    - General Temporary Outdoor Sales (per Section 17-206(9)(a))
    - Outdoor Assembly (per Section 17-206(9)(b))
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Contractor's Project Office (per Section 17-206(9)(c))  
 Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))  
 Relocatable Building (per Section 17-206(9)(e))  
 On-Site Real Estate Sales Office (per Section 17-206(9)(f))  
 Outdoor Sales of Farm Products (per Section 17-206(9)(g))

5. **Regulations Applicable to All Uses**

- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**

6. **Regulations Applicable to Residential Uses:**

Not Applicable.

7. **Regulations Applicable to Nonresidential Uses:**

a. **Nonresidential Intensity Requirements:**

Maximum Number of Floors (F): 4  
 Minimum Landscape Surface Ratio (LSR): 25%  
 Maximum Floor Area Ratio (FAR): .30  
 Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:**

- A:** Minimum Lot Area: 20,000 square feet
- B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 25 feet
- D:** Building to Residential Side Lot Line: 10 feet
- E:** Building to Residential Rear Lot Line: 30 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side
- G:** Building to Nonresidential Rear Lot Line: 30 feet
- H:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- L:** Minimum Building Separation: 20 feet or 0 feet on zero lot line side
- M:** Maximum Building Height: 45 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

**(c) Central Business (CB) District****1. Description and Purpose:**

This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) permitted in this district are much lower than those allowed in the Planned Business District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central Village locations.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Planned Business (PB) District and is designed to assist in maintaining the long-term viability of the central Village.

**2. List of Allowable Principal Land Uses (per Article II)****a. Principal Land Uses Permitted by Right: (per Section 17-202(2))**

Cultivation (per Section 17-206(2)(a))

Selective Cutting (per Section 17-206(2)(f))

Passive Outdoor Public Recreation (per Section 17-206(3)(a))

Active Outdoor Public Recreation (per Section 17-206(3)(b))

Public Services and Utilities (per Section 17-206(3)(e))

Office (per Section 17-206(4)(a))

Personal or Professional Services (per Section 17-206(4)(b))

Indoor Sales or Service (per Section 17-206(4)(c))

Indoor Maintenance Service (per Section 17-206(4)(e))

Off-Site Parking Lot (per Section 17-206(6)(a))

**b. Principal Land Uses Permitted as Conditional Use: (per Section 17-202(4))**

Clear Cutting (per Section 17-206(2)(g))

Indoor Institutional (per Section 17-206(3)(c))

Outdoor Institutional (per Section 17-206(3)(d))

Institutional Residential (per Section 17-206(3)(f))

In-Vehicle Sales or Service (per Section 17-206(4)(g))

Indoor Commercial Entertainment (per Section 17-206(4)(h))

Outdoor Commercial Entertainment (per Section 17-206(4)(i))

Commercial Indoor Lodging (per Section 17-206(4)(k))

Bed and Breakfast Establishments (per Section 17-206(4)(l))

Group Day Care Center (9+ children) (per Section 17-206(4)(m))

Boarding House (per Section 17-206(4)(o))

**3. List of Allowable Accessory Uses: (per Section 17-202(5))****a. Accessory Land Uses Permitted by Right:**

Upper Storey Dwelling Unit (per Section 17-206(8)(a))

Farm Residence (per Section 17-206(8)(b))

Detached Residential Garage or Shed (per Section 17-206(8)(c))

Company Cafeteria (per Section 17-206(8)(d))

Section 17-105(4)(c): Central Business (CB) District

through

Section 17-105(4)(c): Central Business (CB) District

- Company Provided On-Site Recreation (per Section 17-206(8)(e))
  - Home Occupation (per Section 17-206(8)(j))
  - On-Site Parking Lot (per Section 17-206(8)(n))
  - Private Residential Recreational Facility (per Section 17-206(8)(o))
  - Drainage Structure (per Section 17-206(8)(r))
  - Filling (per Section 17-206(8)(s))
  - Lawn Care (per Section 17-206(8)(t))
  - Exterior Communication Devices (per Section 17-206(8)(v))
- b. **Accessory Land Uses Permitted as Conditional Use:**
- Company Provided On-Site Recreation (per Section 17-206(8)(e))
  - In-Vehicle Sales and Service (per Section 17-206(8)(g))
  - Light Industrial Incidental to Indoor Sales (per Section 17-206(8)(i))
4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
- General Temporary Outdoor Sales (per Section 17-206(9)(a))
  - Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - Relocatable Building (per Section 17-206(9)(e))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))
  - Outdoor Sales of Farm Products (per Section 17-206(9)(g))
5. **Regulations Applicable to All Uses**
- a. **Landscaping Regulations (See Article VI)**
  - b. **Performance Standards: (See Article VII)**
  - c. **Signage Regulations: (See Article VIII)**
6. **Regulations Applicable to Residential Uses:**
- For institutional residential development, see the MR-8 District.
7. **Regulations Applicable to Nonresidential Uses:**
- a. **Nonresidential Intensity Requirements:**
    - Maximum Number of Floors (F): 3
    - Minimum Number of Floors: 2
    - Minimum Landscape Surface Ratio (LSR): 0%
    - Maximum Floor Area Ratio (FAR): 3.00
    - Maximum Building Size (MBS): na
  - b. **Nonresidential Bulk Requirements:**
    - A:** Minimum Lot Area: 1,000 square feet
    - B:** Minimum Lot Width: 20 feet; Minimum Street Frontage: 20 feet
    - Required Setbacks** (*Minimums, except where noted as Maximums, below.*):
    - C:** Building to Front or Street Side Lot Line: 0 feet Maximum\*
    - D:** Building to Residential Side Lot Line: 0 feet Maximum\*

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- E:** Building to Residential Rear Lot Line: 10 feet
- F:** Building to Nonresidential Side Lot Line: 0 feet Maximum\*
- G:** Building to Nonresidential Rear Lot Line: 10 feet
- H:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 0 feet\*
- L:** Minimum Building Separation: 0 feet\*
- M:** Maximum Building Height: 45 feet, Minimum Building Height: 20 feet, Minimum 2 stories
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

*\*Maximum permitted setback of 0 feet, except where permitted by the Plan Commission as an essential component of site design.*



## (5) Industrial Districts

### (a) **Planned Industrial (PI) District**

#### 1. **Description and Purpose:**

This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the GI District. In addition, land uses shall comply with the minimum performance standards presented in Article VII.

#### 2. **List of Allowable Principal Land Uses (per Article II)**

##### a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))

- Cultivation (per Section 17-206(2)(a))
- Selective Cutting (per Section 17-206(2)(f))
- Passive Outdoor Public Recreation (per Section 17-206(3)(a))
- Active Outdoor Public Recreation (per Section 17-206(3)(b))
- Public Services and Utilities (per Section 17-206(3)(e))
- Office (per Section 17-206(4)(a))
- Personal or Professional Services (per Section 17-206(4)(b))
- Indoor Maintenance Service (per Section 17-206(4)(e))
- Indoor Storage or Wholesaling (per Section 17-206(5)(a))
- Light Industrial (per Section 17-206(7)(a))

##### b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))

- Clear Cutting (per Section 17-206(2)(g))
- Indoor Sales or Service (per Section 17-206(4)(c))
- Indoor Commercial Entertainment (per Section 17-206(4)(h))
- Group Day Care Center (9+ children) (per Section 17-206(4)(m))
- Personal Storage Facility (per Section 17-206(5)(c))
- Airport/Heliport (per Section 17-206(6)(b))
- Distribution Center (per Section 17-206(6)(d))
- Communication Tower (per Section 17-206(7)(c))

#### 3. **List of Allowable Accessory Uses:** (per Section 17-202(5))

##### a. **Accessory Land Uses Permitted by Right:**

- Farm Residence (per Section 17-206(8)(b))
- Detached Residential Garage or Shed (per Section 17-206(8)(c))
- Company Provided On-Site Recreation (per Section 17-206(8)(e))
- Company Cafeteria (per Section 17-206(8)(d))
- Indoor Sales Incident to Light Industrial Use (per Section 17-206(8)(h))

- Home Occupation (per Section 17-206(8)(j))
  - On-Site Parking Lot (per Section 17-206(8)(n))
  - Private Residential Recreational Facility (per Section 17-206(8)(o))
  - Drainage Structure (per Section 17-206(8)(r))
  - Filling (per Section 17-206(8)(s))
  - Lawn Care (per Section 17-206(8)(t))
  - Exterior Communication Devices (per Section 17-206(8)(v))
- b. **Accessory Land Uses Permitted as Conditional Use:**
- Company Provided On-Site Recreation (per Section 17-206(8)(e))
  - In-Vehicle Sales and Service (per Section 17-206(8)(g))
4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
- Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - Relocatable Building (per Section 17-206(9)(e))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))
  - Outdoor Sales of Farm Products (per Section 17-206(9)(g))
5. **Regulations Applicable to All Uses**
- a. **Landscaping Regulations (See Article VI)**
  - b. **Performance Standards: (See Article VII)**
  - c. **Signage Regulations: (See Article VIII)**
6. **Regulations Applicable to Residential Uses:**
- Not applicable.
7. **Regulations Applicable to Nonresidential Uses:**
- a. **Nonresidential Intensity Requirements:**
    - Maximum Number of Floors (F): 4
    - Minimum Landscape Surface Ratio (LSR): 25%
    - Maximum Floor Area Ratio (FAR): .60
    - Minimum Zoning District Area: 7,200 square feet
    - Maximum Building Size (MBS): na
  - b. **Nonresidential Bulk Requirements:**
    - A:** Minimum Lot Area: 20,000 sq ft (7,200 sq ft permitted as a conditional use)
    - B:** Minimum Lot Width: 100 feet (70 feet permitted as a conditional use); Minimum Street Frontage: 50 feet
    - Minimum Setbacks:**
    - C:** Building to Front or Street Side Lot Line: 15 feet
    - D:** Building to Residential Side Lot Line: 10 feet (50 feet if an opaque screen at least 5 feet tall is not placed on the entire lot line abutting the residential district)
    - E:** Building to Residential Rear Lot Line: 10 feet (50 feet if an opaque screen at least 5 feet tall is not

placed on the entire lot line abutting the residential district)

- F:** Building to Nonresidential Side Lot Line: 10 feet
- G:** Building to Nonresidential Rear Lot Line: 10 feet
- H:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- I:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- L:** Minimum Building Separation: 20 feet
- M:** Maximum Building Height: 60 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

(b) **General Industrial (GI) District**

1. **Description and Purpose:**

This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with existing transition and urban intensity development. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. To ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street.

Rationale: This district is intended to provide a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the HI District. In addition, uses shall comply with the minimum performance standards presented in Article VII.

2. **List of Allowable Principal Land Uses (per Article II)**

a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))

- Cultivation (per Section 17-206(2)(a))
- Selective Cutting (per Section 17-206(2)(f))
- Passive Outdoor Public Recreation (per Section 17-206(3)(a))
- Public Services and Utilities (per Section 17-206(3)(e))
- Office (per Section 17-206(4)(a))
- Indoor Maintenance Service (per Section 17-206(4)(e))
- Indoor Storage or Wholesaling (per Section 17-206(5)(a))
- Off-Site Parking Lot (per Section 17-206(6)(a))
- Distribution Center (per Section 17-206(6)(d))
- Light Industrial (per Section 17-206(7)(a))

b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))

- Clear Cutting (per Section 17-206(2)(g))
- Group Day Care Center (9+ children) (per Section 17-206(4)(m))
- Vehicle Repair and Maintenance (per Section 17-206(4)(q))
- Outdoor Storage or Wholesaling (per Section 17-206(5)(b))
- Personal Storage Facility (per Section 17-206(5)(c))

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- Airport/Heliport (per Section 17-206(6)(b))  
Freight Terminal (per Section 17-206(6)(c))  
Communication Tower (per Section 17-206(7)(c))
3. **List of Allowable Accessory Uses:** (per Section 17-202(5))
- a. **Accessory Land Uses Permitted by Right:**  
Farm Residence (per Section 17-206(8)(c))  
Detached Residential Garage or Shed (per Section 17-206(8)(c))  
Company Cafeteria (per Section 17-206(8)(d))  
Company Provided On-Site Recreation (per Section 17-206(8)(e))  
Indoor Sales Incidental to Light Industrial Use (per Section 17-206(8)(h))  
Home Occupation (per Section 17-206(8)(j))  
On-Site Parking Lot (per Section 17-206(8)(n))  
Private Residential Recreational Facility (per Section 17-206(8)(o))  
Drainage Structure (per Section 17-206(8)(r))  
Filling (per Section 17-206(8)(s))  
Lawn Care (per Section 17-206(8)(t))  
Exterior Communication Devices (per Section 17-206(8)(v))
- b. **Accessory Land Uses Permitted as Conditional Use:**  
Company Provided On-Site Recreation (per Section 17-206(8)(e))  
In-Vehicle Sales and Service (per Section 17-206(8)(g))
4. **List of Allowable Temporary Uses:** (per Section 17-202(6))  
Outdoor Assembly (per Section 17-206(9)(b))  
Contractor's Project Office (per Section 17-206(9)(c))  
Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))  
Relocatable Building (per Section 17-206(9)(e))  
On-Site Real Estate Sales Office (per Section 17-206(9)(f))  
Outdoor Sales of Farm Products (per Section 17-206(9)(g))
5. **Regulations Applicable to All Uses**
- a. **Landscaping Regulations (See Article VI)**
- b. **Performance Standards: (See Article VII)**
- c. **Signage Regulations: (See Article VIII)**
6. **Regulations Applicable to Residential Uses:**  
Not Applicable.
7. **Regulations Applicable to Nonresidential Uses:**
- a. **Nonresidential Intensity Requirements:**  
Maximum Number of Floors (F): 4  
Minimum Landscape Surface Ratio (LSR): 15%  
Maximum Floor Area Ratio (FAR): 1.00  
Maximum Building Size (MBS): na

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**b. Nonresidential Bulk Requirements:**

- A:** Minimum Lot Area: 10,000 square feet
- B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
- Minimum Setbacks:**
- C:** Building to Front or Street Side Lot Line: 15 feet
- D:** Building to Residential Side Lot Line: 25 feet (may reduce to 10 feet with conditional use permit)
- E:** Building to Residential Rear Lot Line: 25 feet
- F:** Building to Nonresidential Side Lot Line: 10 feet
- G:** Building to Nonresidential Rear Lot Line: 10 feet
- H:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
- I:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- J:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
- K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- L:** Minimum Building Separation: 20 feet
- M:** Maximum Building Height: 60 feet
- N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

**(c) Heavy Industrial (HI) District****1. Description and Purpose:**

This district is intended to permit both large and small scale industrial and office development at an intensity which provides ample incentive for infill development and redevelopment of industrial areas existing as of the effective date of this Chapter. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, development within this district shall take access from a collector or arterial street.

Rationale: This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Article VII. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a conditional use permit.

**2. List of Allowable Principal Land Uses (per Article II)**

- a. Principal Land Uses Permitted by Right:** (per Section 17-202(2))
  - Cultivation (per Section 17-206(2)(a))
  - Selective Cutting (per Section 17-206(2)(f))
  - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
  - Public Services and Utilities (per Section 17-206(3)(e))
  - Office (per Section 17-206(4)(a))

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- Indoor Maintenance Service (per Section 17-206(4)(e))
  - Indoor Storage or Wholesaling (per Section 17-206(5)(a))
  - Outdoor Storage or Wholesaling (per Section 17-206(5)(b))
  - Off-Site Parking Lot (per Section 17-206(6)(a))
  - Distribution Center (per Section 17-206(6)(d))
  - Light Industrial (per Section 17-206(7)(a))
  - Heavy Industrial (per Section 17-206(7)(b))
- b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
- Agricultural Services (per Section 17-206(2)(d))
  - Clear Cutting (per Section 17-206(2)(g))
  - Outdoor Maintenance Service (per Section 17-206(4)(f))
  - Sexually Oriented Land Use (per Section 17-206(4)(p))
  - Vehicle Repair and Maintenance (per Section 17-206(4)(q))
  - Junkyard or Salvage Yard (per Section 17-206(5)(d))
  - Waste Disposal Facility (per Section 17-206(5)(e))
  - Composting Operation (per Section 17-206(5)(f))
  - Airport/Heliport (per Section 17-206(6)(b))
  - Freight Terminal (per Section 17-206(6)(c))
  - Communication Tower (per Section 17-206(7)(c))
3. **List of Allowable Accessory Uses:** (per Section 17-202(5))
- a. **Accessory Land Uses Permitted by Right:**
- Farm Residence (per Section 17-206(8)(c))
  - Detached Residential Garage or Shed (per Section 17-206(8)(c))
  - Company Cafeteria (per Section 17-206(8)(d))
  - Company Provided On-Site Recreation (per Section 17-206(8)(e))
  - Indoor Sales Incident to Light Industrial Use (per Section 17-206(8)(h))
  - Home Occupation (per Section 17-206(8)(j))
  - On-Site Parking Lot (per Section 17-206(8)(n))
  - Private Residential Recreational Facility (per Section 17-206(8)(o))
  - Drainage Structure (per Section 17-206(8)(r))
  - Filling (per Section 17-206(8)(s))
  - Lawn Care (per Section 17-206(8)(t))
  - Exterior Communication Devices (per Section 17-206(8)(v))
- b. **Accessory Land Uses Permitted as Conditional Use:**
- Company Provided On-Site Recreation (per Section 17-206(8)(e))
  - In-Vehicle Sales and Service (per Section 17-206(8)(g))
  - Migrant Labor Camp (per Section 17-206(8)(m))
4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
- Outdoor Assembly (per Section 17-206(9)(b))
  - Contractor's Project Office (per Section 17-206(9)(c))
  - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
  - Relocatable Building (per Section 17-206(9)(e))
  - On-Site Real Estate Sales Office (per Section 17-206(9)(f))

5. **Regulations Applicable to All Uses**
  - a. **Landscaping Regulations (See Article VI)**
  - b. **Performance Standards: (See Article VII)**
  - c. **Signage Regulations: (See Article VIII)**
6. **Regulations Applicable to Residential Uses:**  
Not Applicable.
7. **Regulations Applicable to Nonresidential Uses:**
  - a. **Nonresidential Intensity Requirements:**  
Maximum Number of Floors (F): 2 (or more with conditional use permit)  
Minimum Landscape Surface Ratio (LSR): 15%  
Maximum Floor Area Ratio (FAR): 1.00  
Maximum Building Size (MBS): na
  - b. **Nonresidential Bulk Requirements:**
    - A:** Minimum Lot Area: 7,200 square feet
    - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
    - Minimum Setbacks:**
    - C:** Building to Front or Street Side Lot Line: 25 feet
    - D:** Building to Residential Side Lot Line: 50 feet
    - E:** Building to Residential Rear Lot Line: 40 feet
    - F:** Building to Nonresidential Side Lot Line: 20 feet
    - G:** Building to Nonresidential Rear Lot Line: 40 feet
    - H:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
    - I:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
    - J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
    - K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
    - L:** Minimum Building Separation: 40 feet
    - M:** Maximum Building Height: 35 feet (or more with conditional use permit)
    - N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

## (6) Institutional Districts

### (a) Institutional (I) District

#### 1. Description and Purpose:

This district is intended to permit high-quality institutional land uses at an intensity compatible with the overall community character of the Village.

Rationale: This district is used to provide for the reservation and designation of areas for institutional development.

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2. **List of Allowable Principal Land Uses (per Article II)**
    - a. **Principal Land Uses Permitted by Right:** (per Section 17-202(2))
      - Cultivation (per Section 17-206(2)(a))
      - Selective Cutting (per Section 17-206(2)(f))
      - Passive Outdoor Public Recreation (per Section 17-206(3)(a))
      - Active Outdoor Public Recreation (per Section 17-206(3)(b))
      - Public Services and Utilities (per Section 17-206(3)(e))
      - Office (per Section 17-206(4)(a))
      - Personal or Professional Services (per Section 17-206(4)(b))
    - b. **Principal Land Uses Permitted as Conditional Use:** (per Section 17-202(4))
      - Clear Cutting (per Section 17-206(2)(g))
      - Indoor Institutional (per Section 17-206(3)(c))
      - Outdoor Institutional (per Section 17-206(3)(d))
      - Institutional Residential - 20,000 sf lot (per Section 17-206(3)(f))
      - Community Living Arrangement (1-8 residents) (per Section 17-206(3)(g))
      - Community Living Arrangement (9-15 residents) (per Section 17-206(3)(h))
      - Community Living Arrangement (16+ residents) (per 17-206(3)(i))
      - Group Day Care Center (9+ children) (per Section 17-206(4)(m))
  3. **List of Allowable Accessory Uses:** (per Section 17-202(5))
    - a. **Accessory Land Uses Permitted by Right:**
      - Farm Residence (per Section 17-206(8)(b))
      - Detached Residential Garage or Shed (per Section 17-206(8)(c))
      - Company Cafeteria (per Section 17-206(8)(d))
      - Company Provided On-Site Recreation (per Section 17-206(8)(e))
      - Home Occupation (per Section 17-206(8)(j))
      - On-Site Parking Lot (per Section 17-206(8)(n))
      - Private Residential Recreational Facility (per Section 17-206(8)(o))
      - Drainage Structure (per Section 17-206(8)(r))
      - Filling (per Section 17-206(8)(s))
      - Lawn Care (per Section 17-206(8)(t))
      - Exterior Communication Devices (per Section 17-206(8)(v))
    - b. **Accessory Land Uses Permitted as Conditional Use:**
      - Company Provided On-Site Recreation (per Section 17-206(8)(e))
      - In-Vehicle Sales and Service (per Section 17-206(8)(g))
  4. **List of Allowable Temporary Uses:** (per Section 17-202(6))
    - Outdoor Assembly (per Section 17-206(9)(b))
    - Contractor's Project Office (per Section 17-206(9)(c))
    - Contractor's On-Site Equipment Storage (per Section 17-206(9)(d))
    - Relocatable Building (per Section 17-206(9)(e))
    - On-Site Real Estate Sales Office (per Section 17-206(9)(f))
  5. **Regulations Applicable to All Uses**
    - a. **Landscaping Regulations (See Article VI)**
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- b. **Performance Standards: (See Article VII)**
  - c. **Signage Regulations: (See Article VIII)**
  - 6. **Regulations Applicable to Institutional Residential Uses:**
    - For institutional residential development, see the MR-8 district.
  - 7. **Regulations Applicable to Nonresidential Uses:**
    - a. **Nonresidential Intensity Requirements:**
      - Maximum Number of Floors (F): 3
      - Minimum Landscape Surface Ratio (LSR): 25%
      - Maximum Floor Area Ratio (FAR): .30
      - Maximum Building Size (MBS): na
    - b. **Nonresidential Bulk Requirements:**
      - A:** Minimum Lot Area: 20,000 square feet
      - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
      - Minimum Setbacks:**
      - C:** Building to Front or Street Side Lot Line: 25 feet
      - D:** Building to Residential Side Lot Line: 10 feet
      - E:** Building to Residential Rear Lot Line: 30 feet
      - F:** Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side
      - G:** Building to Nonresidential Rear Lot Line: 30 feet
      - H:** Side Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
      - I:** Rear Lot Line to Accessory Structure: 3 feet from property line, 5 feet from alley
      - J:** Required Bufferyard: See 17-610(4)(b) along zoning district boundary
      - K:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
      - L:** Minimum Building Separation: 20 feet or 0 feet on zero lot line side
      - M:** Maximum Building Height: 35 feet
      - N:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 17-206

## (7) Planned Development Districts

### (a) **Planned Development (PD\_ - ) District**

#### 1. **Description and Purpose:**

This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. This district is designed to forward both aesthetic and economic objectives of the Village by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 17-914 for the procedures applicable to proposal review in this standard zoning district.

#### 2. **Development Standards:**

Development standards are flexible within this zoning district. Refer to Section 17-914(2) for the range of development standards potentially available in this zoning district.

## ARTICLE II: LAND USE REGULATIONS

### **Section 17-201: Purpose**

The purpose of this article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional or temporary use permit to do so. Finally, certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use.

### **Section 17-202: Regulation of Allowed Uses**

(1) The land uses listed in Article I are specifically designated and refer to the detailed listing of land uses contained in Section 17-206 (Detailed Land Use Descriptions and Regulations).

(2) **Land Uses Permitted by Right:**

Land uses listed as permitted by right are permitted per the general land use requirement of this Chapter (Section 17-205); per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the Official Zoning Map; per the general requirements of this Chapter including Section 17-908; and per any and all other applicable Village, County, State, and Federal regulations.

(4) **Land Uses Permitted as a Conditional Use:**

Land uses listed as permitted as a conditional use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17-206 (Detailed Land Use Descriptions and Regulations), including any additional requirements imposed as part of the conditional use process. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. (See also Section 17-905 for Conditional Use Procedures).

(5) **Land Uses Permitted as an Accessory Use:**

Land uses permitted as an accessory use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17-206 (Detailed Land Use Descriptions and Regulations).

(6) **Land Uses Permitted as a Temporary Use:**

Land uses listed as permitted as a temporary use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17-206(9) (Detailed Land Use Descriptions and Regulations). (See also Section 17-206.)

(7) Land Uses which are not listed in a specific zoning district in Section 17-105 are not permitted in such zoning district, except as legal nonconforming uses (Section 17-207).

(8) Even if a land use may be indicated as permitted by right or permitted as a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located or implemented on it in full compliance with all of the standards and regulations of this Chapter applicable to the specific land use and property in question, or unless an appropriate variance has been granted pursuant to Section 17-910.

**Section 17-203: Tables of Land Uses**

See the Land Use Table Appendix, which is non-regulatory, for a summary of the treatment of all land uses regulated by this Article.

**Section 17-204: Reserved****Section 17-205: Regulations Applicable to All Land Uses**

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter. Specifically:

**(1) Land Use Regulations and Requirements**

All uses of land shall comply with all the regulations and requirements of this Chapter, pertaining to the types of uses to which land is put within particular zoning districts. Such regulations and requirements address both general and specific regulations which land uses shall adhere to; and which are directly related to the protection of the health, safety and general welfare of the residents of the Village of Oregon and its environs.

**(2) Density and Intensity Regulations and Requirements**

All development of land shall comply with all the regulations and requirements of this Chapter, pertaining to the maximum permitted density (for residential land uses) and intensity (for nonresidential land uses) of land uses. Such regulations and requirements address issues such as Floor Area Ratios (FARs), Green Space Ratios (GSRs), and Landscape Surface Ratios (LSRs); which are directly related to, and are a critical component of, density and intensity and the protection of the health, safety, and general welfare of the residents of the Village of Oregon and its environs.

**(3) Bulk Regulations and Requirements**

All development of land shall comply with all the regulations and requirements of this Chapter, pertaining to the maximum permitted bulk of structures and the location of structures on a lot. Such regulations and requirements address issues such as height, setbacks from property lines and rights of way, and minimum separation between structures; which are directly related to, and are a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the residents of the Village of Oregon and its environs.

**(4) Natural Resources and Green Space Regulations and Requirements**

All land use and/or development of land shall comply with all the regulations and requirements of this Chapter, pertaining to the protection of sensitive natural resources and required green space areas. Such regulations and requirements address issues such as absolute protection, partial protection, and migration; which are directly related to, and are a critical component of, the protection of natural resources and the protection of the health, safety, and general welfare of the residents of the Village of Oregon and its environs.

**(5) Landscaping and Bufferyards Regulations and Requirements**

All development of land shall comply with all the regulations and requirements of this Chapter, pertaining to the provision of landscaping and bufferyards. Such regulations and requirements address issues such as minimum required landscaping of developed land, and minimum required provision of bufferyards between adjoining zoning districts and/or development options; which are directly related to, and are a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the residents of the Village of Oregon and its environs.

**(6) Performance Standards and Requirements**

All development of land shall comply with all the regulations and requirements of this Chapter, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Village of Oregon and its environs.

**(7) Signage Regulations and Requirements**

All land use and/or development of land shall comply with all the regulations and requirements of Article VIII, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Village of Oregon and its environs.

**(8) Procedural Regulations and Requirements**

All land use and/or development of land shall comply with all the regulations and requirements of Article IX, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Village of Oregon and its environs. At a minimum, all development shall be subject to the requirements of Section 17-908.

**(9) Number of Buildings Per Lot**

In the RH, SR-3, SR-4, SR-5 and SR-6 Districts, only 1 principal building shall be permitted on any 1 lot. In the TR-6, MR-8, NO, PO, NB, PB, CB, PI, GI, HI and I Districts, more than 1 principal building shall be permitted on any 1 lot upon the granting of a conditional use permit for a group or large development in compliance with Section 17-220.

**(10) Number of Land Uses Per Building**

- (a) No more than 1 nonresidential land use shall be permitted in any building unless a conditional use permit for a group or large development is granted in compliance with Section 17-220.
- (b) With the exceptions of a Commercial Apartment or a Home Occupation, no building containing a nonresidential land use shall contain a residential land use. (See Sections 17-206(8)(a) and 17-206(8)(j).)

**(11) Division or Combining of a Lot**

No recorded lot shall be divided into 2 or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located (as set forth in this Chapter). (See also the Village of Oregon Land Division Ordinance.)

**Section 17-206: Detailed Land Use Descriptions and Regulations**

The land use categories employed by this Chapter are defined in this Section. Land uses which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 17-911 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

**(1) Residential Land Uses****(a) Conventional Residential Development**

Description: This land use includes, but is not limited to, all residential developments which do not provide permanently protected green space areas. Property which is under common ownership of a property owners' association is permitted, but is not a required component of this type of development. Up to 10% of a Conventional Residential Development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (1)(f) below.)

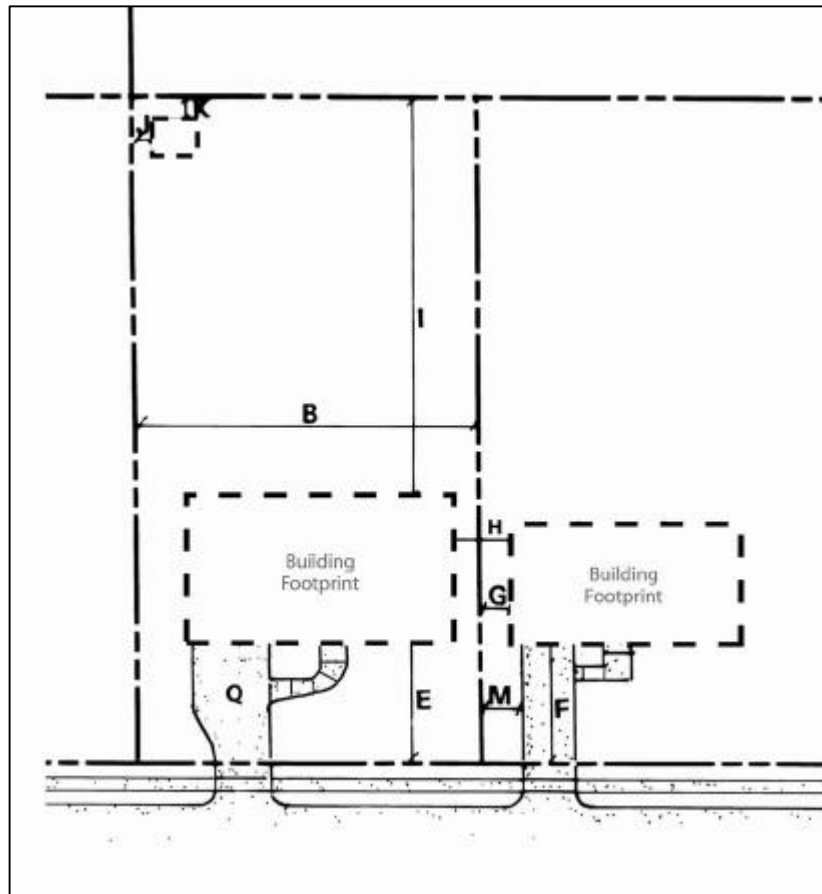
Conventional Residential Development can be made up of the following dwelling unit types (on the following pages):

*The table below indicates the measurements shown on the dwelling unit type graphics on the following pages. These letters correspond to the regulations in Article I. (Note: all letters do not appear on all graphics.)*

- B:** Minimum Lot Width
- E:** Front or Street Side Lot Line to House
- F:** Front or Street Side Lot Line to Garage
- G:** Side Lot Line to House or Garage
- I:** Rear Lot Line to House or Garage
- J:** Side Lot Line to Accessory Structure
- K:** Rear Lot Line to Accessory Structure
- M:** Minimum Paved Surface Setback
- N:** Minimum Dwelling Unit Separation
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot

**1. Single-Family Detached**

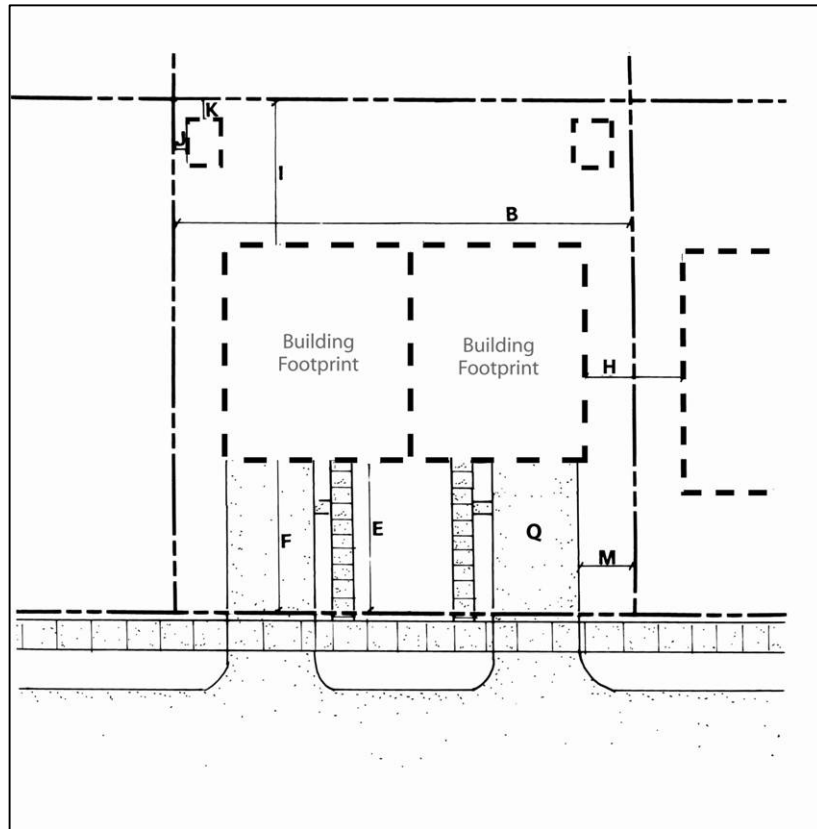
Description: A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group or large development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:



*Single-family Detached Dwelling Unit*

**2. Duplex**

Description: These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The two residences are located on the same lot. These dwelling unit types may not be split into additional residences. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:

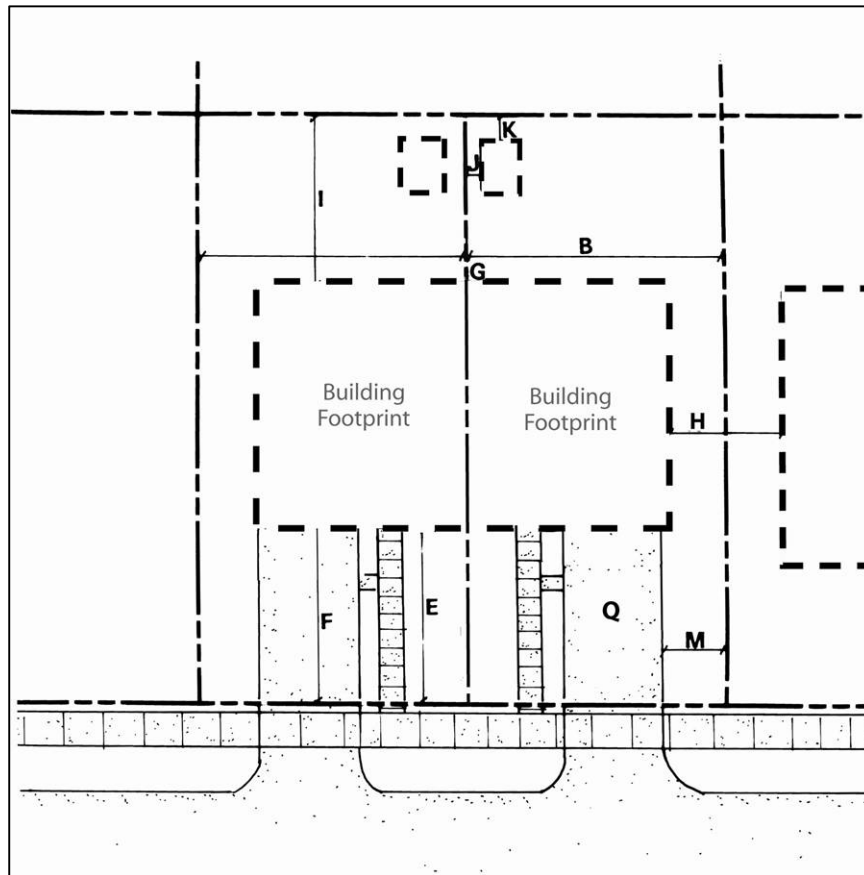


*Duplex*



3. **Twin-house**

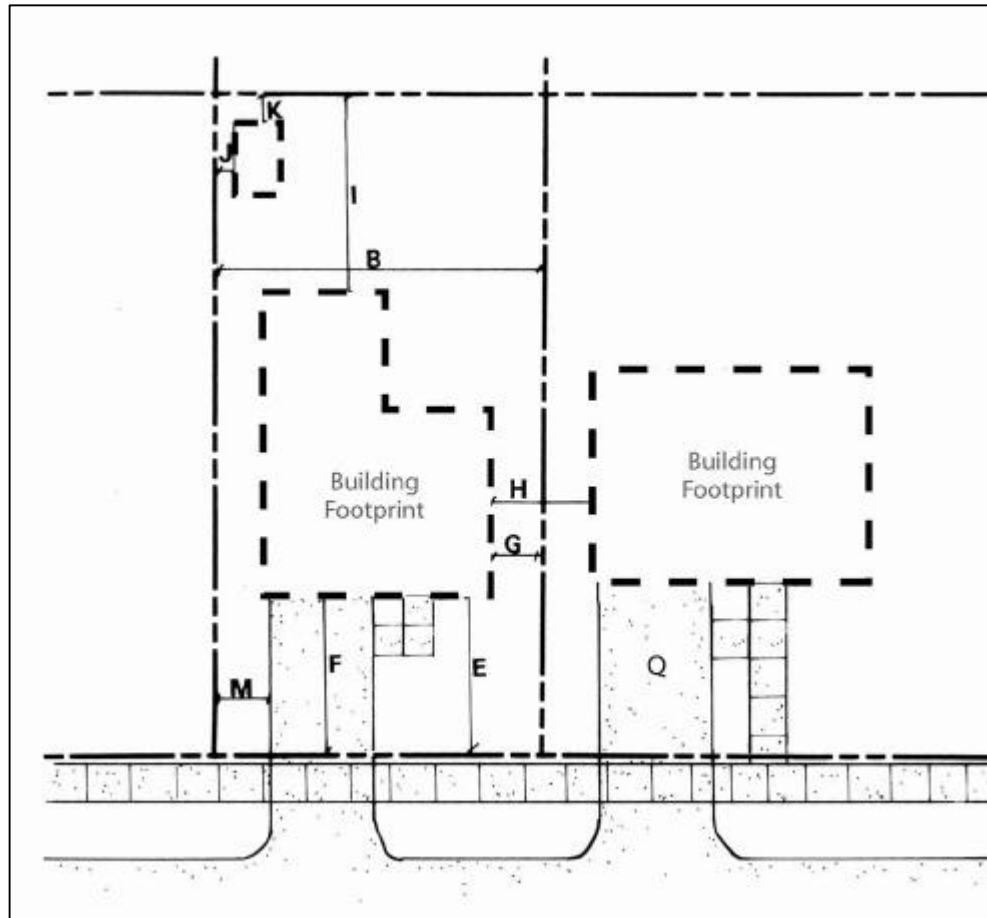
Description: These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The two residences are located on separate lots. The Twin House is distinguished from the Duplex House merely by having each unit located on an individual lot or within a group or large development. These dwelling unit types may not be split into additional residences. Refer to the illustration on the following page and to Article I for setback requirements labeled in capital letters:



*Twin House*

**4. Two-Flat House**

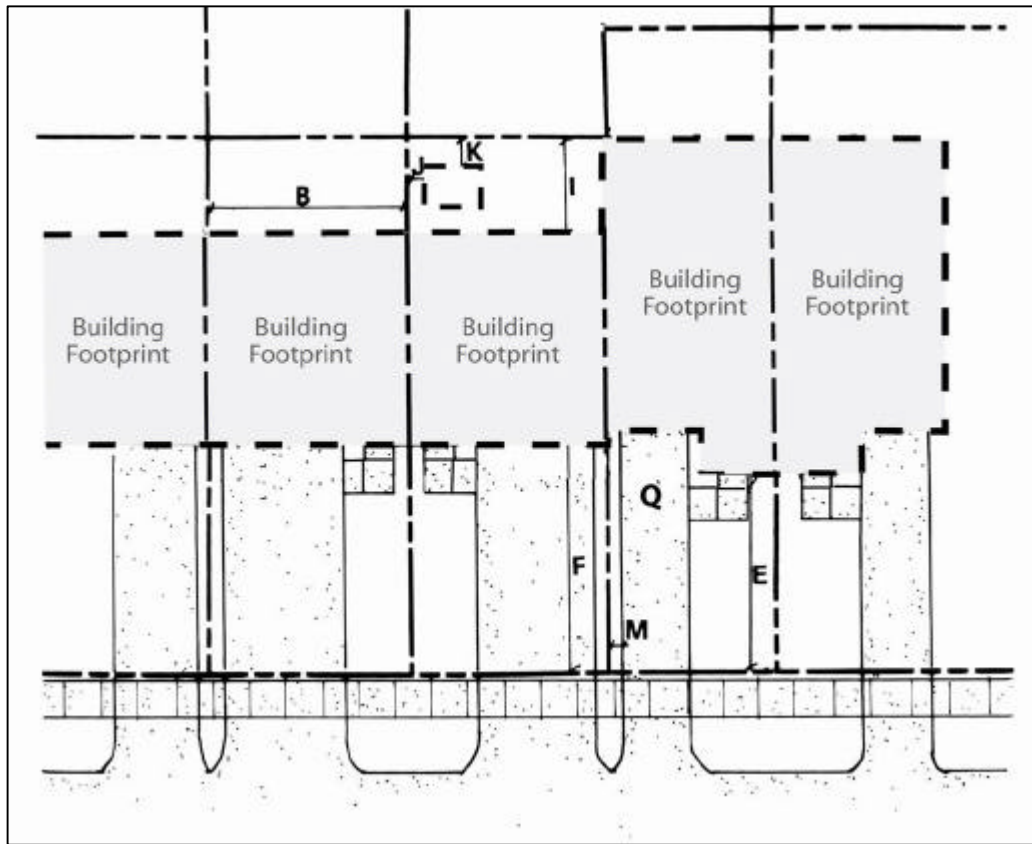
Description: This dwelling unit type consists of a single-family residence, which is in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC), which has been converted into a two-family residence. The two residences are both located on the same lot or within the same group or large development. This dwelling unit type may not be split into additional residences. Where permitted, this use is a conditional use and must be approved through the procedures of Section 17-905. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:



*Two-Flat House*

**5. Townhouse**

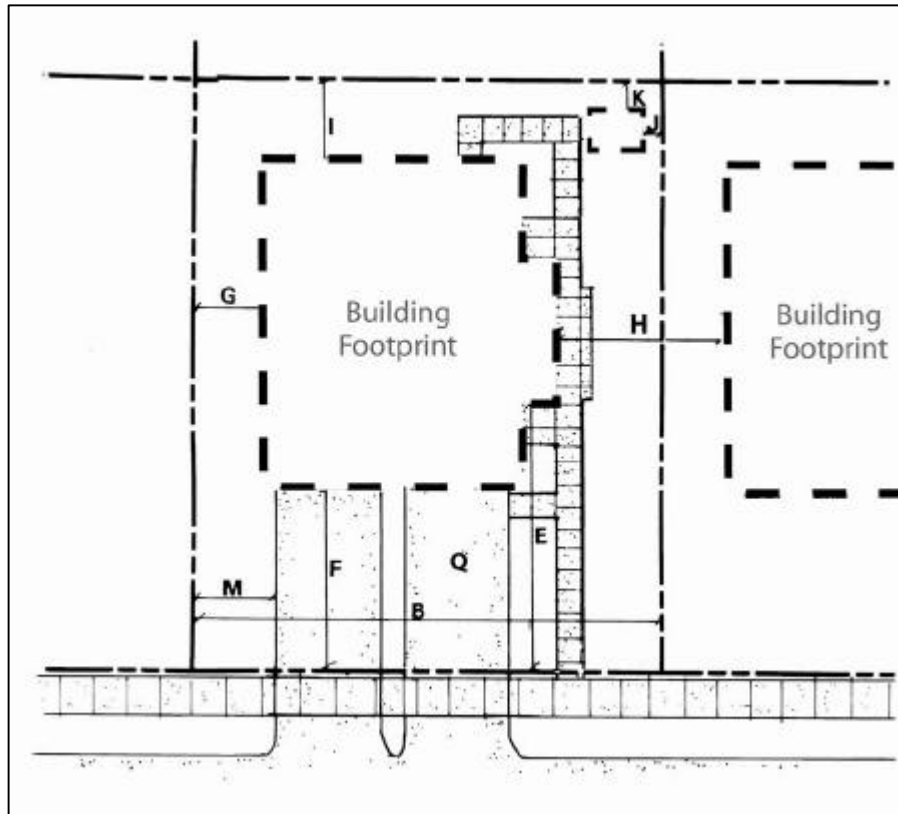
Description: This dwelling unit type consists of attached, two-story, single-family residences, each having a private, individual access. This dwelling unit type is located on its own lot or within a group or large development and may not be split into additional residences. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. No more than 6 and no less than 3 townhouse dwelling units may be attached per group. All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:



*Town House*

**6. Multiplex**

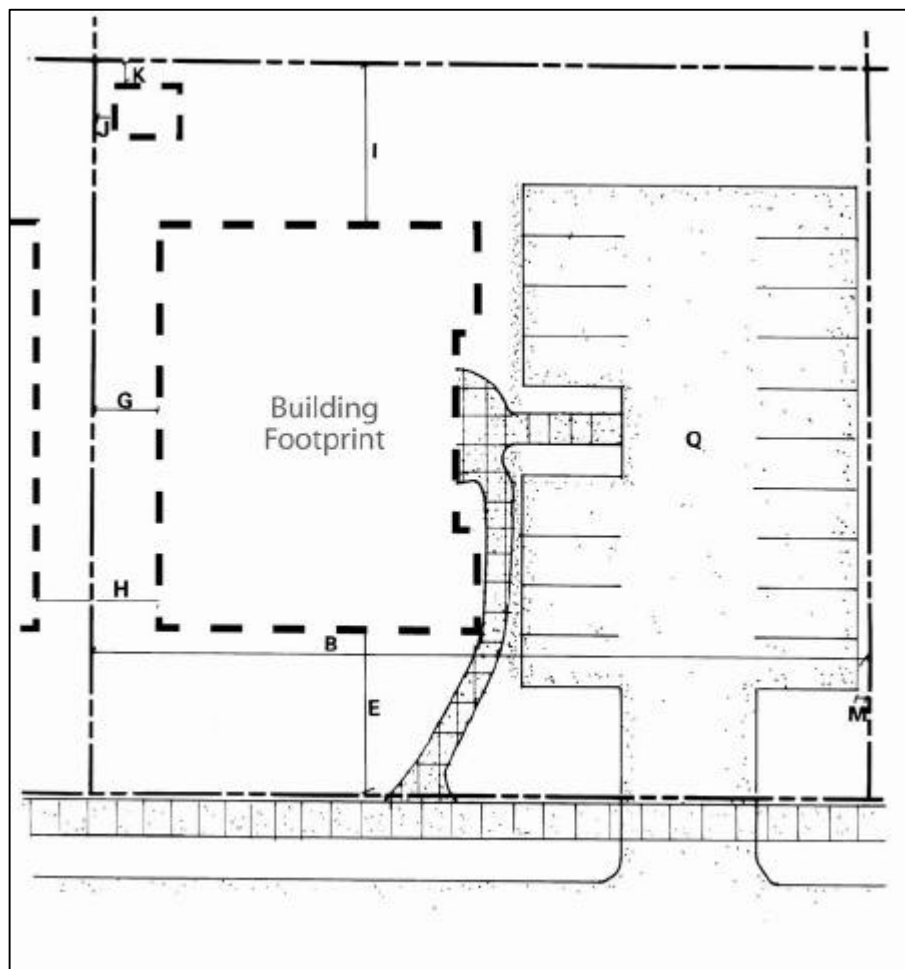
Description: This dwelling unit type consists of an attached, multi-family residence which has a private, individual exterior entrance. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 8 and no less than 3 multiplex dwelling units may be attached per group. All multiplex units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:



*Multiplex*

**7. Apartment**

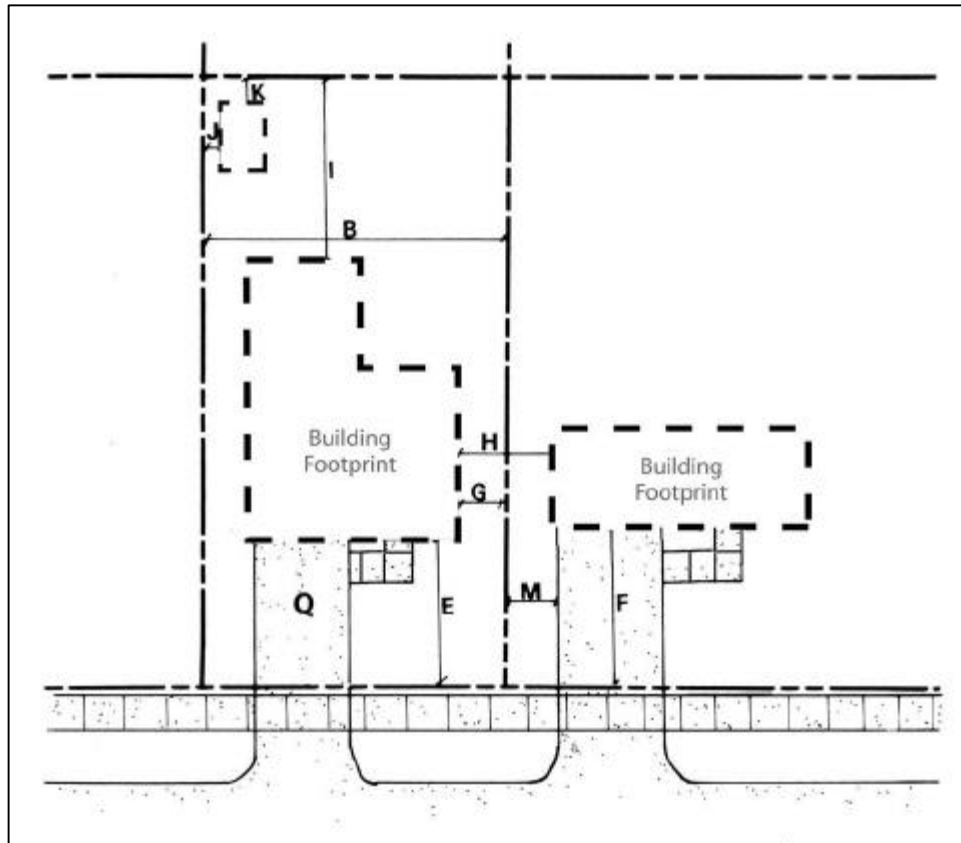
Description: This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to the underside of the roof, is required between each dwelling unit. No more than 8 dwelling units, and no less than 3, may be located in a building. As part of the conditional use requirements for group or large developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking, architectural elements, landscaping, and/or on-site recreational facilities. All apartment units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:



*Apartment*

**8. Mobile Home**

Description: This dwelling unit type consists of a fully detached, single-family residence, which has not received a Federal Manufactured Housing Certificate and which is located on an individual lot or within a group or large development. This dwelling unit type may not be split into 2 or more residences. Within 30 days of occupancy, the owner shall remove the axle and install skirting per the requirements of the Plan Commission. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:



*Mobile Home (Land-Use)*

(b) **Reserved**

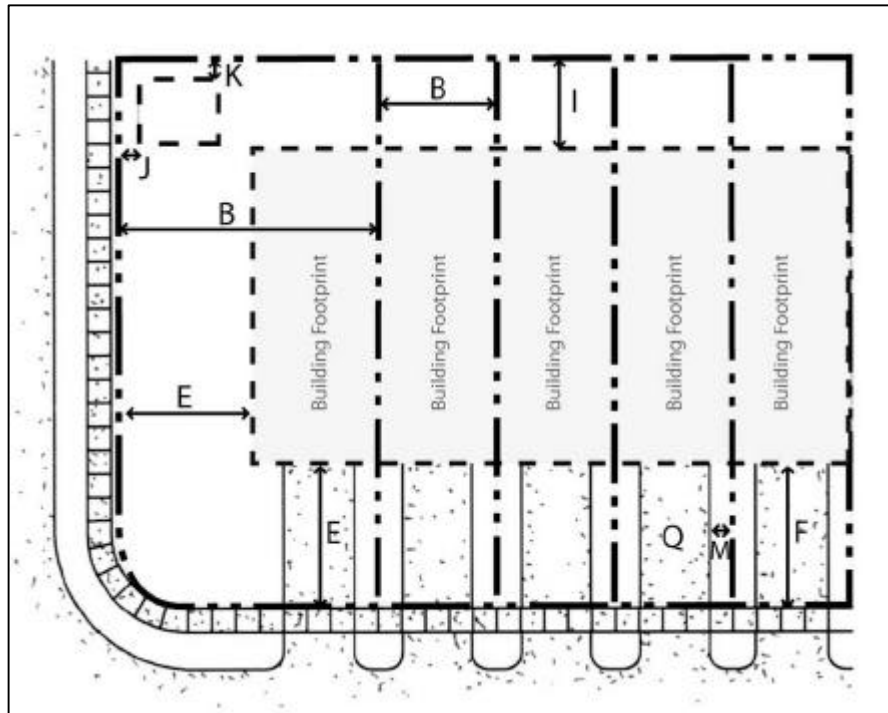
(c) **Reserved**

(d) **Mobile Home Residential Development (*Subdivision*)**

Description: This land use is a form of residential development which is exclusively reserved for individually sold lots containing mobile home units. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 17-206(1)(a)8 of this Chapter. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (f) below.)

1. **Regulations:**

- a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
- b. Mobile Home Residential Developments shall comply with the same landscaping and bufferyard requirements as the Multi-Family (MR-8) District, as specified in Section 17-610 of this Chapter.
- c. No access shall be permitted to local residential streets.



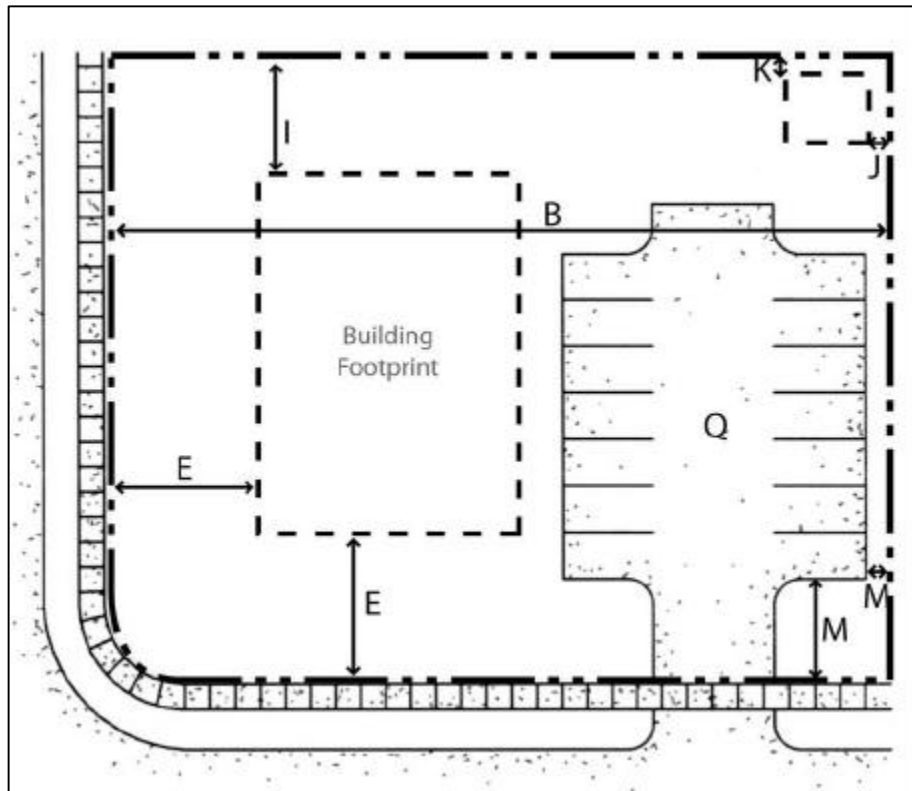
*Mobile Home Residential Development (Subdivision)*

**(e) Mobile Home Park Residential Development (Rental/Condo Park)**

Description: This land use is a form of conventional residential development which is exclusively reserved for individually sold or rented air right pads containing mobile home units. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 17-206(1)(a)8 of this Chapter. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (f) below.)

**1. Regulations:**

- a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
- b. Mobile Home Park Residential Developments shall comply with the same landscaping and bufferyard requirements as the Multi-Family (MR-8) District, as specified in Section 17-610 of this Chapter.
- c. No access shall be permitted to local residential streets.



*Mobile Home Park Residential Development (Rental/Condo Park)*



(f) **Note Regarding Percentage of Green Space and Maximum Density Yield**

This estimate is provided as a general rule of thumb for the convenience of the users of this Chapter. Such a yield is not to be considered as ensured by the provisions of this Chapter.

(2) **Agricultural Land Uses**

(a) **Cultivation**

Description: Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered cultivation if said plants are consumed by animals which are located off-site.

1. **Regulations:**

- a. On buildable lots, cultivation areas shall not exceed 20% of the lot's area.
- b. Cultivation areas shall not be located within the required front yard or street yard of any buildable or developed lot.

2. **Parking Requirements:**

One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17-704(6)(a).)

(b) **Husbandry**

Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than 1 animal unit (as defined in Section 17-015) per acre. Apiaries are considered husbandry land uses.

1. **Regulations:**

- a. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
- b. All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 10 feet from any residentially zoned property.

2. **Parking Requirements:**

One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17-704(6)(a).)

(c) **Intensive Agriculture**

Description: Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding 1 animal unit (as defined in Section 17-015) per acre and/or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

1. **Regulations:**

- a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
- b. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See Section 17-610.)

Section 17-206(2)(d): Agricultural Service

through

Section 17-206(2)(e): On-Site Agricultural Retail

- c. All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
- d. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.

## 2. Parking Requirements:

One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17-704(6)(a).)

### (d) Agricultural Service

Description: Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see Section 17-206(5)(f)).

#### 1. Regulations:

- a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
- b. All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
- c. If within the RH District, shall be located in an area which is planned to remain commercially viable for agricultural land uses.

#### 2. Parking Requirements:

One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17-704(6)(a).)

### (e) On-Site Agricultural Retail

Description: On-site agricultural retail land uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within on-site agricultural retail operations and such activity constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

#### 1. Regulations:

- a. No structure or group of structures shall exceed 500 square feet in floor area.
- b. No structure shall exceed 12 feet in height.
- c. All structures shall meet all required setbacks for nonresidential land uses.
- d. Signage shall be limited to 1 on-site sign which shall not exceed 30 square feet in area.
- e. Such land use shall be served by no more than 1 driveway. Said driveway shall require a valid driveway permit.
- f. A minimum of one parking space shall be required for every 200 square feet of product display area.
- g. The sale of products which are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
- h. Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.

**2. Parking Requirements:**

One space per employee on the largest work shift and four spaces for customers. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17-704(6)(a).)

**(f) Selective Cutting**

Description: Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30% of the woodlands on the property (or up to 100% for developments approved prior to the effective date of this Chapter). Selective cutting activity shall be limited to areas located within development pads which are designated on recorded Plats or Certified Survey Maps. The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting, (see (g), below).

**1. Regulations:**

Not applicable.

**(g) Clear Cutting**

Description: Clear cutting land uses include the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30% of the woodlands on a property (or up to 100% for developments approved prior to the effective date of this Chapter). Clear cutting is permitted only as a conditional use. Any owner of property who intentionally clear cuts any area of his or her property or who intentionally solicits or causes another to intentionally clear cut any area of his or her property without first having secured a conditional use permit for such activity shall be subject to a forfeiture for such wrongful conduct and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas having been clear cut unintentionally as a result of fire shall not subject the owner of the property to a forfeiture for such non-approved clear cutting activity, but shall require the satisfaction of mitigation requirements at the owner's expense, including cost associated with site inspection to confirm the satisfaction of mitigation requirements.

**1. Regulations:**

- a. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
- b. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of Section 17-507. (Referenced section requires the replanting of trees in other portions of the subject property—thereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant.)
- c. Clear cutting shall not be permitted within a required bufferyard or landscaped area (see Section 17-610), or within an area designated as permanently protected green space (see Article VI).

### (3) **Institutional Land Uses**

#### (a) **Passive Outdoor Public Recreational**

Description: Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

##### 1. **Parking Requirements:**

One space per four expected patrons at maximum capacity for any use requiring over five spaces.

#### (b) **Active Outdoor Public Recreational**

Description: Active outdoor public recreational land uses include all recreational land uses located on public property which involve active recreational activities. Such land uses include playcourts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

##### 1. **Regulations:**

- a. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 17-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- b. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- c. Facilities which serve a community-wide function shall be located with primary vehicular access on a collector or arterial street.
- d. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if the majority of the users will be children.

##### 2. **Parking Requirements:**

One space per four expected patrons at maximum capacity for any use requiring over five spaces.

#### (c) **Indoor Institutional**

Description: Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

##### 1. **Regulations:**

- a. Shall be located with primary vehicular access on a collector or arterial street.
- b. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- c. All structures shall be located a minimum of 50 feet from any residentially zoned property.

##### 2. **Parking Requirements:**

Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

**Church:** one space per five seats at the maximum capacity.

Section 17-206(3)(d): Outdoor Institutional

through

Section 17-206(3)(e): Public Service and Utilities

**Community or Recreation Center:** One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

**Funeral Home:** one space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.

**Hospital:** two spaces per three patient beds, plus one space per staff doctor and each other employee on the largest work shift.

**Library or Museum:** one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

**Elementary and Junior High:** one space per teacher and per staff member, plus one space per two classrooms.

**Senior High:** one space per teacher and staff member, plus one space per five non-bused students.

**College or Trade School:** one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

#### (d) Outdoor Institutional

Description: Outdoor institutional land uses include cemeteries, privately held permanently protected green space areas, country clubs, golf courses, and similar land uses.

##### 1. Regulations:

- a. Shall be located with primary vehicular access on a collector or arterial street.
- b. Shall provide off-street passenger loading area if a significant proportion of the users will be children.
- c. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- d. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 17-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- e. Shall comply with Section 17-905, standards and procedures applicable to all conditional uses.

##### 2. Parking Requirements:

Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

**Cemetery:** one space per employee, plus one space per three patrons to the maximum capacity of all indoor assembly areas.

**Golf Course:** 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).

**Swimming Pool:** one space per 75 square feet of gross water area.

**Tennis Court:** three spaces per court.

#### (e) Public Service and Utilities

Description: Public service and utilities land uses include all Village, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

##### 1. Regulations:

- a. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.

- b. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 17-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- c. All structures shall be located a minimum of 20 feet from any residentially zoned property.
- d. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

## 2. Parking Requirements:

One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.

## (f) Institutional Residential Development

Description: This land use is a form of residential development designed to accommodate institutional residential land uses, such as senior housing, retirement homes, assisted living facility, nursing homes, hospices, group homes, convents, monasteries, dormitories, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23. No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development. A minimum of 30% of the development's Gross Site Area (GSA) shall be held as permanently protected green space. (See note (f) below.)

### 1. Regulations

- a. Except for developments housing 6 or fewer residents, developments shall be located with primary vehicular access on a collector or arterial street.
- b. Project shall provide an off-street passenger loading area at a minimum of one location within the development.

### 2. Regulations:

See listing for Institutional Residential under Residential Uses, Subsection (1)(b), above.

### 3. Parking Requirements:

**Senior Housing or Retirement Housing:** one space per dwelling unit.

**Assisted Living Facility or Limited Care Facility:** one space per two dwelling units.

**Monastery, Convent or Dormitory:** one space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.

**Nursing Home or Hospice:** one space per six patient beds, plus one space per employee on the largest work shift, plus one space per staff member and per visiting doctor.

## (g) Community Living Arrangement (1-8 residents)

Description: Community living arrangement land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

### 1. Regulations:

- a. No community living arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.

Section 17-206(3)(h): Community Living Arrangement (9-15 residents)

through

Section 17-206(3)(i): Community Living Arrangement (16+ residents)

- b. The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the Village shall not exceed 1 percent of the Village's population (unless specifically authorized by the Village Board following a public hearing).
- c. Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to a., above; and shall not be subject to, or count toward, the total arrived at in b., above.

*State Law Reference: Section 62.23, Wisconsin Statutes*

**2. Parking Requirements:**

Three spaces.

**(h) Community Living Arrangement (9-15 residents)**

Description: See (g), above.

**1. Regulations:**

- a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.
- b. The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the Village shall not exceed 1 percent of the Village's population (unless specifically authorized by the Village Board following a public hearing).

*State Law Reference: Section 62.23, Wisconsin Statutes*

**2. Parking Requirements:**

Four spaces.

**(i) Community Living Arrangement (16+ residents)**

Description: See (g), above.

**1. Regulations:**

- a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.
- b. The total capacity of all community living arrangements (of all capacities) in the Village shall not exceed 1 percent of the Village's population (unless specifically authorized by the Village Board following a public hearing).

*State Law Reference: Section 62.23, Wisconsin Statutes*

**2. Parking Requirements:**

One space per every three residents.

**(4) Commercial Land Uses****(a) Office**

Description: Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

**1. Parking Requirements:**

One space per 300 square feet of gross floor area.

**(b) Personal or Professional Service**

Description: Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses.

**1. Parking Requirements:**

One space per 300 square feet of gross floor area.

**(c) Indoor Sales or Service**

Description: Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as "Outdoor Display Incidental to Indoor Sales" under "Accessory Uses" in the Table of Land Uses, (Section 17-206(8)(f)). A land use which contains both indoor sales and outdoor sales exceeding 15% of the total sales area of the building(s) on the property shall be considered as an outdoor sales land use, (See (d), below.). Artisan studios are regulated in Section 17-206(8)(r).

**1. Regulations:**

- a. Permitted uses shall be limited to indoor sales and personal services which primarily support office tenants such as office supply stores, copy centers and travel agencies.

**2. Parking Requirements:**

One space per 300 square feet of gross floor area.

**(d) Outdoor Display**

Description: Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales and monument sales. The area of outdoor sales shall be calculated as the area which would be enclosed by a required physical separation installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection (5), below, also.) If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered incidental to indoor sales under Section 17-206(8)(f).



**1. Regulations:**

- a. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- b. The display of items shall not be permitted within required setback areas for the principal structure.
- c. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 17-704. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- d. Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- e. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- f. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
- g. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.
- h. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the display area abutting residentially zoned property, except per e., above (See Section 17-610.).

**2. Parking Requirements:**

- a. One space per 300 square feet of gross floor area.

**(e) Indoor Maintenance Service**

Description: Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered a vehicle repair and maintenance land use, (see Section 17-206(4)(q)).

**1. Parking Requirements:**

One space per 300 square feet of gross floor area.

**(f) Outdoor Maintenance Service**

Description: Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

**1. Regulations:**

- a. All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of .60 (see Section 17-610).

**2. Parking Requirements:**

One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

**(g) In-Vehicle Sales or Service**

Description: In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services, see Section 17-206(4)(q)). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see Section 17-206(8)(g)).

**1. Regulations:**

- a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
- c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
- d. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.
- e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
- f. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 17-610).
- g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
- h. Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding sign subject to regulation under Article VIII of this Chapter.

**2. Parking Requirements:**

Refer to the parking requirements of the other land use activities on the site (such as Indoor Sales and Service for a gas station/convenience store, or Office for a bank). Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window. This requirement may be adjusted by the Plan Commission through the conditional use process.

**(h) Indoor Commercial Entertainment**

Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

**1. Regulations:**

- a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
- b. Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 17-610).

**2. Parking Requirements:**

One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater).

**(i) Outdoor Commercial Entertainment**

Description: Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

**1. Regulations:**

- a. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
- b. Facility shall provide bufferyard with minimum opacity of .80 along all borders of the property abutting residentially zoned property (Section 17-610).
- c. Activity areas (including drive-in movie screens) shall not be visible from any residentially-zoned property.

**2. Parking Requirements:**

One space for every three persons at the maximum capacity of the establishment.

**(j) Commercial Animal Boarding**

Description: Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

**1. Regulations:**

- a. Each animal shall be provided with an indoor containment area.
- b. The minimum permitted size of horse or similar animal stall shall be 100 square feet
- c. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 17-906.)

**2. Parking Requirements:**

One space per every 1,000 square feet of gross floor area.

**(k) Commercial Indoor Lodging**

Description: Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use

of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

**1. Regulations:**

- a. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.
- b. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 17-610).
- c. Within the PO District, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.

**2. Parking Requirements:**

One space per bedroom, plus one space for each employee on the largest work shift.

**(l) Bed and Breakfast Establishment**

Description: Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

**1. Regulations:**

- a. If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate license in accordance with Village and State regulations.
- b. Each such establishment shall be inspected annually to verify that the land use continues to meet all applicable regulations. A fee for such annual inspection shall be imposed by the Village.
- c. One sign, with a maximum area of 20 square feet, shall be permitted on the property.
- d. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 17-610).
- e. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the Building Code. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner/occupants personal facilities.
- f. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.
- g. Only the meal of breakfast shall be served to overnight guests.
- h. Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by Village officials at any time.
- i. The maximum stay for any occupants of bed and breakfast operations shall be fourteen (14) days.
- j. It shall be unlawful for any persons to operate a bed and breakfast operation as defined and as permitted in the Municipal Code of the Village of Oregon without first having obtained a conditional use permit.
- k. Application Requirements. Applicants for a license to operate a bed and breakfast shall submit a floor plan of the single-family dwelling unit illustrating that the proposed operation will comply with the Village Zoning Ordinance as amended, other applicable Village codes and ordinances, and within the terms of this Chapter.

Section 17-206(4)(m): Group Day Care Center (Nine or More Children)

through

Section 17-206(4)(o): Boarding House

1. **Consideration of Issuance.** After application duly filed with the Clerk for a license under this division, Plan Commission review and recommendation for a conditional use permit, the Village Board shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the Village. In the Board's determination of the number of bed and breakfast operations required to provide for such public convenience and necessity, the Board shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of issuance of additional licenses for public service.
- m. **Public Nuisance Violations.** Bed and breakfast operations shall not be permitted whenever the operation endangers, or offends, or interferes with the safety or rights of others so as to constitute a nuisance.
- n. **Suspension, Revocation and Renewal.** Any license issued under the provisions of this Chapter may be revoked by the Village Board for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation the compliance or non-compliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.

**2. Parking Requirements:**

One space per each bedroom.

**(m) Group Day Care Center (Nine or More Children)**

Description: Group day care centers are land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for-profit or a not for profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.

**1. Regulations:**

- a. Facility shall provide a bufferyard with a minimum opacity of .50 along all property borders abutting residentially zoned property (see Section 17-610).
- b. Property owner's permission is required as part of the conditional use permit application.

**2. Parking Requirements:**

One space per five students, plus one space for each employee on the largest work shift.

**(n) Campground**

Description: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.

**1. Regulations:**

- a. Facility shall provide a bufferyard with a minimum opacity of .70 along all property borders abutting residentially zoned property (see Section 17-610).

**2. Parking Requirements:**

One and one-half (1.5) spaces per campsite.

**(o) Boarding House**

Description: Boarding Homes include any residential use renting rooms which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).

**1. Regulations:**

- a. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 17-610).
- b. Shall provide a minimum of one on-site parking space for each room for rent.
- c. Shall be located in an area of transition from residential land uses to nonresidential land uses.
- d. Shall comply with Section 17-905, applicable to all conditional uses.

**2. Parking Requirements:**

One space per room for rent, plus one space per each employee on the largest work shift.

**(p) Sexually-Oriented Land Uses**

Description: Sexually-oriented land uses include any facility oriented to the display of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas -- including the provision of body piercing or tattooing services. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

*NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the Village Board's official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Village Board is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Village's Comprehensive Plan and protect the character and integrity of its commercial and residential neighborhoods.*

**1. Regulations:**

- a. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- b. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.

**2. Parking Requirements:**

One space per 300 sq ft of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater).

**(q) Vehicle Repair and Maintenance Service**

Description: Vehicle repair and maintenance services include all land uses which perform maintenance services (including repair) to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.

**1. Regulations:**

- a. Storage of abandoned vehicles is prohibited.

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*Section 17-206(4)(r): Artisan Studios**through**Section 17-206(5)(b): Outdoor Storage or Wholesaling*

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- b. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 17-610).
2. **Parking Requirements:**

One space per 300 square feet of gross floor area. Adequate on-site parking is required for all customer and employee vehicles

(r) **Artisan Studios**

Description: A building or portion thereof used for the preparation, display and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use. A studio is used by no more than three artists or artisans. An artisan production shop is an artisan studio used by more than three artists or artisans.

1. **Regulations:**
  - c. Artisan Production Shop is not allowed in the Neighborhood Office (NO) District.
  - d. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 17-610).
2. **Parking Requirements:**

One space per 300 square feet of gross floor area. Adequate on-site parking is required for all customer and employee vehicles.

(5) **Storage or Disposal Land Uses**

(a) **Indoor Storage or Wholesaling**

Description: Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Subsection 17-206(8)(h), below.

1. **Parking Requirements:**

One space per 2,000 sf of gross floor area.

(b) **Outdoor Storage or Wholesaling**

Description: Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection (5)(d).

1. **Regulations:**
  - a. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of 8 feet in height and

Section 17-206(5)(c): Personal Storage Facility

through

Section 17-206(5)(c): Junkyard or Salvage Yard

shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of .80.

- b. The storage of items shall not be permitted in permanently protected green space areas (see Section 17-608).
  - c. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.
  - d. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 17-704. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  - e. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
  - f. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
  - g. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
  - h. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 17-610).
  - i. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
- 2. Parking Requirements:**

One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

**(c) Personal Storage Facility**

Description: Personal storage facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses".

**1. Regulations:**

- a. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
- b. Facility shall provide a bufferyard with a minimum opacity of .80 along all property borders abutting residentially zoned property (see Section 17-610).
- c. Shall comply with Section 17-905, standards and procedures applicable to all conditional uses.
- d. No electrical power shall be run to the storage facilities, except for exterior lighting.

**2. Parking Requirements:**

One space for each employee on the largest work shift.

**(d) Junkyard or Salvage Yard**

Description: Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.



**1. Regulations:**

- a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 17-610).
- b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
- d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 17-719.

**2. Parking Requirements:**

One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

**(e) Waste Disposal Facility**

Description: Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 289.01(33), but not including composting operations (see Subsection (f), below).

**1. Regulations:**

- a. Shall comply with all County, State and Federal regulations.
- b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 17-610).
- c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
- d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 17-719) in any manner.
- e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the Petitioner (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)

**2. Parking Requirements:**

One space for each employee on the largest work shift.

**(f) Composting Operation**

Description: Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation.

**1. Regulations:**

- a. Shall comply with all County, State and Federal regulations.
- b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses (see Section 17-610).
- c. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
- d. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
- e. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes in any manner.

**2. Parking Requirements:**

One space for each employee on the largest work shift.

**(6) Transportation Land Uses****(a) Off-Site Parking Lot**

Description: Off-site parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed and operative. See also Section 17-704 for additional parking regulations.

**1. Regulations:**

- a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
- b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

**(b) Airport/Heliport**

Description: Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport or heliport.

**1. Regulations:**

- a. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Section 17-610).

**2. Parking Requirements:**

One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

**(c) Freight Terminal**

Description: Freight terminals are defined as land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment.

**1. Regulations:**

- a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 17-610).
- b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

**2. Parking Requirements:**

One space per each employee on the largest work shift.

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*Section 17-206(6)(d): Distribution Center**through**Section 17-206(6)(d): Heavy Industrial Land Use*

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**(d) Distribution Center**

Description: Distribution centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Subsection 17-206(8)(m), below.

**1. Regulations:**

- a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 17-610).
- b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

**2. Parking Requirements:**

One space per each employee on the largest work shift.

**(7) Industrial Land Uses****(a) Light Industrial Land Use**

Description: Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Article VII. Light industrial land uses may conduct retail sales activity as an accessory use provided that the requirements of Subsection (8)(h), below, are complied with.

**1. Regulations:**

- a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

**2. Parking Requirements:**

One space per each employee on the largest work shift.

**(b) Heavy Industrial Land Use**

Description: Heavy industrial land uses are industrial facilities which do not comply with 1 or more of the following criteria: 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion). More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in Article VII. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary

sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

**1. Regulations:**

- a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned Heavy Industrial (see Section 17-610).
- b. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.

**2. Parking Requirements:**

One space per each employee on the largest work shift.

**(c) Communication Tower**

Description: Communication towers include all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.

**1. Requirements:**

- a. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.
- b. The installation and continued maintenance of a bufferyard with a minimum opacity of .80 along property borders abutting residentially zoned property (see Section 17-610).

**2. Parking Requirements:**

One space per employee on the largest work shift.

**(d) Extraction Use**

Description: Extraction uses include and land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

**1. Regulations:**

- a. Shall receive approval from the County prior to action by the Village of Oregon, and shall comply with all County, State and Federal regulations.
- b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 17-610).
- c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
- d. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly-owned waste disposal facilities.)

**2. Parking Requirements:**

One space per each employee on the largest work shift.

**(8) Accessory Land Uses**

Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. Only those accessory uses listed below shall be permitted within the jurisdiction of this Chapter. With the exception of a commercial apartment (see (a), below), or a farm residence (see (b), below), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence. With the exception of farm buildings, accessory buildings located within a residential district shall be constructed or finished in a complimentary architectural style and with complimentary materials to the principal residential buildings in the neighborhood. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except when there is a shoreyard. In instances where there is a shoreyard, shoreyards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

**(a) Upper Storey Dwelling Unit**

Description: Upper Storey Dwelling Units are dwelling units which are located directly above the ground floor of a building used for an office, commercial or institutional land use (as designated in Subsection (4), above).

**1. Regulations:**

- a. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
- b. A minimum of 1 off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land uses on the site may be counted for this requirement with the approval of the Zoning Administrator.

**(b) Farm Residence**

Description: A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Subsection (2), above.

**(c) Detached Residential Garage, Carport, Utility Shed, Play Structure, or Lawn Ornament**

Description: A detached private residential garage or carport is a structure used primarily to shelter parked passenger vehicles. A utility shed is a structure used primarily to store residential maintenance equipment of the subject property. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line. For the purposes of this section, children's play structures including play houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section whether such play structures are placed on a foundation or not. Swing sets, slides, and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance. It may be located on the same lot as a residential unit or units, or on a separate lot in conjunction with a residential land use. See Section 17-408 for requirements applicable to legal, nonconforming garages. Garages, carports and utility sheds in excess of 1,000 square feet of gross floor area, or which exceed 30% coverage of the rear yard area, or which exceed the lot coverage of the principle structure, are not permitted in residential districts except as conditional uses in the RH and ER-1 Districts (Also see Sec. 17-206(8).)

**1. Regulations:**

- a. One attached or detached garage, and two accessory structures, shall be permitted by right.
- b. A conditional use permit is required for:
  - 1) A combination of accessory structures exceeding a total of 1,000 square feet; or

- 2) More than three accessory structures.
- 3) A street-loaded garage within the SR-6 Residential District (alley-loaded garages are permitted by right)

**(d) Company Cafeteria**

Description: A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

**(e) Company Provided On-Site Recreation**

Description: A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests.

**1. Regulations:**

- a. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
- b. Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 17-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- c. Facilities using night lighting shall require a conditional use permit.

**(f) Outdoor Display Incidental to Indoor Sales and Service (more than 12 days)**

Description: See Subsection 17-206(4)(d).

**1. Regulations:**

- a. Shall comply with all conditions of Subsection 17-206(4)(d).
- b. Display area shall not exceed 25% of gross floor area of principal building on the site.

**(g) In-Vehicle Sales & Services Incidental to On-Site Principal Land Use**

Description: See Subsection 17-206(4)(g).

**1. Regulations:**

- a. Shall comply with all conditions of Subsection 17-206(4)(g).

**(h) Indoor Sales Incidental to Storage or Light Industrial Land Use**

Description: These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.

**1. Regulations:**

- a. Adequate parking, per the requirements of Section 17-704, shall be provided for customers. Said parking shall be in addition to that required for customary light industrial activities.
- b. The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property. Areas devoted to artisan studio uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a conditional use permit for such use.
- c. Shall provide restroom facilities directly accessible from retail sales area.

- d. Retail sales area shall be physically separated by a wall from other activity areas.

**(i) Light Industrial Activities Incidental to Indoor Sales or Service Land Use**

Description: These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

**1. Regulations:**

- a. The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
- b. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 17-709 for all adjacent properties.

**(j) Home Occupation**

Description: It is the intent of this Section to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Approval of an expansion of a home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary. Home occupations are economic activities performed within any single-family detached residence which comply with the following requirements. Examples include personal and professional services, and handicrafts, which comply with all of the following requirements:

**1. Regulations:**

- a. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
- b. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- c. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
- d. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- e. Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed three (3) square feet.
- f. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- g. A permitted home occupation is restricted to a service-oriented business prohibiting the mass production of items or products or the sale of items or products on the premises. Examples of service-oriented businesses are, but are not limited to, computer programming, accounting, insurance agency and computer-based consulting and clerical services.
- h. A permitted home occupation shall not occupy more than thirty percent (30%) of the floor area of the dwelling.
- i. Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one non-resident employee.
- j. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- k. The Plan Commission may approve home occupations in residential districts which do not meet standards a. through j., above, as conditional uses subject to the following:
  - 1) The types and number of equipment or machinery used on the conditional use site may be restricted by the Plan Commission.

Section 17-206(8)(k): Family Day Care Home (Four to Eight Children)

through

Section 17-206(8)(k): Private Residential Recreational Facility

- 2) Sale or transfer of the property or expansion of the home occupation shall cause the Conditional Use Permit to be null and void.

**(k) Family Day Care Home (Four to Eight Children)**

Description: Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter.

*State Law Reference: Section 66.1017(1)(a), Wisconsin Statutes*

**(l) Intermediate Day Care Home (Nine to Fifteen Children)**

Description: Intermediate day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 children.

*State Law Reference: Section 49.136(1)(k), Wisconsin Statutes*

**(m) Migrant Labor Camp**

Migrant labor camps include any facility subject to the regulation of Wisconsin Statutes 103.90(3)(a).

**1. Regulations:**

- a. Shall be surrounded by a bufferyard with a minimum opacity of .60 along all property lines adjacent to all properties in residential, office, or business zoning districts (see Section 17-610).
- b. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership, which is located within the Village.

**(n) On-Site Parking Lot**

Description: On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operative. Refer also to Section 17-704.

**1. Regulations:**

- a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
- b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

**(o) Private Residential Recreational Facility**

Description: This land use includes all active outdoor recreational facilities located on a private residential lot which are not otherwise listed in the Table of Land Uses in the Appendix. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 foot candles (see Section 17-707). All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Article IV.) Common examples of these accessory uses include swing sets, tree houses, basketball courts, tennis courts, swimming pools, and recreation-type equipment.

**1. Regulations:**

- a. Swimming pools shall be regulated by the performance standards provided in Section 17-723.
- b. Treehouses and similar platforms shall not exceed a platform height of eight feet and shall be setback twice their elevation from any property line.



**(p) Private Residential Kennel**

Description: A maximum of any combination of 4 dogs and/or cats (over 6 months of age) are permitted by right for any 1 residential unit. Any residence housing more dogs and/or cats in any combination shall be considered a private residential kennel. If any such kennel consists of more than 4 dogs and/or cats, it shall require a license from the Village for its operation. In addition to those requirements, a private residential kennel shall meet the following requirements:

**1. Regulations:**

- a. For any number over four animals, a maximum of one additional animal per 1 acre shall be permitted.
- b. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property and shall be screened from adjacent properties.

**(q) Private Residential Stable**

Description: A private residential stable is a structure facilitating the keeping of horses (or similar animals) on the same site as a residential dwelling.

**1. Regulations:**

- a. A minimum lot area of 175,000 square feet (4 acres) is required for a private residential stable.
- b. A maximum of one horse per five acres of fully enclosed (by fencing and/or structures) area is permitted.
- c. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property.
- d. The minimum permitted size of horse or similar animal stall shall be 100 square feet.

**(r) Drainage Structure**

Description: These include all improvements including, but not limited to swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.

**1. Regulations:**

- a. Shall be consistent with Section 17-206(10) for the placement of drainage structures in permanently protected green space areas.
- b. Shall be consistent with Section 17-206(10) regarding protection measures for drainageways.
- c. All drainage improvements shall comply with the Village of Oregon's Stormwater Ordinance.

**(s) Filling**

Description: Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.

**1. Regulations:**

- a. Shall comply with Section 17-206(10)(i) regarding filling activities in permanently protected green space areas.
- b. Shall comply with Article V regarding protection measures for natural resources.
- c. Shall not create drainage onto other properties.
- d. Shall not impede on-site drainage.

- e. Shall comply with provisions of the Subdivision Ordinance.

**(t) Lawn Care**

Description: Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover (including gardens) which complies with the Village of Oregon Code of Ordinances. Lawn care is not permitted in certain permanently protected green space areas, see Section 17-509.

**(u) Individual Septic Disposal System**

Description: This land use includes any State-enabled, County-approved septic disposal system.

**1. Regulations:**

- a. Minimum lot size of 0.5 acres.
- b. Shall comply with Article V regarding protection measures for natural resources.

**(v) Exterior Communication Devices**

(e.g. satellite dishes, ham radio towers, t.v. antennas)

Description: This land use includes any antennas used for communication reception.

**1. Regulations:**

- a. Except for television antennas and satellite dishes 18" or smaller, exterior communication devices shall not be visible from a public street.
- b. Devices must be sited an equal or greater number of feet from any property lines as their maximum height and may not be located in a required street yard.
- c. The Applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual inputs of the device.

**(w) Caretaker's Residence**

Description: This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration.

**1. Regulations:**

- a. Shall provide housing only for on-site caretaker and family.

**(x) In-family Suite**

Description: The in-family suite is an area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external stairs serving as the primary access to the in-family suite are prohibited.

**1. Regulations:**

- a. The dwelling unit and the in-family suite shall together appear as a single-family dwelling. A separate walled garage area or driveway is not permitted
- b. A separate address for the in-family suite is not permitted.
- c. A separate utility connection or meters are not permitted.

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*Section 17-206(8)(y): Accessory Residential Unit ("Granny Flat") through**Section 17-206(8)(y):*

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- d. A physical all-weather connection between the main living area and the in-family suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the in-family suite from the rest of the dwelling unit, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the in-family suite.
- e. The in-family suites may not be occupied by a non-family member.
- f. In-family suites should be considered and regulated as part of a single-family dwelling unit.
- g. When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an in-family suite, the building plan shall be marked as "Not a separate dwelling unit nor apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.

**(y) Accessory Residential Unit ("Granny Flat")**

Description: An accessory residential unit ("granny flat") is an accessory dwelling unit established in conjunction with and clearly subordinate to the principle dwelling unit on a single-family zoned lot. Accessory residential units are located at the rear of a lot, and are typically located above an attached or detached alley-loaded garage that serves the primary residence. Such units may contain a separate kitchen, dining area, bathroom, living area, sleeping area, laundry facilities, and recreation areas, including exterior porches, patios, decks, and parking areas. Separate outdoor access to the unit is required; however, external stairs serving as the primary access are prohibited. In addition, separate access to the garage or an internal physical connection to the principle dwelling unit may be provided.

**1. Regulations:**

- a. A separate address for the accessory residential unit is permitted.
- b. The accessory residential unit shall share utility connections and meters with the primary residence.
- c. A physical all-weather connection between the principle dwelling unit and the accessory residential unit may be present. This connection may occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the accessory residential unit from the rest of the primary dwelling unit, but it must be locking.
- d. The accessory residential unit may be occupied by a family or non-family member.
- e. Occupancy of the accessory residential unit is limited to one person or two persons in the same family.
- f. The accessory residential unit is limited to 640 square feet with a total of one (1) sleeping area.
- g. Accessory residential unit entryways shall be connected to a street frontage by a paved walkway.
- h. Accessory residential units are accessory dwelling units. Therefore, their use does not create a two-family dwelling. To ensure that granny flats remain accessory to owner-occupied primary residences, both the principle dwelling unit and the granny flat may not be rented by separate parties. Accessory residential units are not allowed for lots containing primary residential units (the main home) that are rented.

**(9) Temporary Land Uses****(a) General Temporary Outdoor Sales**

Description: Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Village Municipal Code. Examples of this land use include but are not limited to: seasonal garden shops, tent sales, bratwurst stands, and garage sales; however, up to two garage sales are exempt from the provisions of this section.

**1. Temporary Use Regulations:**

- a. Display shall be limited to a maximum of 12 days in any calendar year.
- b. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- c. Signage shall comply with the requirements for temporary signs in Section 17-807.
- d. Adequate parking shall be provided.
- e. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
- f. Shall comply with Section 17-906, standards and procedures applicable to all temporary uses.

**(b) Outdoor Assembly**

Description: Includes any organized outdoor assembly of more than 100 persons.

**1. Temporary Use Regulations:**

- a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Signage shall comply with the requirements for temporary signs in Section 17-807.
- c. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
- d. If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.
- e. Adequate provisions for crowd control shall be made, and shall be described within the application.
- f. Shall comply with Section 17-906, standards and procedures applicable to all temporary uses.

**(c) Contractor's Project Office**

Description: Includes any structure containing an on-site construction management office for an active construction project.

**1. Temporary Use Regulations:**

- a. Structure shall not exceed 2,000 square feet in gross floor area.
- b. Facility shall be removed within 10 days of issuance of occupancy permit.
- c. Shall not be used for sales activity. (See subsection (9)(f), below.)
- d. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.
- e. Shall comply with Section 17-906, standards and procedures applicable to all temporary uses.

**(d) Contractor's On-Site Equipment Storage Facility**

Description: Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.

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*Section 17-206(9)(e): Relocatable Building**through**Section 17-206(9)(e): Seasonal Outdoor Sales of Farm Products*

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**1. Temporary Use Regulations:**

- a. Facility shall be removed within 10 days of issuance of occupancy permit.
- b. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.
- c. Shall be limited to a maximum area not exceeding 10% of the property's Gross Site Area.
- d. Shall comply with Section 17-906, standards and procedures applicable to all temporary uses.

**(e) Relocatable Building**

Description: Includes any manufactured building which serves as a temporary building for less than 6 months. (Facilities serving for more than 6 months shall be considered conditional uses and subject to the general standards and procedures presented in Section 17-905.)

**1. Temporary Use Regulations:**

- a. Shall conform to all setback regulations.
- b. Shall conform to all building code regulations.
- c. Shall comply with Section 17-906, standards and procedures applicable to all temporary uses.

**(f) On-Site Real Estate Sales Office**

Description: Includes any building which serves as an on-site sales office for a development project.

**1. Temporary Use Regulations:**

- a. Structure shall not exceed 5,000 square feet in gross floor area.
- b. Facility shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
- c. Signage shall comply with the requirements for temporary signs in Section 17-807.
- d. Projects requiring land use to be in place for more than 365 days shall require a conditional use permit.
- e. Shall comply with Section 17-906, standards and procedures applicable to all temporary uses.

**(g) Seasonal Outdoor Sales of Farm Products**

Description: Includes any outdoor display of farm products not otherwise regulated by the Village of Oregon Code of Ordinances.

**1. Temporary Use Regulations:**

- a. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Signage shall comply with the requirements for temporary signs in Section 17-807.
- c. Adequate parking shall be provided.
- d. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
- e. Shall comply with Section 17-906, standards and procedures applicable to all temporary uses.

**(10) Natural Resource Disruption and Required Mitigation Standards:**

In all developments, certain areas may be required to be set aside as permanently protected green space for the purpose of natural resource protection, to meet a Minimum Green Space Ratio (GSR) requirement, or to meet a Minimum Landscape Surface Ratio (LSR) requirement. Where such permanently protected green space is required, and where the land use is also permitted per the land use regulations of the applicable conventional zoning district (see Section 17-206, Detailed Land Use Descriptions and Regulations), the following regulations shall also be employed to establish land use regulations. All land uses listed in Section 17-206 but not listed in this Section are prohibited in permanently protected green spaces.

For all land uses, disruption to natural resource areas shall comply with the requirements of the Subdivision Ordinance pertaining to drainage, grading and erosion control. All land uses located within Permanently Protected Green Space Areas shall comply with the following:

**(a) Cultivation****1. Permitted as a Conditional Use: {Permanently protected green space areas outside Natural Resource Protection Overlay Zoning District}:**

- a. Permitted only if designated on the submitted site plan, and/or the recorded Plat or Certified Survey as an "Area which may be used for cultivation".

**(b) Passive Outdoor Public Recreational Area****1. Permitted by Right: {All permanently protected green space areas}:**

- a. Limited to a 20 foot wide area in permanently protected natural resource areas. Permitted in other permanently protected green space areas without restriction.
- b. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20 foot wide area.

**(c) Active Outdoor Public Recreational Area****1. Permitted by Right: {Permanently protected green space areas outside Natural Resource Protection Overlay Zoning District}:**

- a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

**2. Permitted as a Conditional Use: {Floodfringe (the flood plain outside of designated floodways)}****(d) Outdoor Institutional****1. Permitted by Right: {Permanently protected green space areas outside Natural Resource Protection Overlay Zoning District}:**

- a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

**(e) Lawn Care**

1. **Permitted by Right: {Permanently protected green space areas outside Natural Resource Protection Overlay Zoning District}:**
  - a. Non-native ground cover shall not be permitted to spread into permanently protected natural resource areas. Clearance of understory growth shall be permitted.
2. **Permitted as a Conditional Use {All permanently protected natural resource areas except wetlands}:**
  - a. Only disturbance associated with the care of native vegetation is permitted, with the exception of a 20 foot wide access path which may be cleared for passive recreation purposes.
  - b. Each property abutting a natural resource area shall be limited to one such access path.
  - c. Non-native vegetation (such as domestic lawn grasses) shall not be introduced into natural resource areas beyond said 20 foot wide access path.

**(f) Golf Course**

1. **Permitted by Right: {Permanently protected green space areas outside Natural Resource Protection Overlay Zoning District}:**
  - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
2. **Permitted as a Conditional Use {All permanently protected natural resource areas}:**
  - a. Only disturbance associated with the care of native vegetation is permitted. Natural resource areas which are located within or adjacent to golf play areas shall be incorporated into the course design as out-of-bounds play hazards, and shall be maintained in their natural state.

**(g) Any Permitted Temporary Use**

1. **Permitted by Right: {Permanently protected green space areas outside Natural Resource Protection Overlay Zoning District}:**
  - a. Activity shall in no manner encroach upon permanently protected natural resources areas. Party securing the temporary use permit shall be responsible for restoring all such natural resource areas to an undamaged state, or shall be considered in violation of the provisions of this Chapter. (Section 17-906.)

**(h) Drainage Structure**

1. **Permitted as a Conditional Use {All permanently protected green space areas}:**
  - a. Structure shall be deemed necessary by the Village Engineer
  - b. Natural vegetation shall be restored in disturbed areas.

**(i) Filling**

1. **Permitted as a Conditional Use {All permanently protected green space areas}:**
  - a. Filling in the floodway shall be done only as required by a necessary road, bridge, utility, or other infrastructure facility which has been deemed necessary by the Department of Public Works.
  - b. Natural vegetation shall be restored in disturbed areas.
  - c. In no instance shall filling raise the base flood elevation.

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*Section 17-206(10)(j): Individual Septic Disposal System**through**Section 17-206(10)(j): Piers and Wharfs*

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**(j) Individual Septic Disposal System**

1. **Permitted as a Conditional Use {Permanently protected green space areas outside Natural Resource Protection Overlay Zoning District}:**
  - a. Shall not locate closer than 30 feet to any other permanently protected natural resource area.

**(k) Road and/or Bridge**

1. **Permitted as a Conditional Use {All permanently protected green space areas}:**
  - a. May locate in or across a natural resource areas only in conjunction with a boat landing, or when deemed essential by the Department of Public Works.
  - b. May locate in other permanently protected green space areas if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
  - c. Road networks shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

**(l) Utility Lines and Related Facilities**

1. **Permitted as a Conditional Use {All permanently protected green space areas}:**
  - a. May locate in or across a natural resource areas only when deemed essential by the Department of Public Works.
  - b. May locate in other permanently protected green space areas if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
  - c. In general, utility lines shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

**(m) Piers and Wharfs**

1. **Permitted as a Conditional Use {All permanently protected green space areas}:**
  - a. A site plan shall be required per Section 17-908 for construction, erection, placement or extension of a pier or wharf, with specific information provided regarding: its location in relation to the shoreline and abutting riparian property lines, and regarding dimensions and building materials.

**Sections 17-207 through 209 Reserved**



**Section 17-210: Nonconforming Use Regulations****(1) Definition:**

A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendment thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.

**(2) Continuance of a Nonconforming Use:**

Any nonconforming use lawfully existing upon the effective date of this Chapter or any amendment to it may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any prior legal use made nonconforming by this Chapter or by an amendment to it may be granted legal conforming status by the issuance of a conditional use permit, subject to the standards and procedures prescribed by Section 17-905. Any prior legal use made nonconforming by a modification to the Official Zoning Map after the effective date of this Chapter may be granted legal conforming use status by changing the zoning district of the affected property to an appropriate district through a zoning map amendment. Such requested zoning amendment shall be subject to the standards and procedures prescribed by Section 17-903.

**(3) Modification of a Nonconforming Use:**

- (a) Except as permitted in this Section, a nonconforming use shall not be (i) expanded, enlarged, extended, or reconstructed, unless the use is changed to a use permitted in the district in which the use is located, or (ii) changed to another nonconforming use; unless the Village Board authorizes such substitution of one nonconforming use for another. If such substitution is allowed, the use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.
- (b) A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if either or both facilities are not available within 1,000 feet of the subject property, and a conditional use permit is granted for such expansion.

**(4) Discontinuance of a Nonconforming Use:**

When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

**(5) Maintenance and repair of a Nonconforming Use:**

The ordinary maintenance and repair of a nonconforming use (structure or land) is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. Except as otherwise provided in this Section, whenever a nonconforming use is damaged to the extent of more than 50% of its current equalized assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. Notwithstanding the previous sentence, the structural repairs or alterations in a structure either itself nonconforming or containing a nonconforming use shall not during its lifetime exceed 50% of the present equalized assessed value of said structure unless permanently changed to a conforming use.

**(6) Reconstruction of Two-family Dwellings in areas formerly zoned R-2:**

A legal, non-conforming two-family structure which is destroyed by fire, tornado or other disaster may apply for consideration as a conditional use to be reconstructed so as not to expand the floor area nor footprint of the structure, if said structure is located in an area which was zoned to permit two-family dwellings on the day preceding the Effective Date of this Chapter or of an amendment to it.

*Sections 17-211 through 219 Reserved*

*through*

*Section 17-220 Group and Large Developments*

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**(7) Nonconforming Lots and Structures:**

See Sections 17-307, 17-408 and 17-409.

**Sections 17-211 through 219 Reserved**

**Section 17-220 Group and Large Developments****(1) Definition:**

A group development is any development containing:

1. Two or more structures containing principal land uses on the same lot; and/or
2. Any single structure on a single lot which contains 5 or more dwelling units or 2 or more non-residential uses.

A large development is any development containing:

3. Any single structure or combination of structures on the same property devoted to institutional, commercial, or mixed residential and non-residential land uses containing more than 10,000 gross square feet of floor area.

Common examples of group developments include 6-unit apartment buildings, apartment complexes, condominium complexes, strip centers, shopping centers, office centers, and multi-tenant industrial buildings. (Single-tenant commercial or office buildings containing more than 10,000 square feet of gross floor area, one tenant industrial buildings, 4-unit apartment buildings, and all Planned Developments are *not* group developments even though such developments may contain parcels under common ownership).

Common examples of large developments include single-tenant institutional and commercial, or mixed-use buildings in excess of 10,000 gross square feet, such as retail stores, restaurants, daycares, schools, or churches.

Common examples of developments that are both group developments and large developments include multi-tenant, non-residential buildings that are in excess of 10,000 gross square feet, and any multi-building developments in which the combined total of all structures on a site, regardless of diverse ownership, use, or tenancy, combine to exceed 10,000 gross square feet.

The following conditions shall also be applied to the entire building and site in instances where *building additions* bring the total building size to over 10,000 gross square feet. Such conditions shall apply to both the building additions and to older portions of the building, and the site that were constructed prior to the adoption of this Section.

**(2) Permitted by Right:**

Not applicable. All group and large developments shall be regulated conditional uses subject to Article II of the Village of Oregon Zoning Ordinance.

**(3) Conditional Use Regulations**

Any land use that is permitted as a Permitted by Right land use or as a Conditional land use within the applicable zoning district(s) is permitted to locate within a group or large development. The detailed land use regulations of this Subsection that pertain to individual land uses shall also apply to individual land uses within a group or large development, as will all other applicable provisions of this Ordinance. Therefore, land uses permitted by right in the Zoning District shall be permitted by right within an approved group or large development (unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group or large development as a whole), and land uses permitted as a conditional use in the Zoning District shall be permitted within the group or large development only with conditional use approval for the specific use.

**(a) Regulations Applicable to All Group and to All Large Developments**

In all cases, the following conditional use conditions shall be applied to the group or large development as a whole, as well as to individual uses within the group or large development:

1. **Subject to Conditional Use and Design Review Processes.** All group or large developments shall be subject to the Village of Oregon site design review and approval process. The application shall demonstrate how the proposed development related to each of the following criteria:
  - a. Is consistent with the recommendations, and forwards the objectives, of adopted planning documents
  - b. Is complementary with the design and layout of nearby buildings and developments.
  - c. Enhances, rather than detracts from, the desired village character of Oregon.
2. **General Layout and Future Divisibility.** All development located within a group or large development shall be located so as to comply with the intent of the Zoning Ordinance regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group or large developments shall be situated within building envelopes that serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group or large developments. The use of this approach to designing group or large developments will also ensure the facilitation of subdividing group or large developments in the future, (if such action is so desired).
3. **Building Materials.** Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, stone, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as may vinyl on a portion of residential structures, as determined appropriate by the Plan Commission. Decorative architectural metal or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
4. **Overall Building Design.** Building design shall be subject to Plan Commission approval, and shall forward the aesthetic objectives of the Village for the community, the vicinity and the subject property.
5. **Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two (2) or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Where additional stores will be located in the principal building, each such store shall have at least one exterior customer entrance that shall conform to the above requirements.
6. **Building Color.** Building facade colors shall be compatible with the surrounding areas and shall be non-reflective, subtle, neutral, or earth tone, as judged by the Plan Commission. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, subject to the limitations in Article VIII of the Zoning Ordinance, the Sign Ordinance.
7. **Screening:**
  - a. All ground-mounted and wall-mounted mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
  - b. All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls. The lowest point on the top of such screening elements shall be at least as high as the point on any mechanical equipment. Fences or similar rooftop screening devices may not be used to meet this requirement.
  - c. Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls, which match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
  - d. Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh or wood fencing is unacceptable. Decorative, heavy-duty wood gates may be used.

**8. Roadway Connections:**

- a. All nonresidential projects shall have direct access to an arterial street, or to a collector level street deemed appropriate by the Plan Commission.
- b. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.
- c. The site design shall provide direct connections to adjacent land uses if required by the Village.

**9. Parking:**

- a. Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces required in Section 17-704 of this Ordinance by fifty (50) percent shall be allowed only with specific and reasonable justification.
- b. Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every twelve (12) spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of three hundred sixty (360) square feet in landscaped area.
- c. Landscaped and curbed medians, a minimum of ten (10) feet in width from back-of-curb to back-of-curb, shall be used to create distinct parking areas of no more than 120 parking stalls.

**10. Bicycle and Pedestrian Facilities:**

- a. The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
- b. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be ten (10) feet; and the minimum width for sidewalks elsewhere in the development shall be five (5) feet.
- c. Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least fifty (50) percent of their length. Such landscape shall match the landscaping used for the street frontages.
- d. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, pavement color, pavement textures, and signage.
- e. The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every fifty (50) vehicle parking spaces.
- f. The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 10,000 square feet of gross floor area.
- g. The development shall provide interior pedestrian furniture in appropriate locations at a minimum rate of one (1) bench seat for every 10,000 square feet of gross floor area. Seating in food service areas, or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four (4) seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.

**11. Central Areas and Features.** Each development exceeding twenty thousand (20,000) square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.

**12. Cart Returns.** A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light

standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of the building.

13. **Outdoor Display Areas.** Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet. Display areas on building aprons must maintain a minimum walkway width of ten (10) feet between the display items and any vehicle drives.
14. **Outdoor Storage Uses and Areas.** Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan.
15. **Landscaping.** On-site landscaping shall be provided at time of building occupancy and maintained per following landscaping requirements:
  - a. Landscaping plan shall be submitted to the Planning Commission for approval, as part of the site plan.
  - b. Building foundation landscaping is required for all building frontages in order to provide visual breaks in the mass of the building. Such foundation landscaping shall be placed along thirty (30) percent of the building's total perimeter, predominately near and along customer facades and entrances facing public streets. One (1) ornamental tree with a minimum 1.5" caliper or one (1) minimum 6-foot tall tree ("whips" not permitted), and four (4) shrubs at a minimum height of 18" tall shall be planted for every 10 linear feet of building foundation planter area. Appropriate trees and shrubs include crabapple, birch, cherry, hawthorne, service berry, arborvitae, dogwood, lilac, viburnum, cotoneaster, forsythia, hazelnut, barberry, spirea, juniper, yew, or similar species and varieties approved by the Village.
  - c. One (1) street tree at a minimum of 2.0" caliper shall be planted at fifty (50) feet centers along, and within ten (10) feet of, all public and private streets and drives, including parking lot connections and circulation drives, and loading areas. Such tree plantings shall be planted in tree wells along the circulation drives adjacent to the sides of the store that face a public or private street, along both sides of internal drives, and along the outside edge of loading areas. Appropriate trees include sugar maple, pin oak, ginkgo, or similar species and varieties approved by the Village.
  - d. One (1) shade tree at a minimum of 2.0" caliper shall be planted on each parking lot peninsula and island. Appropriate trees include honey locust, green or white ash, linden, sugar maple, red maple, or similar species and varieties approved by the Village.
  - e. All landscaped areas shall be at least ten (10) feet wide in their smallest dimension. Tree wells may be a minimum of thirty-six (36) square feet.
16. **Lighting.** On-site exterior lighting shall meet all the standards of Section 17-707 of the Zoning Ordinance, except that in addition:
  - a. Total cut-off luminaries with angles of less than ninety (90) degrees shall be required for all pole and building security lighting to ensure no fugitive up lighting occurs.
  - b. At a minimum, as measured over ambient lighting conditions on a clear night, exterior lighting shall not exceed more than 0.5 footcandles above ambient levels along all property lines, and shall not exceed an average illumination level of 2.4 footcandles nor provide below a minimum of 0.2 footcandles in public parking and pedestrian areas.
  - c. The color and design of pole lighting standards shall be compatible with the building and the Village's public lighting in the area, and shall be uniform throughout the entire development site. The maximum height for all poles shall be twenty (20) feet.
17. **Signage.** The plan for exterior signage shall provide for modest, coordinated, and complimentary exterior sign locations, configurations, and color throughout the development, including outlots. All freestanding signage within the development shall compliment on-building signage. Monument style ground signs are required, and shall not exceed a height of eight (8) feet. Consolidated signs for multiple users may be required instead of multiple individual signs. The Village may require the use of muted corporate colors on signage if proposed colors are not compatible with the Village's design objectives for the area. The use of

logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, and shall be considered as contributing to the number and area of permitted signs.

18. **Noise.** Noise associated with activities at the site shall not create a nuisance to nearby properties, and shall comply with applicable Village noise requirements in Section 17-709 of the Zoning Ordinance.
19. **Natural Resources Protection.** Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated and accepted by the Village.
20. **Policy on Vacation of Existing Sites.** Where such a building is proposed as a replacement location for a business already located within the Village, the Village shall prohibit any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease.

(b) **Additional Rules Beyond Those Required in Section (a): Applicable to All Large Developments (exceeding 10,000 gross square feet)**

1. **Compatibility Report is Required.** The applicant shall provide, through a written Compatibility Report submitted with the petition for a Conditional Use Permit or rezoning application for the PUD Districts, adequate evidence that the proposed building and overall development project shall be compatible with the Village's Comprehensive Plan and any Detailed Neighborhood Plan for the area. The Compatibility Report shall specifically address the following items:
  - a. A description of how the proposed development is compatible with adopted Village Plans, including the Comprehensive Plan, Detailed Neighborhood Plans, and other plans officially adopted by the Village;
  - b. A completed Transportation and Traffic Impact Analysis in a format acceptable to the State of Wisconsin WisDOT District 1. The applicant shall provide adequate funding to the Village to hire a traffic engineer of the Village's choice to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation District One guidelines. The Traffic Impact Analysis shall consider the parking lot 100% full for level of service analysis. Where the project will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Village may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.
2. **Building Location is Compatible with Detailed Neighborhood Plan.** Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or out lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas, and neighborhoods, and must forward community character objectives as described in the Village's Comprehensive Plan. In the absence of an adopted Detailed Neighborhood Plan or Preliminary Plat for the subject property, the conditional use or planned unit development application for development exceeding 10,000 square feet in total gross floor area of all combined buildings within the development shall be accompanied or preceded by a new Village-approved Detailed Neighborhood Plan or Preliminary Plat for all areas within one thousand five hundred (1,500) feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and other nearby lands as determined by the Plan Commission and Village Board to be part of the neighborhood. The Detailed Neighborhood Plan or Preliminary Plat shall clearly demonstrate the provision of land use, multi-modal transportation, utility, stormwater management and community character components, and patterns that clearly forward the objectives of the Village's Comprehensive Plan, as determined by the Plan Commission. The Detailed Neighborhood Plan or Preliminary Plat shall contain the following specific elements at a scale of not less than 1 inch equals 400 feet:
  - a. Land use with specific zoning districts and/or land uses;
  - b. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character;
  - c. Complete public road network;

- d. Pedestrian and bicycle network;
  - e. Transit routes and stops, where applicable;
  - f. Conceptual stormwater management network;
  - g. Public facility sites including parks, schools, conservation areas, public safety facilities and public utility facilities;
  - h. Recommendations for community character themes including building materials, landscaping, streetscaping and signage.
3. **Overall Building Design.** The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan Commission:
- a. The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.
  - b. A minimum of twenty (20) percent of the structure's façades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted façade shall extend more than 100 feet.
  - c. A minimum of twenty (20) percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six (6) feet or more as measured eave to eave or parapet to parapet.
  - d. Roofs with particular slopes may be required by the Village to complement existing buildings or otherwise establish a particular aesthetic objective.
  - e. Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than sixty (60) percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) between three (3) to eight (8) feet above the walkway along any façades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.
  - f. Building facades shall include a repeating pattern that includes no less than three (3) of the following elements: (i) color change, (ii) texture change, (iii) material modular change, (iv) expression of architectural or structural bay through a change in plane no less than twenty four (24) inches in width, such as an offset, reveal or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.
4. **Landscaped Berm.** For development exceeding twenty thousand (20,000) square feet in total gross floor area, and where the subject property abuts an area zoned or planned for residential, institutional, or office use, a minimum six (6) foot high berm shall be provided. The berm shall be planted with a double row of white, green or blue spruce plantings, or similar species and varieties approved by the Village, spaced fifteen (15) feet on center.
5. **Building and Parking Placement** A maximum of seventy five (75) percent of all parking spaces located anywhere on the site shall be located between the primary street frontage right-of-way line and line of equal setback to the most distant front wall of the building. The remainder of parking on the site shall be set back a greater distance from this setback line to the sides and rear of the building.

**(4) Discrimination Against Condominium Forms of Ownership:**

It is not the intent of this Section, nor any other provision of this Chapter, to discriminate against condominium forms of ownership in any manner which conflicts with Wisconsin Statutes 703.27. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically identical forms of development.



## ARTICLE III: DENSITY AND INTENSITY

### **Section 17-301: Purpose**

The purpose of this Article is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Chapter (see Section 17-009). The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development.

**Rationale:** This Article regulates the development potential of all property within the jurisdiction of this Chapter. This Article is designed to ensure the implementation of many goals and objectives of the Village of Oregon Comprehensive Master Plan. (See also, Section 17-005 of this Chapter.) Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such approaches provide for a minimum flexibility and/or the needless destruction of sensitive natural resources. The approach employed by this Article, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district) results in a very high degree of site design flexibility and the protection and implementation of desired of desired community character and adopted community goals and objectives.

### **Section 17-302: How to Use This Article**

This Article contains the standards which determine the maximum amount of development permitted on any given site. Prior to using the provisions of this Article to determine the development potential of a given property, the guidelines provided by Section 17-306(1) through (3) should be reviewed. This Article recognizes inherent differences between residential and nonresidential land uses, and thus regulates their development in slightly different manners. The description of the process addressing residential development in Section 17-306(1) and (2) refers to the requirements of Section 17-304, Residential Density Standards. The description of the process addressing nonresidential development in Section 17-306(1) and (3) refers to the requirements of Section 17-305, Nonresidential Intensity Standards.

### **Section 17-303 Required Natural Resources Site Evaluation**

#### **(1) Purpose**

An important goal of the Village of Oregon Comprehensive Master Plan is the protection of natural resources which are sensitive to disruption caused by development and/or other land use activities. These resources include: Floodways, Floodplain Areas, Floodfringe, Shorelands, Wetlands, Drainageways, Lakeshores, Steep Slopes, and Woodlands. These resources serve important functions which are lost when these areas are subject to development and/or other land use activities, in the absence of correct mitigation approaches. In many instances, these functions cannot be provided by other natural or man-made features. Specific broad categories of such functions include the protection and enhancement of air, surface water, ground water, and soil quality; habitat provisions and diversification; aesthetic diversification; and buffering effects.

#### **(2) Mitigation**

In certain instances, natural features can accommodate development and/or other land use activities without a significant loss of their functional benefits if proper mitigation practices are employed. Article V: Natural Resource Protection Regulations and Chapter 40: Floodplain and Shoreland-Wetland Zoning provide detailed standards regarding permitted mitigation techniques and requirements.

*Section 17-303(3) continues with the Natural Resources Site Evaluation Worksheet on the following page.*

**(3) Natural Resources Site Evaluation Worksheet**

**(a) Determine the Gross Site Area (GSA) of the Site:**

- 1. Total Site Area as determined by actual on-site survey \_\_\_\_\_ acres
- 2. Subtract area located within proposed rights-of-ways of roads and within proposed boundaries of public facilities which are designated within the Village’s Comprehensive Master Plan and/or required for dedication per Subdivision regulations: - \_\_\_\_\_ acres
- 3. Subtract land which although part of the same parcel is not contiguous to, or is not accessible from, the proposed road network serving the project. - \_\_\_\_\_ acres
- 4. Subtract land which is proposed for a different development option or a different zoning district. - \_\_\_\_\_ acres
- 5. Subtract area of navigable waters (lakes & streams). - \_\_\_\_\_ acres
- 6. Equals Gross Site Area (GSA) = \_\_\_\_\_ acres

**(b) Determine the Required Resource Protection Area (RPA) of the Site:**

- 1. Portion of Gross Site Area containing Floodways. \_\_\_\_\_ acres
- 2. Portion of Gross Site Area containing Floodplain Areas. \_\_\_\_\_ acres
- 3. Portion of Gross Site Area containing Floodfringes. \_\_\_\_\_ acres
- 4. Add portion of Gross Site Area containing Wetlands. + \_\_\_\_\_ acres
- 5. Add portion of Gross Site Area containing Drainageways. + \_\_\_\_\_ acres
- 6. Add portion of Gross Site Area containing Lakeshores. + \_\_\_\_\_ acres
- 7. Add portion of Gross Site Area containing Woodlands. + \_\_\_\_\_ acres
- 8. Add portion of Gross Site Area containing Steep Slopes + \_\_\_\_\_ acres
- 9. Subtract portions of natural resource areas ((b)1.- (b)9.) made developable using approved environmental mitigation techniques. - \_\_\_\_\_ acres
- 10. Equals Required Resource Protection Area (RPA). = \_\_\_\_\_ acres

**(c) Determine the Net Developable Area (NDA) of the Site:**

- 11. Enter Gross Site Area (GSA)  
{ from (a) 6., above} \_\_\_\_\_ acres
- 12. Subtract Required Resource Protection Area (RPA)  
{ from (b)10., above}. - \_\_\_\_\_ acres
- 13. Equals Net Developable Area (NDA). = \_\_\_\_\_ acres
- 14. Multiply NDA by Maximum Gross Intensity or Density for the Zoning District  
To calculate Maximum Development Potential of the site from Table = \_\_\_\_\_ acres

through

**Section 17-304: Residential Density Standards**

See Article I

**Section 17-305: Nonresidential Intensity Standards**

See Article I

**Section 17-306 Detailed Instructions for Density and Intensity Regulations****(1) Instructions For Both Residential and Nonresidential Development****(a) Check Planning Recommendations for the Subject Property****1. Check Comprehensive Plan Recommendations:**

The Village's *Comprehensive Plan* should be checked for implications related to the subject property, particularly the Land Use and Transportation Plan Maps. (Copies of the *Comprehensive Plan* are available from the Village.) From time to time, the *Comprehensive Plan* may be amended. The Village's Public Works Department should be consulted regarding changes to the *Comprehensive Plan* which may affect the subject property or its environs.

**2. Check Official Map Recommendations:**

The Village's *Official Map* should be checked for proposed capital facilities and dedication requirements including schools, parks, stormwater management facilities and street improvements which may affect the subject property. The *Official Map* is on display at the Village's Public Works Department. From time to time the *Official Map* may be amended. The Village's Public Works Department should be contacted regarding changes to the Map which may affect the subject property or its environs.

**(b) Check the Zoning of the Subject Property:**

The potential amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The subject property should be identified on the Village's *Official Zoning Map* (See Section 17-103), and the current zoning designation should be compared with the description of that district provided in Section 17-105. The *Official Zoning Map* is on display at the Village's Public Works Department. From time to time, the *Official Zoning Map* may be amended. The Zoning Administrator should be contacted regarding potential changes in the *Official Zoning Map* which may affect the subject property or its environs.

**(c) Complete a Natural Resources Site Evaluation for the Site:**

The effect of protected natural resources on the development potential of the subject property should be evaluated. All resources listed in Section 17-303, Required Natural Resources Site Evaluation, should be identified on the subject property, located on a map (or air photo) of the subject property, and the total area of the property (in acres) covered by those resources, known as Required Resource Protection Area (RPA) should be determined, as should Gross Site Area (GSA) and the Net Developable Area (NDA) of the subject property. (Section 17-303(3) contains a worksheet to simplify these calculations.) The Zoning Administrator should be contacted if assistance is desired in completing these calculations.

**(2) Instructions For Only Residential Development**

(For Steps (a) through (c), see (1), above.)

(d) **Determine What Types of Dwelling Units Are Permitted:**

Article I should be checked to determine which types of dwelling units are permitted within the zoning district for the subject property. (Section 17-015 describes each dwelling unit type.)

(e) **Check the Minimum Site Area Requirement Against the Gross Site Area:**

The required Minimum Site Area (MSA), given in the zoning district identified in (b), should be compared with the Gross Site Area (GSA) required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the GSA is less than the MSA required by the selected development option, then a different development option must be selected, or additional property should be acquired.

(f) **Determine Maximum Gross Density Permitted on the Site:**

The Maximum Gross Density (MGD), given in the zoning district identified in (b), above, should be noted; and used in Step (g), below.

(g) **Determine the Maximum Number of Units Permitted on the Site:**

The Maximum Gross Density (MGD), identified in (f), above, multiplied by the Gross Site Area (GSA) calculated in Step (c), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the selected zoning district. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this chapter. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.

(h) **Check the Minimum Permitted Lot Area:**

The Minimum Lot Area (MLA) requirement given in the zoning district identified in (b), is the smallest size lot permitted within the zoning district. The MLA must equal or be less than the lot size requirement for the type of dwelling unit proposed for the project in Step (d), above. If the MLA given in the zoning district is larger than the lot size requirement given in Step (d), then a dwelling unit type with a larger lot size must be selected (in which case, it may be advantageous to repeat Steps (d) through (h) using a different dwelling unit type).

(3) **Instructions For Only Nonresidential Development**

(For Steps (a) through (c), see (1), above.)

(d) **Determine What Types of Land Uses Are Permitted:**

Article I should be checked to determine which types of land uses are permitted within the zoning district designated on, or proposed for, the subject property. A complete description of each land use is presented in Section 17-206.

(e) **Check the Minimum Lot Area Requirement Against the Gross Site Area Present on the Subject Property:**

The required Minimum Lot Area (MLA), given in the zoning district identified in (b), should be compared with the Gross Site Area (GSA) required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the GSA is less than the MLA required by the zoning district, then additional property should be acquired. In other words, the GSA (from (c) ) must be greater than or equal to the MLA (from (e)).

(f) **Check Minimum Landscape Surface Ratio Requirement Against the Required Resource Protection Area Present on the Subject Property:**

The required Landscape Surface Ratio (LSR), given in the zoning district identified in (b), should be multiplied by the Gross Site Area (GSA) used in Step (e), above. The resulting product is the area of the site which must be permanently protected as green space. This area should be compared with the Required Resource Protection Area (RPA) required on the subject property as determined under the Natural Resource Site Evaluation in Step (c), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required, then more floors may have to be used in order to approach maximum development potential on the site. In other words, if the RPA (from(c)) is greater than the LSR, the use of more floors may permit the development of more floor area on the subject property.

(g) **Determine Maximum Floor Area Ratio Permitted on the Site:**

The Maximum Floor Area Ratio (FAR) for the zoning district identified in (b), above, should be noted. This number will be used in Step (h), below.

(h) **Determine the Maximum Floor Area Permitted on the Site:**

The Maximum Floor Area Ratio (FAR), identified in (g) above, multiplied by the Gross Site Area (GSA) calculated in Step (c), above, equals the maximum square footage of gross floor area permitted on the subject property within that zoning district. The ability to actually develop this amount of floor area is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a smaller amount of area actually fitting on the site.

(i) **Check the Maximum Building Size Requirement (NO and NB Districts):**

The Maximum Building Size (MBS) requirement given in the zoning district identified in (b), above, is the largest size building permitted within the Neighborhood Office and Neighborhood Business Districts. The MBS must equal or be greater than the building size proposed for the project in Step (h), above. If the MBS given in Section 17-305 is smaller than the proposed building size calculated in Step (h) above, then a smaller building must be built, or the use of additional buildings should be considered.

Rationale: The combinations of Maximum Floor Area Ratio (FAR) and Minimum Landscape Surface Ratio (LSR) requirements within each zoning district are designed to result in a consistent community character of development within that district. The Minimum Lot Area (MLA) requirements for each zoning district are used to ensure that a consistency of neighborhood character within each zoning district is maintained and attainable, under efficient site design practices. The Maximum Building Size (MBS) requirements ensure that development within the Neighborhood Office and Neighborhood Business Districts retain a neighborhood function and maintains a scale which is compatible with nearby residential development.

## **Sections 17-307 through 309 Reserved**

### **Section 17-310 Nonconforming Development Regulations**

A variance for any and all requirements of this Subchapter is hereby automatically granted to all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansions or extension into compliance with the provisions of this Subchapter, unless a variance is granted by the Zoning Board under Section 17-910.

Rationale: The “blanket variance” provision of this Section is intended to prevent the creation of certain nonconforming developments subject to the requirements of this Chapter. This Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.



## ARTICLE IV: BULK REGULATIONS

### **Section 17-401: Purpose**

The purpose of this Article is to indicate the requirements for building location and bulk in both residential and nonresidential developments. The provisions of this Article interact closely with the provisions of Article III: Density and Intensity Regulations.

### **Section 17-402: Residential Bulk Standards**

All residential lots shall comply with the standards prescribed by this Section. These standards are related to the specific zoning district used. (See Bulk Regulations table in the appendix to compare the bulk regulations for all zoning districts.)

### **Section 17-403: Nonresidential Bulk Standards**

All nonresidential lots created under the provisions of this Chapter shall comply with the standards of this Section. These standards are related to the specific zoning district used. (See Bulk Regulations table in the appendix to compare the bulk regulations for all zoning districts.)

### **Section 17-404: Yard Setback Adjustments**

- (1) **Front Yard Setback Adjustment.** The front yard setbacks should be adjusted as follows when the described conditions or circumstances exist:
  - (a) For lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding 100 feet, 40 feet of setback is required to address anticipated future conditions of noise and air quality.
  - (b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 50 percent of the same type of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all the adjoining same type principal structures on said block face or street face.
  - (c) In order to preserve and maintain the character of established neighborhoods within the Village of Oregon, which are typified by front yard setbacks substantially in excess of the minimum required front yard setback, the following regulation shall apply. On block faces with an average front yard setback more than five feet over the minimum required front yard setback shall be increased to the average of the adjoining same type principal structures on said block face or street face.

### **Section 17-405 Intrusions into Required Yards**

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- (3) In instances where the required bufferyard width (per Section 17-610) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.

### **Permitted Intrusions Into Required Yards:**

The following intrusions by buildings and structures are permitted into the specified required yards:

**Permitted Intrusions Into Required Front or Street Yards:**

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of section 17-707 and provided they do not locate closer than five feet from the front or street property line.
3. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 20 feet from any street right-of-way.
4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 17-720(3).

**Permitted Intrusions Into Required Rear or Side Yards:**

1. Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 17-720.
3. Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.

**Permitted Intrusions Into Required Rear Yards:**

1. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than twenty feet to the rear lot line.

**All Front Yard and Street Yard Areas:**

With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard, except when there is a shoreyard. In instances where there is a shoreyard, shoreyards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

**Section 17-406 Exceptions to Maximum Height Regulations****(1) Permitted Exceptions to Maximum Height Regulations**

- (a) The maximum height regulations listed for residential and non-residential uses and accessory structures in each zoning district, are the maximum permitted heights for all buildings and structures, except those exempted by this Section, below.
- (b) The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses. Such uses may exceed said maximum by more than 10 feet with the approval of a conditional use permit.
- (c) Any building or structure not otherwise accounted for by (b), above, may exceed said maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.



**Section 17-407 Substandard Lot Regulations**

- (1) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area requirements of each zoning district or the Minimum Lot Area requirements of each zoning district or which does not meet the lot dimension requirements of each zoning district.
- (2) A lot of record existing upon the effective date of this Chapter in a Residential District (see Section 17-102), which does not meet the Minimum Zoning District Area of each zoning district or the Minimum Lot Area (MLA) requirements each zoning district, or which does not meet the lot dimension requirements of each zoning district may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

**Section 17-408 Nonconforming Structure Regulations**

- (1) Any structure lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as provided in this Section.

- (2) **Unsafe Structures**

Nothing in this Chapter shall preclude the Building Inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger the public health, safety, or welfare.

- (3) **Future Modification**

When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure shall be in conformance with the provisions of this Chapter.

- (4) **Substantial Improvement**

Whenever a lawful nonconforming structure has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the cost of restoration equals or exceeds 50% of the present equalized value of the structure before the damage occurred.. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Chapter (unless the ability to re-establish a nonconforming use is specifically granted by the Village Board).

- (5) **Ordinary Maintenance**

Ordinary maintenance repairs, including repairs reasonable necessary to prevent the deterioration of a structure, and remodeling of a nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other non-structural components.

- (6) **Alterations**

Subject to Section 17-408(4), structural alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building. Notwithstanding the foregoing, a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such buildings shall not be enlarged, expanded or extended without bringing the enlargement, expansion or extension into compliance with the provisions of the Chapter unless a variance is granted by the Zoning Board under Section 17-910.

**(7) Garages**

A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:

- (a) That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure.
- (b) That the proposed garage replacement or addition will not be located closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).
- (c) All necessary precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.

**(8) Timing of Building Permit**

Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter or an amendment to it, which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days after issuance of the permit for single- and two-family construction and within 365 calendar days after issuance of a permit for all other development, and construction is completed within 730 calendar days after the start of construction. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.

**(9) Blanket Variance**

Blanket Conforming Status for any and all requirements of this Article is hereby automatically granted to all principle structures in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures may not be enlarged, expanded or extended without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Zoning Board under Section 17-910.

Rationale: The "blanket conforming status" specified in Subsection (9) is intended to eliminate the continued classification and/or creation of certain principle structures as non-conforming subject to the requirements of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of structures were approved in the Village that did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain lot sizes than did previous regulations for similar sized lots. Subsection (9) therefore ensures that owners of such structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because the structures would otherwise be considered nonconforming. This "blanket conforming status" is not available for accessory structures.

## **ARTICLE V: Overlay Zoning Districts**

### **Section 17-501: Purpose**

The purpose of this Article is to set forth the requirements for the mandatory protection of natural resources and permanently protected green space areas within the jurisdiction of this Chapter (see Section 17-009). The provisions of this Article interact closely with the provisions of Subsection 17-206(10) (Natural Resource Disruption and Required Mitigation Standards), Section 17-303 (Required Natural Resources Site Evaluation), and Sections 17-304 and 17-305 which provide residential and nonresidential development standards. Section 17-306 provides a complete overview of the interrelationship between the above-listed Sections. In part, the provisions of this Article are designed to ensure the implementation of the Village of Oregon Comprehensive Plan and State of Wisconsin Statutes 62.231 and 87.30.

### **Section 17-502: How to Use this Article**

This Article contains the standards which govern the protection, disturbance, and mitigation of disruption of all natural resource and other permanently protected green space areas. The provisions of this Article are intended to supplement those of the Village of Oregon, Dane County, the State of Wisconsin, and the Federal Government of the United States which pertain to natural resource protection. Prior to using the provisions of this Article to determine the permitted disruption of such areas, the requirements provided below should be reviewed. This Article recognizes the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of the following sections is oriented to each natural resource type, and is designed to accomplish several objectives:

- (1) First, a definition of the natural resource is provided.
- (2) Second, the specific purposes of the protective regulations governing each natural resource type are provided.
- (3) Third, the required method of identifying and determining the boundaries of the natural resource area is given.
- (4) Fourth, mandatory protection requirements are identified.

NOTE: Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented in Subsection 17-206(10).

### **Section 17-503 Natural Resource Protection Overlay Zoning Districts**

- (1) This Chapter employs overlay zoning districts to identify and regulate areas in which natural resource protection requirements apply. Each type of natural resource regulated by this Chapter is represented by an overlay zoning district bearing its name.
- (2) Natural Resource Protection Overlay Districts include:
  - Floodplain Overlay Districts**
  - Shoreland-Wetland Overlay District**
  - Lakeshore Overlay District**
  - Drainageway Overlay District**
  - Woodland Overlay District**
- (3) For specific Natural Resource Protection Overlay District regulations, see Article V.

**Section 17-504 Map of Natural Resource Protection Overlay Districts**

Natural Resource Protection Overlay Zoning Districts established by this Chapter are shown on the Official Zoning Map of the Village of Oregon, which together with all the explanatory material thereon, is hereby made part of this Chapter. For specific Natural Resource Protection Overlay District designation criteria, see Article V.

- (1) Where an apparent discrepancy exists between the location of the outermost boundary of the Floodfringe District or the Floodplain District shown on the official zoning map and actual field conditions, the location shall be initially determined by the Zoning Administrator using the criteria described in (2) and (3), below. Where the Zoning Administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in Section 17-903. Disputes between the Zoning Administrator and the Applicant over the location of the district boundary line shall be settled using the procedures outlined in Section 17-934(8)(b).
- (2) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.
- (3) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department of Natural Resources. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Village Board and the Department of Natural Resources, the Zoning Administrator shall have the authority to grant or deny a land use permit.

**Section 17-505: Floodway, Floodfringe, and Floodplain Overlay Zoning Districts**

See Chapter 40: Floodplain and Shoreland-Wetland Zoning

**Section 17-506: Shoreland Wetland Overlay Zoning District**

See Chapter 40: Floodplain and Shoreland-Wetland Zoning

**Section 17-507 through 17-509: Reserved****Section 17-510: Lakeshore Overlay Zoning District****(1) Definition:**

Lakeshores are the land margins of navigable waters which are identified as "lakes and other water bodies" as shown on USGS 7.5 minute topographic maps for the Village of Oregon and its environs. Lakeshores are all areas within 100 feet of the ordinary high water mark of such features. Decorative water features shall not be considered "navigable waters" for the purposes of this Section. This meaning of "lakeshores" shall remain distinct from the meaning of the term as employed by the State of Wisconsin Statutes and the DNR.

**(2) Purpose of Lakeshore Protection Requirements:**

Lakeshores serve to protect land/water margins from erosion due to site disruption. Because of regular contact with wave action, currents, and runoff, such areas are highly susceptible to continuous, and in some cases,

rapid erosion. Lakeshore protection also provides a natural vegetation buffer which serves to reduce water velocities and wave energy, and filters significant amounts of water-borne pollutants and sediments. Lakeshores also promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin.

**(3) Determination of Lakeshore Boundaries:**

General lakeshore boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a lakeshore depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 17-908(h). This analysis shall depict the location of all lakeshore areas on the subject property as related to the provisions of Subsection (1), above.

**(4) Mandatory Lakeshore Protection Requirements:**

Lakeshores shall remain in an undisturbed state except for the land uses permitted per the requirements in Subsection 17-206(10).

**Section 17-511: Drainageway Overlay Zoning District**

**(1) Definition:**

Drainageways are non-navigable, above-ground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following:

- (a) All areas within 75 feet of the ordinary high water mark of a "perennial stream" as shown on USGS 7.5 minute topographic maps for the Village of Oregon and its environs;
- (b) All areas within 50 feet of the ordinary high water mark of an "intermittent stream" or "open channel drainageway" as shown on USGS 7.5 minute topographic maps for the Village of Oregon and its environs.

**(2) Purpose of Drainageway Protection Requirements:**

Drainageways serve in the transporting of surface runoff to downstream areas. As such, drainageways serve to carry surface waters, supplement floodplain, wetland, and lakeshore water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.

**(3) Determination of Drainageway Boundaries:**

General drainageway boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a drainageway depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 17-908(h). This analysis shall depict the location of all drainageway areas on the subject property as related to the provisions of Subsection (1), above.

**(4) Mandatory Drainageway Protection Requirements:**

Drainageways shall remain in an undisturbed state except for the land uses permitted per the requirements in Subsection 17-206(10). Vegetation clearing to maintain drainageway functions is permitted with the written approval of the Director of Public Works. All areas designated as drainageways shall be located within a public easement or dedication for maintenance purposes to preserve proper drainage flow.

**Section 17-512: Woodland Overlay Zoning District****(1) Definition:**

Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on air photos for the Village of Oregon and its environs.

**(2) Purpose of Woodland Protection Requirements:**

Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.

**(3) Determination of Woodland Boundaries:**

General woodland boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a woodland depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 17-908(h). This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of Subsection (1), above.

**(4) Mandatory Woodland Protection Requirements:**

Woodlands shall remain in an undisturbed state except for the land uses permitted per the requirements of Subsection 17-206(10) and areas subject to the following mitigation requirements. Selective cutting operations are permitted by right in all woodland areas (per the requirements of Section 17-206(2)(f)). Clear cutting is permitted as a conditional use in all woodland areas (per the requirements of Section 17-206(2)(g)).

**Section 17-513: Reserved****Section 17-514 Well Head Protection Overlay Zoning District****(1) Purpose:**

The Village of Oregon depend exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this ordinance is to institute land use regulations and restrictions to protect the Village water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Village. The restrictions imposed in this Section are in addition to those of the underlying zoning district or any other provisions of the zoning ordinance. This ordinance is established per NR 811.16 of the Wisconsin Administrative Code.

**(2) Overlay Zones:**

The regulations specified in this ordinance shall apply to lands that lie within the five year Time of Travel (TOT) of Village wells No. 3, 4, and 5, as identified in the Village of Oregon Well Head Protection Plan, or 1200 feet minimum, as determined by the Wisconsin Geological and Natural History Survey Special Report No. 10: An Analysis and Test Applications. This area shall be known as the Groundwater Protection Area.

**(3) Land Use Regulations:**

The groundwater protection area land uses must minimally comply with uses specified in Wisconsin Code NR811.16 (4) (d) (Refer to Table 1). More restrictive uses apply according to the following permitted, conditional and prohibited uses. The following land use regulations are in addition to the land use regulations established for the underlying Zoning District:

**(a) Permitted Uses:**

The following uses are permitted uses within the Groundwater Protection Area. Uses not listed in this subsection or in subsection (b) below are considered to be prohibited uses.

1. Parks and playgrounds, provided there are no on-site waste disposal or fuel storage tank facilities
2. Wildlife areas
3. Non-motorized trail, such as biking, skiing, nature, and fitness trails
4. Sewered residential developments

**(b) Conditional Uses:**

The following uses may be allowed as a Conditional Use (per the requirements of Section 17-905), providing adequate groundwater protections and monitoring measures are implemented:

1. Nurseries for ornamental plants, greenhouses, and associated retail sales outlets
2. Cemeteries

**(c) Prohibited Uses:**

Those uses declared to be prohibited have a high probability that such activities routinely associated with them (storage, use, and handling of potential pollutants) will cause groundwater contamination. Prohibited uses include, but are not limited to, the following uses within the Groundwater Protection Area.

1. Septage and/or sludge spreading
2. Gasoline stations
3. Landfills or waste disposal facilities
4. Spray waste water facilities
5. Bulk fertilizer and/or pesticide facilities
6. Asphalt products manufacturing
7. Salt storage
8. Electroplating facilities
9. Paint and coating manufacturing
10. Hazardous/and/or toxic materials storage
11. Hazardous and/or toxic waste facilities
12. Radioactive waste facilities

**(d) Separation Distances:**

The separation distances for particular land uses established by NR 811.16(4)(d) of the Wisconsin Administrative Code are hereby established.

**(4) Enforcement:**

Any person, firm, or corporation who fails to comply with the provisions of this subsection shall forfeit not less than \$100.00 nor more than \$500.00 for each violation, plus the costs of prosecution. Any person, firm, or corporation in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment is made, but not exceeding 30 days, or alternatively shall have those costs added to their real property as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

Where any of the uses listed above in subsections (b) or (c) exist within the Groundwater Protection Overlay District on the effective date of this ordinance, such uses shall be treated as nonconforming uses and any expansion thereof shall be prohibited. However, owners of these facilities may be allowed to upgrade the facilities to facilitate or enhance groundwater protection with approval of the Village Board. The procedures and standards for obtaining a conditional use shall be applicable to any such approval.

### **Section 17-515 through 17-520: Reserved**

#### **Section 17-521 Downtown Design Overlay Zoning District**

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area. As emphasized by said Plan, this district is designed to forward both aesthetic and economic objectives of the Village by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 17-913 for the procedures applicable to proposal review in this overlay district.

(1) **Purpose:**

(2) **Boundaries:**

(3) **Standards:**

(a) **Overall Design Theme**

The design theme for the Downtown area is based on its historical, pedestrian-oriented development pattern that incorporates retail, residential, and institutional uses. Building orientation and character includes minimum setbacks at the edge of the sidewalk, multi-story structures, use of alleys for access, and on-street or other off-site parking.

1. **Nonresidential Development**

The design theme varies by location.

a. **Street Frontage**

Along North Main Street and Janesville Street, the nonresidential design theme is characterized by a variety of architectural styles popular at the time, including Italianate, Romanesque and Neoclassical, in a two story format with office, storage or residential located over business. The façades of these buildings have a traditional main street storefront appearance, are relatively small in scale, have street-yard and side-yard setbacks of zero feet, have prominent horizontal and vertical patterns formed by regularly-spaced window and door openings, detailed cornice designs, rich detailing in masonry coursing, window detailing and ornamentation, and are predominantly of brick, stone or wood. Exterior building materials are of high-quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple and muted. Exterior signage blends, rather than contrasts with buildings in terms of coloring (complementary to building), location (on-building), size (small) and number (few).

b. **Remainder of Downtown Design Overlay Zoning District**

In this area, the nonresidential design theme is characterized by a variety of architectural styles popular throughout the entire 20th Century. Building styles, heights, setbacks and details vary significantly. In the desired theme, exterior building materials are of high-quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple and muted. Exterior signage blends, rather than contrasts with buildings in terms of coloring (complementary to building), location (on-building), size (small) and number (few).



## 2. Residential Development

This theme is characterized by a variety of architectural styles popular at the time, including Queen Anne, Gothic, High Victorian, Georgian, and Prairie. These homes have generous street-yard, side-yard and rear-yard setbacks, and are well-landscaped with a mixture of canopy and understory yard trees, and foundation shrubs and/or flower beds. For illustrative purposes, examples of architectural styles which tend to have elements *incompatible* with Downtown historic styles include (with no attempt to be inclusive) Spanish Mission, Scandinavian Modern, Bavarian, and California Contemporary.

### (b) Non-Residential Construction

#### 1. General

Nonresidential construction, including new structures, building additions, building alterations, and restoration or rehabilitation shall correspond to the urban design guidelines as determined by the Architectural Control Board and as evidenced by certain existing structures within the Downtown and by the following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of façade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of façade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening.

#### 2. Building Setback

Throughout the district, the setback of buildings from street-yard and side-yard property lines shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board.

#### 3. Building Height

Throughout the district, the height of buildings shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. In no instance shall buildings be more than one story taller or shorter than the height of a building of similar use on one of the immediately adjoining properties, which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board.

#### 4. Building Mass

Throughout the district, the mass of buildings shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. The characteristic proportion (relationship between façade height and width) of the general design theme shall be maintained. Building mass for large structures (with a façade area exceeding 5,000 square feet) shall be disguised through the use of façade articulations, or through the use of exterior treatments which give the impression of directly adjoining individual buildings, as determined appropriate by the Architectural Control Board.



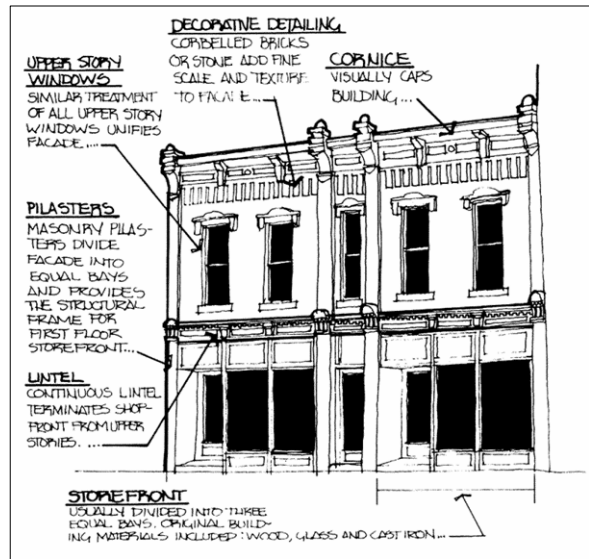
Figure 1

**5. Horizontal Rhythms**

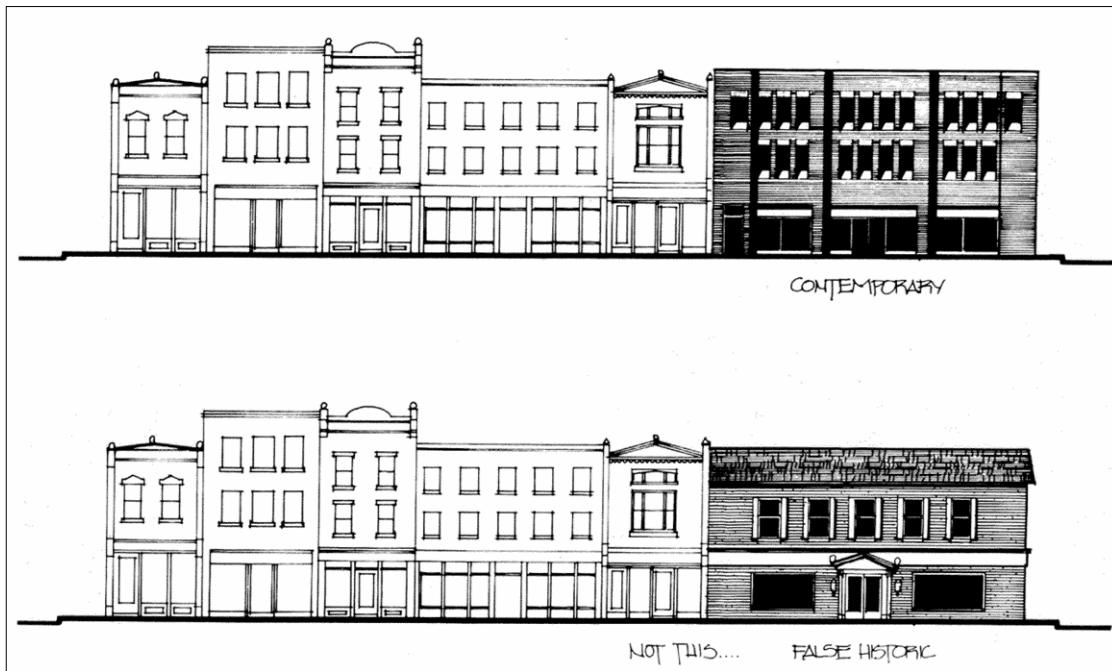
Along North Main Street and Janesville Street, the horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building, and shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board.

**6. Vertical Rhythms**

Along North Main Street and Janesville Street, the floor heights on main façades shall appear visually in proportion to those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices and sign bands shall be compatible in design and elevation with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board.



**Figure 2**



**Figure 3**

**7. Roof Forms**

Along North Main Street and Janesville Street, flat or gently sloping roofs which are not visible from the street shall be used. Mansards or other exotic roof shapes not characteristic of the general design theme

noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board, shall not be used. Throughout the District, roof shapes not characteristic of the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board, shall not be used.

## 8. Exterior Materials

Selected building materials shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. In addition:

### a. Masonry

Along North Main Street and Janesville Street, stone or brick facing should be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted.

### b. Siding

Along North Main Street and Janesville Street, wood or thin board textured vinyl or textured metal clapboard siding may be appropriate -- particularly if the proposed non-masonry exterior was used on a building which conforms to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. In certain instances clapboard, board and batten may be in keeping with the general design theme. Asphalt shingles shall not be permitted.

### c. Glazing

Along North Main Street and Janesville Street, clear, or slightly tinted glass or related glazing material shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted.

## 9. Exterior Surface Appurtenances

Exterior surface appurtenances shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. In addition:

a. Along North Main Street and Janesville Street, the traditional storefront design theme (characterized by strong horizontal and vertical rhythms formed by building openings, storefront columns, storefront cornices, upper cornices, kickplates, signbands, large display windows, and transom windows) shall be employed for all new nonresidential buildings -- including retail, office, professional service, personal service, maintenance, lodging, entertainment, and storage uses.

b. Throughout the district, avoid cluttering building façades with brackets, wiring, meter boxes, antennae, gutters, downspouts and other appurtenances. Unnecessary signs shall also be avoided. Where necessary, such features shall be colored so as to blend in, rather than contrast, with the immediately adjacent building exterior. Extraneous ornamentation which is inconsistent with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board, is also prohibited.

### c. Awnings

Throughout the district, awning size, color and placement should complement the architectural character of the building, as determined by the Architectural Control Board. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Aluminum or suspended metal canopies shall be prohibited. Signage applied to awnings shall be simple and durable. Backlit awnings are prohibited.

## 10. Exterior Colors

Selected exterior colors for structures and appurtenances including fixtures and signs shall be compatible and harmonious with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. Specifically, throughout the district:

- c. Primary (red, blue, green, and yellow) colors, black, and fluorescent, “day glow”, and/or “neon” colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
- d. High gloss paints, lacquers, varnishes or other “shiny” non-glazing surfaces shall not be used.
- e. Color combination schemes shall be limited to no more than three different colors for all the structures and appurtenances on a property. (Varying shades, tints or intensities of a color shall count as a different color for this purpose.)
- f. Color schemes shall be used consistently throughout the property, including on both the upper and lower portions of buildings, and on all façades of a building or structure.

## 11. Exterior Signage

All signage which is visible from any point outside of the building or structure shall be compatible and harmonious with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. General signage regulations are provided in Subchapter 17-8. In addition:

### a. Number of Signs

No more than two exterior signs for the same business shall be visible from any single vantage point on or off the subject property.

### b. Area of Signage

No more than one square foot of signage shall be permitted for every twenty square feet of building façade area (not to include roof area) which is oriented at an angle of less than ninety degrees (90°) from the right-of-way line of a directly adjacent public street. The assignment of permitted sign area to individual businesses within the same building shall be at the discretion of the property owner. Total sign area shall be limited to 50 square feet per business.

### c. Types of Signage

Wall signs, projecting signs (smaller than five square foot) and awning signs (see Subsection (9)(b)9.c., above, for additional restrictions for awning signs) may be used for individual businesses. Roof signs, mobile signs and portable signs are not permitted in any instance. Holiday and special event signs shall be excluded from this ordinance.

### d. Group or Large Development Signs

Group or large development signs may be wall, projecting, awning or freestanding signs. Such freestanding signs shall be limited to one per lot, shall not exceed the height of the tallest principle building on the subject property, shall be limited in area to a maximum of one square foot of sign area for every two feet of frontage along the public street located closest to the freestanding sign, and shall in no instance exceed the area allocated in Table 17-806(6). The base of freestanding signs shall be fully landscaped per the requirements of Subsection (9)(b)12.d., below. The supports of freestanding signs shall be constructed of materials and in a style which is consistent with the materials and style of the principle structure on the site as determined by the Architectural Control Board.

### e. Sign Colors

Primary (red, blue, green, and yellow) colors and fluorescent, “day glow”, “neon” and other “loud” colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used. Color combination schemes shall be limited to no more than three different colors for all the structures and appurtenances on a property. (Varying shades, tints or intensities of a color shall count as a different color for this purpose.) Color schemes and lettering styles shall be used consistently on all signage used throughout the property.

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*Section 17-521 Downtown Design Overlay Zoning District**through**Section 17-521 Downtown Design Overlay Zoning District*

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f. **Sign Materials**

Permitted sign materials include wood, brass, metal leaf, metal plates, canvass or related fabric, or etched glass, stone or concrete. Plastic signs are not permitted. High gloss paints, lacquers, varnishes or other “shiny” non-glazing surfaces, including smooth plastics and related materials, shall not be used.

g. **Sign Illumination**

Illumination of exterior signage shall be limited to shielded spotlight. The lighting element of such fixtures shall not be visible from public rights-of-way or adjoining properties. Internally illuminated and/or flashing signs (including illuminated awnings with or without messages) are not permitted, including neon and related illumination systems.

#### h. Sign Location

Wall signs, canopy signs and projecting signs shall not be located on any portion of upper stories. The location of signs shall fit the building.

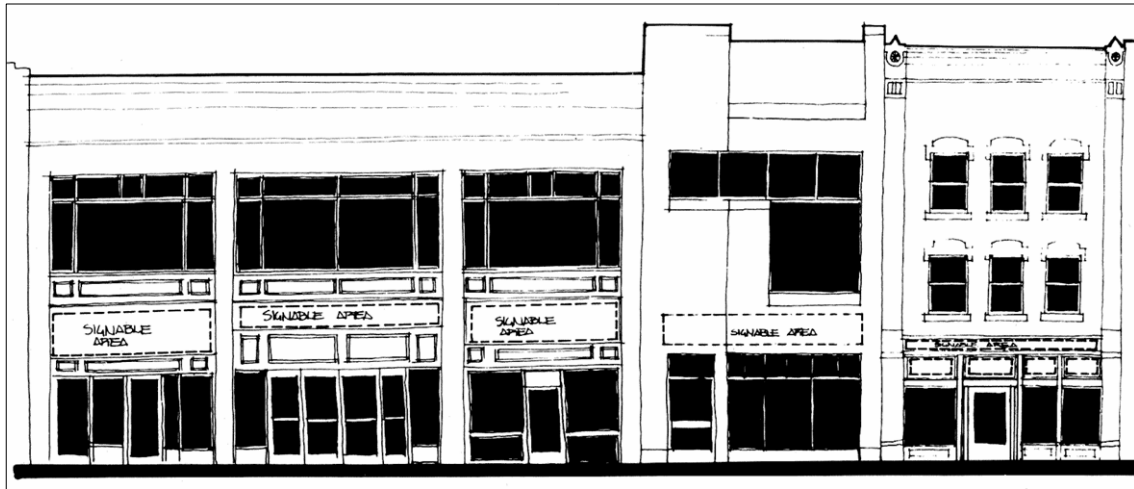


Figure 3

#### i. Removal of Signs

Illegal nonconforming signs, poorly maintained signs, and obsolete signs pertaining to a closed business, shall be removed. The property owner shall be responsible for the removal of such signs.

### 12. On-Site Landscaping and Screening

On-site landscaping is not required within portions of the Downtown Design Overlay Zoning District located along North Main Street and Janesville Street, except to provide vegetated ground cover for pervious (non-paved/roofed) surfaces, and to provide screening and shading of on-site paved areas.

#### a. Groundcover

All areas which are not covered by impervious paving or structures shall be covered with vegetative groundcover. Appropriate groundcover includes grasses, forbs, and shrubs.

#### b. On-Site Paved Areas

On-site landscaping shall also be provided for on-site paved areas used for outdoor seating, vehicular parking, or loading, except for pedestrian and vehicle walks and drives which connect such areas to public rights-of-way (such as driveways and walks to building entrances).

##### 1) Required Screening

On-site paved areas, including parking lots, loading areas, circulation drives, and patios shall be partially screened from the view of public rights-of-way and adjoining properties by, at minimum, a continuous vegetated hedge with a minimum width of five feet, and a height of between 40 and 60 inches. This hedge may be supplemented by trees and/or compatible iron, masonry, or wood fencing, and/or berming.

##### 2) Required Shading

In addition, one canopy tree (with a minimum installed breast height caliper of 2½ inches) shall be provided within, or within five feet of the edge of, on-site paved areas for every 2,000 square feet (or fraction thereof) of paved area.

c. **Exterior Storage and Utility Areas**

Trash storage areas, air conditioning units, and related storage and utility areas and components shall be fully screened from the view of adjoining properties, public rights-of-way, and customer areas.

d. **Freestanding Signs**

The base of freestanding signs shall be fully concealed by plants to a minimum height of twenty-four inches.

e. Additional landscaping standards are found in Subchapter 17-6.

13. **Exterior Lighting**

Throughout the district, on-site exterior lighting shall be compatible and harmonious with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. Specifically:

a. **Pedestrian Lighting**

The design, color, height, location and light quality of on-site pedestrian lighting shall be consistent with the pedestrian lighting fixtures.

b. **Vehicular Circulation Lighting**

The design, color, height, location and light quality of on-site vehicular circulation lighting shall be consistent with the lighting fixtures recommended by the Architectural Control Board.

e. Additional lighting standards are found in Section 17-707.

14. **Rehabilitation and Restoration**

New projects, building additions, and new appurtenances and features shall comply with the provisions of (9)(b)1.-13., above. The following standards shall apply where existing construction is proposed for rehabilitation and/or restoration:

a. **In General**

Buildings shall be restored relying on physical evidence (such as photographs, original drawings, and existing architectural details) as much as possible, in keeping with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board. Specifically, throughout the Downtown Design Overlay Zoning District:

1) **Exterior Materials and Surface Features**

Materials and features identical to the original shall be used. Where such knowledge is lacking, materials and features in common use at the time of building erection, as determined by the Architectural Control Board, shall be used. Significant architectural features, including cornices, moldings and coursings shall be preserved or replaced with identical features and materials where possible.

2) **Windows and Doors**

The size, proportion and rhythm of original windows and doors shall not be altered. Original window and door openings shall not be blocked, except with a dark opaque panel placed behind the window or door to preserve the appearance of the opening. Where now blocked in another manner, blocked window and doors shall be restored using said method. Window and door features, including lintels, sills, architraves, shutters, pediments, hoods and hardware, shall be preserved where possible, or replaced with identical features and materials. Dark frames (i.e. anodized bronze) shall be used to replace storefront and upper story windows. Clear aluminum finishes and mill finish aluminum storm windows are prohibited. Real shutters and awnings shall be used if there is evidence that they were a component of the original building design. Vinyl and plastic shutters and awnings shall be prohibited.

**3) Shop Fronts**

Shop fronts should fit inside the original shop front in terms of all three dimensions (vertical, horizontal and front to back articulation);

**4) Display Windows**

Display windows should be restored to their original appearance.

**5) Entrances and Porches**

Original porches and steps shall be retained, except as required to meet accessibility standards. Porches, steps and related enclosures which do not comply with the architectural design theme, as determined by the Architectural Control Board, shall be removed.

**6) Roofs**

The original roof shape and character of visible materials shall be retained. Original architectural features which give the roof its essential character, including dormer windows, cupolas, cornices, brackets, chimneys and weathervanes, shall be preserved if in keeping with the architectural design theme as determined by the Architectural Control Board.

**7) Painting and Color**

See Subsection (9)(b)10., above.

**8) Signage**

All signage, existing upon the adoption date of this Ordinance, which does not comply with the standards of Subsection (9)(b)11., above may be continued so long as well maintained. However, the maintenance of such legal nonconforming signs shall be limited to repair of the sign structural or lighting elements, and to the repainting or replacement of the sign face with identical new material, message, and original appearance. Should a change in material, message, or original appearance be desired, the legal nonconforming sign shall be removed.

**9) Cleaning**

Structural components and exterior materials shall be cleaned when necessary, and with only the gentlest possible methods. Low pressure water and soft natural bristle brushes are acceptable. Sandblasting is never acceptable. Other methods shall be pre-approved by the Architectural Control Board.

**(c) Residential Construction**

- (4) Proposed residential construction, located on properties having frontage on North Main Street and Janesville Street, including new structures, building additions, building alterations, and restoration or rehabilitation shall be reviewed per Section (5) above by the Architectural Control Board. The building setback, height, mass, roof form, exterior materials, exterior surface appurtenances, exterior colors, landscaping and lighting shall be compatible and harmonious with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Architectural Control Board.

**(d) Designated Historic Structures**

- (5) *(Reserved.)*



**Section 17-522 Historic Neighborhood Design Overlay Zoning District**

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of the older, historically intact, portions of the Village. As emphasized by said Plan, this district is designed to forward both aesthetic and historic preservation objectives of the Village by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 17-913 for the procedures applicable to proposal review in this overlay district.

(1) **Purpose:**

(2) **Boundaries:**

(3) **Standards:**

**Section 17-523 Community Gateway and Corridor Design Overlay Zoning District**

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan by requiring that development located at and around the most important entrances to the community has a character which recognizes the Village's adopted objectives of establishing an attractive and high-quality image. It is also intended to enhance the economic redevelopment potential of the CTH MM corridor throughout the Village, the STH 138 corridor within the Village limits, the CTH CC corridor on the west side of the Village, and the US Hwy 14 corridor throughout the Village. As emphasized by the Plan, this district is designed to forward both aesthetic, historic preservation, and economic development objectives of the Village by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic development principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 17-913 for the procedures applicable to proposal review in this overlay district.

(1) **Purpose:**

(2) **Boundaries:**

(3) **Standards:**

**17-524: Reserved**



## **ARTICLE VI: Landscaping and Bufferyard Regulations**

### **Section 17-601: Purpose**

The purpose of this Article is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

### **Section 17-602: How to Use this Article**

- (1) This Article contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This Article recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Master Plan.
- (2) Each section of this Article is oriented to a specific category of required landscaping. The landscaping requirements described in this Article of the Ordinance are cumulative in nature and are required for all development, except single-family residential and agricultural uses, in the following locations: around building foundations, in developed lots, along street frontages, in or around paved areas, in permanently protected green space areas, in reforestation areas, and in bufferyards. Descriptions of these areas and their associated landscape requirements are included in Landscaping Requirements for Regular Development (building foundation, developed lots, street frontages, paved areas) (Section 17-604); Landscaping Requirements for Permanently Protected Green Space Areas (Section 17-608); Landscaping Requirements for Reforestation (Section 17-609); and Landscaping Requirements for Bufferyards (Section 17-610).
- (3) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 17-603 presents sample landscape point combination alternatives used by this chapter. At the end of this Chapter (and in more detail in the Appendix on pages A-3 through A-28), Section 17-611 provides a listing of plant species fitting into the "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and "non-contributory plants" used by this chapter. Section 17-612 provides requirements for the installation and maintenance of required landscaping, and Section 17-613 describes the procedure for calculating landscaping requirements for this Section.

**Section 17-603 Landscaping Points, Measurements and Sample Landscaping Layouts**

- (1) All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. A different number of points is awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are as follows:

**Table 17-603: Landscaping Points and Minimum Installation Sizes**

Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Climax Tree	75	2" Caliper
Tall Deciduous Tree	30	1 ½" Caliper
Medium Deciduous Tree	15	6' Tall
Low Deciduous Tree	10	4' Tall
Tall Evergreen Tree	40	5' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	3' Tall
Tall Deciduous Shrub	5	36" Tall
Medium Deciduous Shrub	3	24" Tall
Low Deciduous Shrub	1	18" Tall
Medium Evergreen Shrub	5	18" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Non-contributory Plants	0	N/A

*Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865*

**(2) Depiction of Sample Landscaping Schemes**

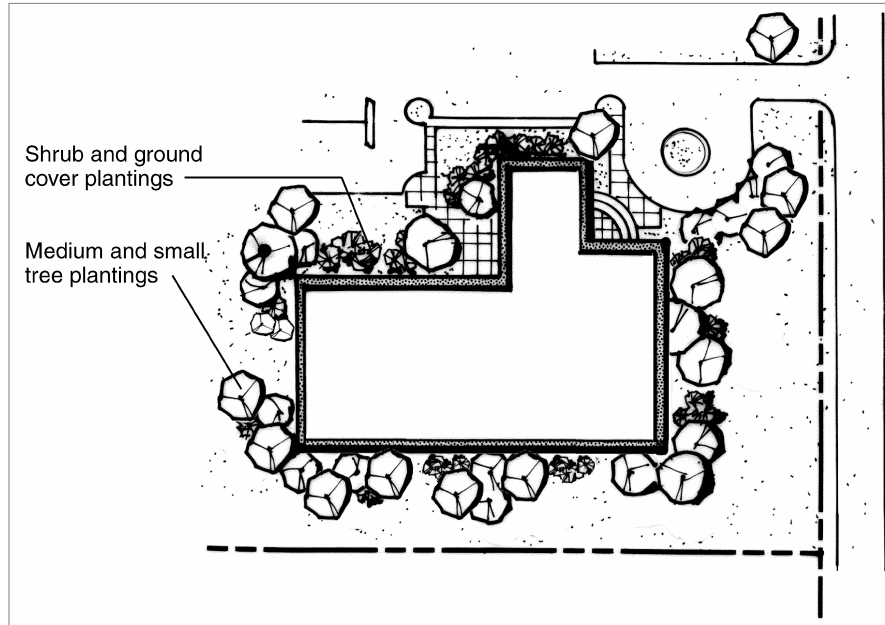
Illustration 17-103, shown on the following three pages, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in Section 17-111.

**Alternative A:**

**Best Suited for Building Foundations**

750 Landscaping Points:

- 20 medium trees
- 15 small shrubs
- 60 shrubs

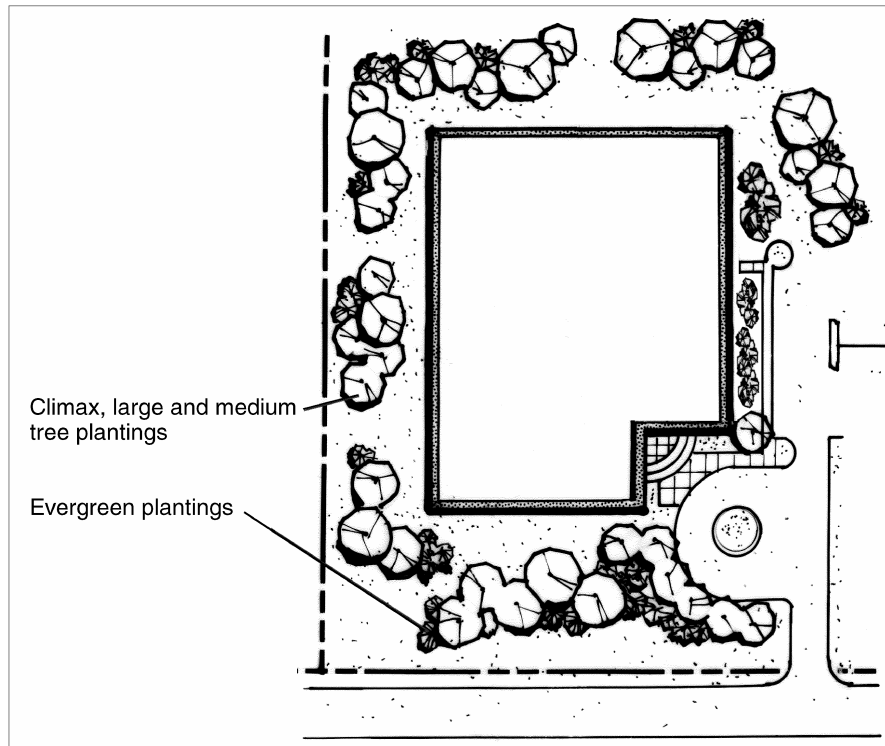


**Alternative B:**

**Best Suited for Developed Lots**

1250 Landscaping Points:

- 6 climax trees
- 8 tall trees
- 20 medium trees
- 41 evergreen plantings



**Alternative C:**

**Best Suited for Street Frontages**

**Option 1**

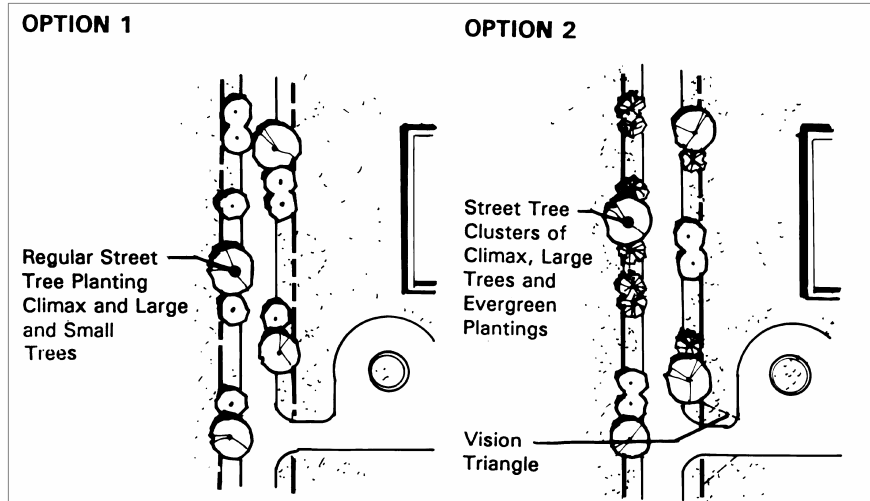
280 Landscaping Points:

- 2 climax trees
- 2 tall trees
- 8 small trees

**Option 2**

280 Landscaping Points:

- 2 climax trees
- 2 tall trees
- 4 small trees
- 8 evergreen shrubs



**Alternative D:**

**Best Suited for Paved Areas**

**Option 1**

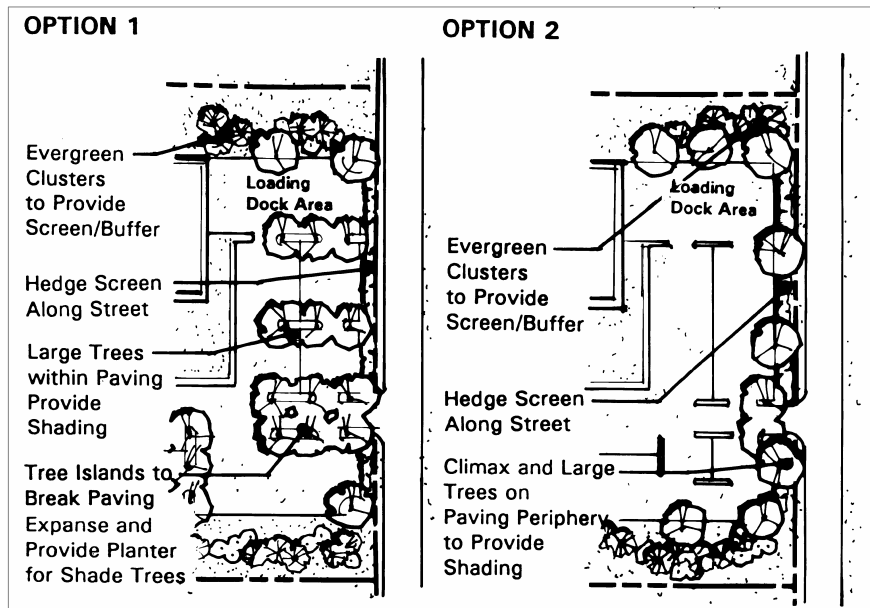
880 Landscaping Points:

- 2 climax trees
- 13 tall trees
- 68 evergreen shrubs

**Option 2**

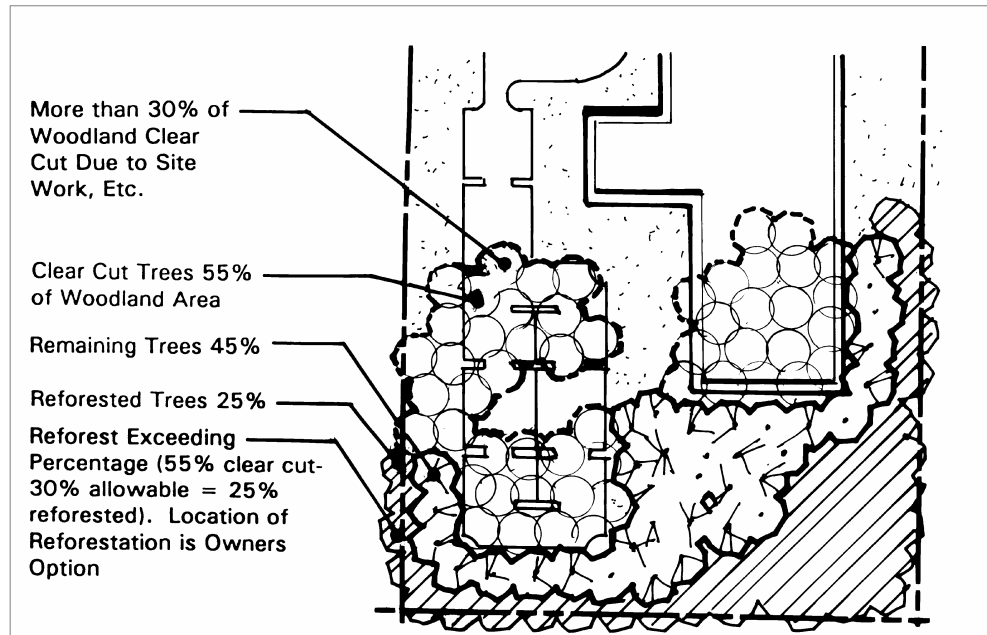
880 Landscaping Points:

- 5 climax trees
- 6 tall trees
- 68 evergreen shrubs



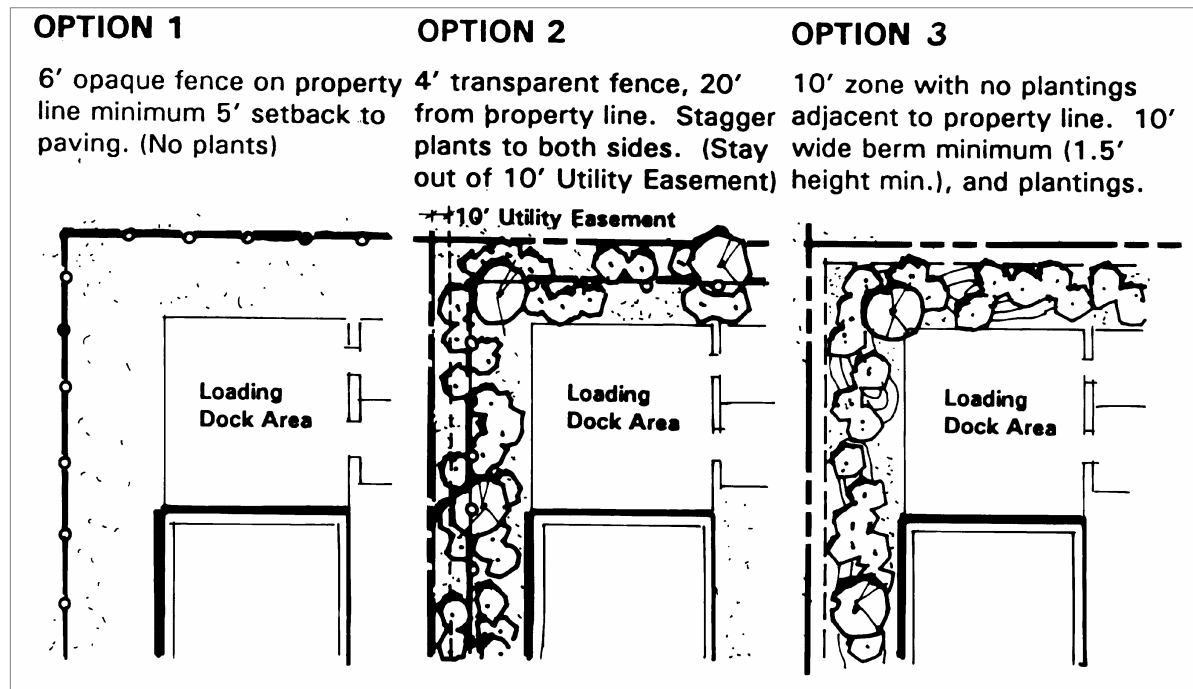
**Alternative E:**

**Best Suited for Reforestation**



**Alternative F:**

**Best Suited for Bufferyards**

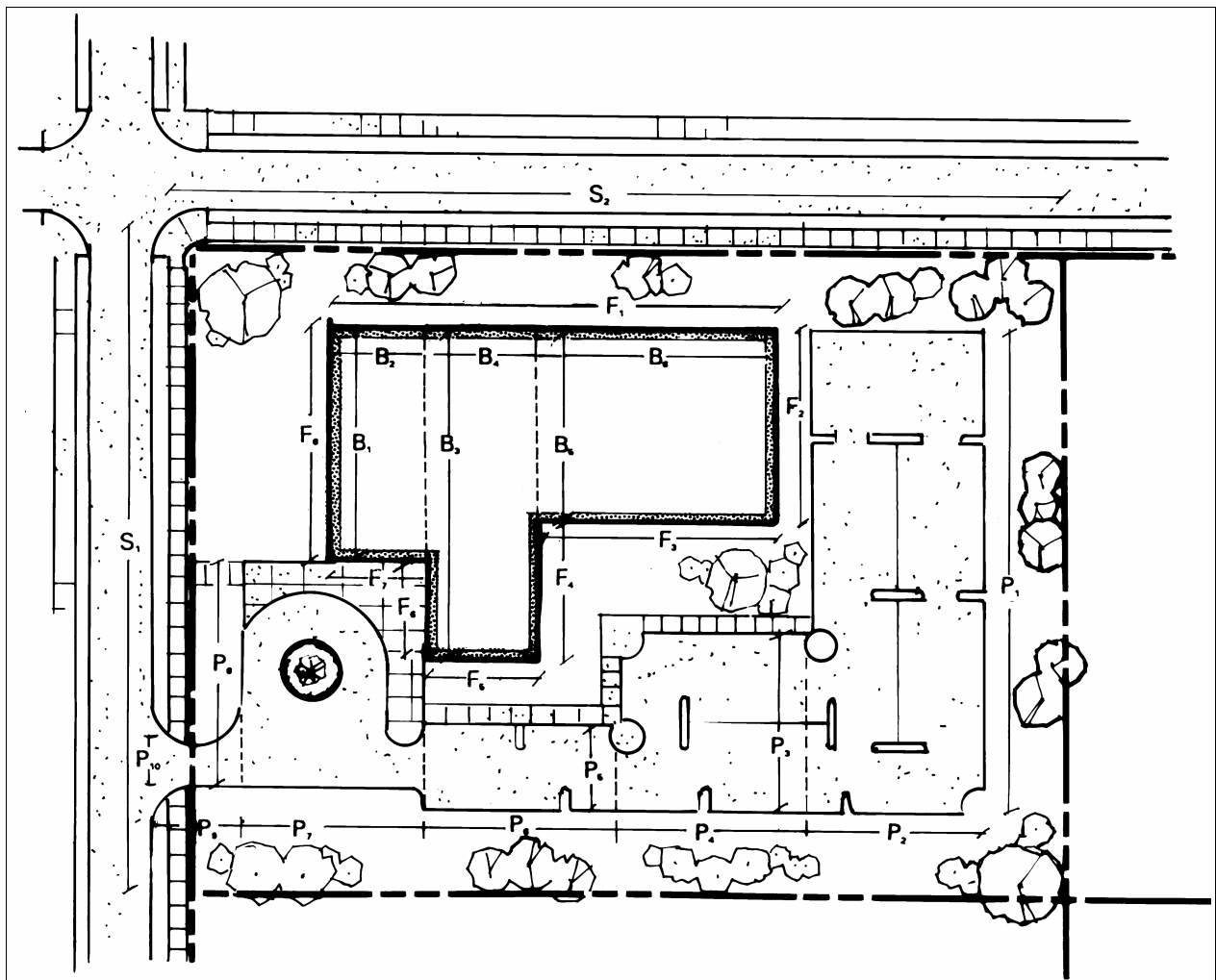


**(3) Measurement for Landscaping Requirements:**

A minimum amount of landscaping points, based upon the zoning district, is required for:

- (a) The linear feet Building Foundations
- (b) The gross floor area of buildings on Developed Lots
- (c) The linear feet of Street Frontage, and
- (d) The total combined area of Paved Areas.

The following diagram illustrates the measurement techniques used to determine these requirements:



*Landscape Measurements*

Landscaping Calculation Equations for this Example:

$$\text{Paved Area} = (P_1 \times P_2) + (P_3 \times P_4) + (P_5 \times P_6) + (P_7 \times P_8) + (P_9 \times P_{10})$$

$$\text{Street Frontage} = S_1 + S_2$$

$$\text{Building Perimeter} = F_1 + F_2 + F_3 + F_4 + F_5 + F_6 + F_7 + F_8$$

$$\text{Building Floor Area} = (B_1 \times B_2) + (B_3 \times B_4) + (B_5 \times B_6)$$



**Section 17-604: Landscaping Requirements for Regular Development**

Landscaping is not required for single-family (17-206(1)), or Agricultural (17-206(2)) land uses).

**(a) Building Foundations**

As indicated in Table 17-604, certain buildings or building additions constructed after the effective date of this Chapter are required to be accented by a minimum amount of landscaping placed near the building foundation.

1. Foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards. Foundation landscaping shall be installed and permanently maintained in conformity with the requirements of Section 17-612.
2. For each 100 feet of building foundation perimeter, the landscaping installed shall at a minimum meet the number of landscaping points specified in Table 17-604. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and permanently maintained per the requirements of Section 17-612.
3. Climax trees and tall trees shall not be used to meet the foundation landscaping requirement. The intent of this Section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
4. If the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in a point requirement not met by the initial planting, then the requirement shall be met within five years after the issuance of the building permit, or within such larger time period as established in writing by the Plan Commission.

**(b) Street Frontages**

As indicated in Table 17.604, street frontages on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping in those areas abutting the right-of-way of a public street.

1. All landscaping used to meet street frontage requirements shall be located within 10 feet of the public right-of-way. Under no circumstances shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility, and shall be installed and permanently maintained in conformity with the requirements of Section 17-612.
2. For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscape installed shall at a minimum meet the number of landscaping points specified in Table 17.604. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of Section 17-612.
3. Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50% of all points shall be devoted to climax or tall trees, or a combination of such trees, and a minimum of 30% of all points shall be devoted to medium trees.

**(c) Paved Areas**

As indicated in Table 17-604, paved areas on certain lots developed after the effective date of this Chapter must contain a minimum amount of landscaping within, or within 10 feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.

*Section 17-604: Landscaping Requirements for Regular Development*

*through Section 17-604: Landscaping Requirements for Regular Development*

1. A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 paved area landscaping points. Said area does not have to be provided in one contiguous area. Sample configurations are depicted in Section 17-603, above. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets. Paved area landscaping shall be installed and permanently maintained in conformity with the requirements of Section 17-612.
2. For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the landscaping installed shall at a minimum meet the number of landscaping points specified in Table 17-604. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of Section 17-612.
3. A minimum of 30% of all points shall be devoted to climax or tall trees, or a combination of such trees, and a minimum of 40% of all points shall be devoted to shrubs.
4. Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking isle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.

**(d) Developed Lots**

As indicated in Table 17-605, lots developed after the effective date of this Chapter must contain a minimum amount of landscaping.

1. Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards. See Section 17-103(2)(B) for a suggest landscaping scheme.
2. The number of landscaping points specified in Table 17-604 shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of Section 17-612.
3. The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes.)

**Table 17-604: Landscaping Requirements for Regular Development**

		Components			
		Building Foundation	Street Frontages	Paved Areas	Developed Lots
<b>Note:</b> Landscaping is not required for single-family (17-206(1)), or Agricultural (17-206(2)) land uses)					
<b>Types of Landscaping</b>		Climax trees and tall trees shall not be used to meet this requirement	Shrubs not allowed; A min. of 50% of points devoted to climax/tall trees and 30% to med. trees	A min. of 30% of points devoted to climax/tall trees and 40% to shrubs	All plant categories can be used to meet requirements
<b>Placement of Landscaping</b>		Located so that at maturity the plant's drip line is located within 10' of building foundation	Located within 10' of the public right-of-way	Within paved area or within 10' of the paved area	Located away from areas that meet other landscaping requirements (i.e., building foundation, street frontage, paved areas)
<b>Calculation of Landscaping Points</b>		Points per 100' of building foundation	Points per 100 linear feet of street frontage	Greater of: points per 20 parking stalls or 10,000 sq.ft. of parking area	Points per 1,000 sq. ft. of building footprint
		?	?	?	?
<b>Zoning Districts</b>	Rural Holding (RH)	20	20	40	10
	Exurban Residential (ER-1)	40	40	80	20
	Single-family Residential-3 (SR-3)	40	40	80	20
	Single-family Residential-4 (SR-4)	40	40	80	20
	Single-family Residential-5 (SR-5)	40	40	80	20
	Single-family Residential (SR-6)	40	40	80	20
	Two-family Residential-6 (TR-6)	45	45	90	20
	Multi-family Residential-8 (MR-8)	50	50	100	20
	Neighborhood Office (NO)	45	45	80	20
	Planned Office(PO)	40	40	60	15
	Neighborhood Business (NB)	40	40	80	15
	Planned Business (PB)	40	40	60	10
	Central Business (CB)	0	0	20	0
	Planned Industrial (PI)	40	40	60	10
	General Industrial (GI)	20	20	40	5
Heavy Industrial (HI)	20	20	40	5	
Institutional (I)	40	40	60	15	

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*Section 17-605 through 17-607: Reserved**through**Section 17-610 Landscaping Requirements for Bufferyards*

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**Section 17-605 through 17-607: Reserved****Section 17-608: Landscaping Requirements for Other Permanently Protected Green Spaces**

- (1) This Section requires that each acre of other permanently protected green space after the effective date of this chapter be planted with a minimum amount of landscaping.
- (2) For every one acre of other permanently protected green space in a development, two hundred landscaping points (as described in Section 17-103) shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

**Section 17-609: Landscaping Requirements for Required Reforestation**

- (1) This Section requires that each area required to be reforested, be reforested and maintained in a manner appropriate to site conditions.
- (2) A detailed reforestation plan shall be submitted by the property owner and approved by the Village prior to clear cutting. This plan shall be reviewed by a reforestation consultant chosen by the Village, with funding for consulting services provided by the Petitioner to the Village.

Rationale: The provisions of this Section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide.

**Section 17-610 Landscaping Requirements for Bufferyards****(1) Purpose:**

This Section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this chapter. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

Rationale: One of zoning's most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the Village of Oregon, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of this chapter. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

**(2) Required Locations for Bufferyards:**

Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards.

**(3) Determination of Required Bufferyard:**

The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using Table 17-610(4)(a). Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by Table 17-610(4)(a) is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this Section indicate the minimum requirements for bufferyards located along zoning district boundaries

**(a) Identification of Required Level of Opacity:**

Table 17-610(4)(a) shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.

**(b) Identification of Detailed Bufferyard Requirements**

1. If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in Table 17-610(4)(a).
2. For each level of opacity listed in Table 17-610(4)(a), a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in Table 17-610(4)(b). The requirements listed in Table 17-610(4)(b) pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every 100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. Section 17-603 describes the various available landscaping point alternatives. Section 17-611 provides a listing of tree and shrub species which correspond to the landscaping point descriptions.

**(4) Tables for Required Bufferyards:**

See following pages for Tables 17-610(4)(a) and (b).

**(a) Notes for Table 17-610(4)(a)**

For properties zoned in the Rural Holding District (FH), refer to the Comprehensive Plan's Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

**Table 17-610(4)(a): Required Bufferyard Opacity Values**

Adjacent Property's Zoning	RH	ER-1	SR-3	SR-4	SR-5	SR-6	TR-6	MR-8	NO	PO	PB	NB	CB	PI	GI	HI	I
RH	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
ER-1			0	0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.4	0.5	1.0	0.4
SR-3				0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.4	0.5	1.0	0.4
SR-4					0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.4	0.5	1.0	0.4
SR-5						0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.4	0.5	1.0	0.4
SR-6							0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.4	0.5	1.0	0.4
TR-6								0.2	0.2	0.3	0.3	0.3	0.5	0.3	0.4	1.0	0.3
MR-8									0.1	0.2	0.2	0.2	0.4	0.2	0.3	1.0	0.2
NO										0.1	0.2	0.2	0.4	0.2	0.3	0.6	0.1
PO											0.1	0.1	0.3	0.1	0.2	0.6	0.1
PB												0.1	0.3	0.1	0.2	0.6	0.1
NB													0.2	0.1	0.1	0.6	0.1
CB														0.2	0.1	0.6	0.3
PI															0.2	0.6	0.1
GI																0.5	0.2
HI																	0.6
I																	

\* For properties zoned in the Rural Holding District (RH), refer to the Comprehensive Master Plans' Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

**Table 17-610(4)(b) Detailed Bufferyard Requirements**

<b>Opacity</b>	<b># Landscaping Points/100 feet</b>	<b>Width</b>	<b>Required Structure</b>
0.05	00	10'+	Minimum 44' picket fence *
	00	10'+	Minimum 4' wood rail fence *
	40	10'	-
	36	15'	-
	33	20'	-
	31	25'	-
	29	30'	-
0.10	00	10'+	Minimum 44" picket fence *
	38	10'+	Minimum 4' wood rail fence *
	91	10'	-
	80	15'	-
	73	20'	-
	68	25'	-
	65	30'	-
	62	35'+	-
	00	35'+	Minimum 4' berm
0.20	00	10'+	Minimum 6' solid fence *
	84	10'+	Minimum 44" picket fence *
	133	15'+	Minimum 4' wood rail fence *
	198	15'	-
	173	20'	-
	158	25'	-
	149	30'	-
	140	35'	-
	10	35'+	Minimum 4' berm
	135	40'+	-
	00	40'+	Minimum 5' berm
Continued on next page			

\* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.30	00	10'+	Minimum 6' solid fence*
	198	15'+	Minimum 44" picket fence*
	320	20'	-
	240	20'+	Minimum 4' wood rail fence*
	276	25'	-
	252	30'	-
	235	35'	-
	104	35'+	Minimum 4' berm
	223	40'	-
	44	40'+	Minimum 5' berm
	215	45'	-
	209	50'+	-
	00	50'+	Minimum 6' berm
0.40	53	10'+	Minimum 6' solid fence*
	330	20'+	Minimum 44" picket fence*
	440	25'	-
	362	25'+	Minimum 4' wood rail fence*
	385	30'	-
	349	35'	-
	208	35'+	Minimum 4' berm
	327	40'	-
	148	40'+	Minimum 5' berm
	310	45'	-
	299	50'+	-
	56	50'+	Minimum 6' berm

Continued on next page

\* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.



Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.50	135	15'+	Minimum 6' solid fence*
	564	30'	-
	405	30'+	Minimum 44" picket fence*
	492	30'+	Minimum 4' wood rail fence*
	499	35'	-
	319	35'+	Minimum 4' berm
	454	40'	-
	261	40'+	Minimum 5' berm
	422	45'	-
	405	50'	-
	160	50'+	Minimum 6' berm
	388	55'	-
	374	60'+	-
	0.60	221	20'+
433		35'+	Minimum 4' berm
541		35'+	Minimum 44" picket fence*
630		35'+	Minimum 4' wood rail fence*
626		40'	-
379		40'+	Minimum 5' berm
570		45'	-
525		50'	-
270		50'+	Minimum 6' berm
500		55'	-
480		60'+	-

Continued on next page

\* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.80	415	30'+	Minimum 6' solid fence*
	655	40'+	Minimum 4' berm
	627	45'+	Minimum 5' berm
	873	45'+	Minimum 44" picket fence*
	910	50'	-
	505	50'+	Minimum 6' berm
	809	50'+	Minimum 4' wood rail fence*
	804	55'	-
	744	60'	-
	710	65'	-
	677	70'+	-
1.00	636	40'+	Minimum 8' solid fence
	732	50'+	Minimum 8' solid fence
	751	50'+	Minimum 8' solid fence
	867	55'+	Minimum 8' solid fence
	1091	60'+	Minimum 8' solid fence
	1136	60'+	Minimum 8' solid fence
	1083	65'	Minimum 8' solid fence
	994	70'	Minimum 8' solid fence
	934	75'	Minimum 8' solid fence
	892	80'+	Minimum 8' solid fence

\* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

**Section 17-611: Classification of Plant Species**

For the purpose of this chapter, plant materials are classified into thirteen (13) groupings: "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and non-contributory plants. Species suitable for landscaping use and compatible with Dane County climate and soil factors are listed in Table 17-111, below. The Zoning Administrator shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

See Appendix 1 for a very detailed listing of plant species and characteristics.

**Table 17-611: Classification of Plants**

**Climax Trees  
(75 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Acer saccharum</i>	Sugar Maple
<i>Ginkgo biloba</i>	Ginko
<i>Quercus sp.</i>	Oak: Red, White, Pin

**Low Deciduous Trees  
(10 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Amelanchier sp.</i>	Serviceberry
<i>Crataegus sp.</i>	Hawthorn: Cockspur, Downy, Washington
<i>Malus sp.</i>	Crabapple sp.

**Tall Deciduous Trees  
(30 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Acer sp.</i>	Maple: Red, Silver
<i>Gleditsia triancanthos</i>	Honeylocust
<i>Populus grandidentata</i>	Bigtooth Aspen
<i>Tilia sp.</i>	Linden: Basswood, Littleleaf, Redmond

**Tall Evergreen Trees  
(40 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Abies concolor</i>	White Fir
<i>Pinus sp.</i>	Pine: Red, White, Scots
<i>Tsuga Canadensis</i>	Canada Hemlock

**Medium Deciduous Trees  
(15 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Betula sp.</i>	Birch: River, Paper
<i>Prunus sp.</i>	Cherry: Choke, Pin
<i>Salix sp.</i>	Willow

**Medium Evergreen Trees  
(20 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Thuja occidentalis</i>	American Arborvitae

**Low Evergreen Trees  
(12 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Juniperus sp.</i>	Juniper: Mountbatten, Redcedar
<i>Thuja sp.</i>	Arborvitae: Pyramidal, Techny

Section 17-612: Requirements for Installation, Maintenance & Use of Landscaped and Bufferyard Areas

Section 17-612: Requirements for Installation, Maintenance & Use of Landscaped and Bufferyard Areas through

**Tall Deciduous Shrubs  
(5 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Cornus sp.</i>	Dogwood: Grey, Pagoda
<i>Syringa sp.</i>	Lilac: Chinese, Hyacinth
<i>Viburnum sp.</i>	Viburnum: Arrowwood, Wayfaringtree, Nannyberry

**Low Deciduous Shrubs  
(1 Landscaping Point)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Berberis thunbergii</i>	Japanese Barberry
<i>Spiraea sp.</i>	Spirea: Froebel, Snowmound

**Tall-Medium Evergreen Shrubs  
(5 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Juniperus chinensis</i>	Juniper: Pfitzer
<i>Taxus sp.</i>	Yew: Japanese

**Medium Deciduous Shrubs  
(3 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Corylus americana</i>	American Filbert, Hazelnut
<i>Cotoneaster sp.</i>	Cotoneaster
<i>Forsythia sp</i>	Forsythia: Border, Early, Weeping
<i>Rosa sp.</i>	Rose: Virginia, Rugosa

**Low Evergreen Shrubs  
(3 Landscaping Points)**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Juniperus sp.</i>	Juniper: Sargent, Creeping, Andorra

**Section 17-612: Requirements for Installation, Maintenance & Use of Landscaped and Bufferyard Areas**

**(1) Installation**

- (a) Any and all landscaping and bufferyard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan (see Section 17-908) within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.

**(b) Surety**

- 1. If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the 730 day period and shall furnish to the Village an irrevocable letter of credit or other form of security acceptable to the Village sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in an amount equal to 110% of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property and shall be verified by the Village. The financial security shall remain in force until all of the work has been completed and approved by the Village. This agreement shall also contain a statement indicating that the property owner’s failure to comply with the requirements of the terms of the agreement will constitute a violation of the Chapter and subject the property owner to a forfeiture upon conviction.
- 2. If the required landscaping and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient

to guarantee completion of the landscaping and bufferyard work performed during a particular phase, unless the Village's Land Division Code requires otherwise.

3. If the property owner is a Governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee under Subparagraph 1, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Article.
- (c) If existing plant material meets the requirements of Section 17-603 and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements.
- (d) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- (e) The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:
  1. Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
  2. Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
  3. A property owner may establish through a written agreement, recorded with the Register of Deeds Office, that an adjacent property owner agrees to provide on the immediately adjacent portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property.
  4. Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
  5. The restrictions on types of plants listed in this Article shall apply.

## **(2) Maintenance**

The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. If the property owner fails to comply with these provisions, the Village may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

## **(3) Use of Required Bufferyard and Landscaped Areas**

Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided: no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this chapter are met. However, in such areas, no swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses. No parking and no outdoor display of storage of materials shall be permitted. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

## **(4) Utility Easements**

Landscaping materials, fences and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by a conditional use permit. However, the width of such areas may be counted as part of a landscaping requirement.

*Section 17-613 Calculating Landscaping and Bufferyard Requirements*

*through*

*Section 17-614 Depiction on Required Site Plan*

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**Section 17-613 Calculating Landscaping and Bufferyard Requirements**

In calculating the number of required landscaping points under the provisions of this Section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this Section (for example 23.3 canopy trees) shall be rounded up to the nearest whole plant (24 canopy trees).

**Section 17-614 Depiction on Required Site Plan**

Any and all proposed landscaping on the subject property, required to meet the standards of this chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property.

## ARTICLE VII: Performance Standards

### **Section 17-701: Purpose**

The purpose of this Article is to indicate the requirements for access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this Chapter (see Section 17-009).

### **Section 17-702: Access Standards**

#### **(1) Purpose**

The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.

#### **(2) Permit Required**

Each access point onto a public street or right-of-way shall have a permit issued by the Director of Public Works per Wisconsin Statutes 86.07(2).

#### **(3) Number of Access Points**

- (a) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Director of Public Works.
- (b) In no instance shall any lot be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
- (c) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.
- (d) For residential uses, two access points serving the same street frontage may be approved as a conditional use.

#### **(4) Residential Uses**

Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.

#### **(5) Nonresidential Uses**

Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.

#### **(6) Access Near Street Intersections**

At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.

#### **(7) Distance Between Access Drives**

The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the Director of Public Works, present or projected traffic factors warrant a greater distance.

**(8) Angle of Intersection with Public Right-of-Way**

All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.

**(9) Distance from Property Line**

The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.

**(10) Width of Driveways**

All access drives shall have a minimum width of 10 feet for one- and two-family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 25 feet for all residential uses, and 35 feet for all non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet.

**(11) Traffic Control**

The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Works.

**(12) Depiction on Required Site Plan**

Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 17-909.)

**(13) Paving of Access**

All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the Director of Public Works.

**Section 17-703: Visibility Standards****(1) Purpose**

The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

**(2) Requirement**

In order to provide a clear view of intersecting streets to motorists there shall be a triangular area of clear vision formed by the two intersecting streets and a chord connecting said centerlines, as determined by the Director of Public Works. Generally, the following standards shall apply:



**Table 17-703: Vision Clearance Triangle Standards**

<b>Right-of-Way Width</b>	<b>Distance from Right-of Way Intersection</b>
Less than 50 feet	50 feet
50 feet	50 feet
51-60 feet	40 feet
61-66 feet	34 feet
67 feet-82.5 feet	15 feet
Greater than 82.5 feet	15 feet

Within said triangular area, no signs, parking spaces, structures, or earthwork in excess of 30 inches, and no vegetation, fencing, nor other such obstructions between 30 inches and 8 feet in height which exceeds an opacity of 0.2 (see Section 17-610(4)(b)) shall be permitted which exceeds 30 inches in height above either of the centerline elevations of said two streets.

**(3) Depiction on Required Site Plan**

Except in the downtown where no requirement is imposed, any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 17-908.)

**Section 17-704: Off-Street Parking and Traffic Circulation Standards**

**(1) Purpose**

The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. Please refer to Section 17-717: Drainage Standards.

**(2) Depiction on Required Site Plan**

Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 17-908.) Each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.

**(3) Use of Off-Street Parking Areas**

The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.

**(4) Traffic Circulation and Traffic Control**

Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.

**(5) Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas**

All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 17-706(3).

**(6) Off-Street Parking and Traffic Circulation Design Standards****(a) Surfacing and Marking**

All off-street parking and traffic circulation areas (including all residential driveways—except those within the RH District) shall be paved with a hard, all-weather surface, to the satisfaction of the Director of Public Works. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.

**(b) Curbing**

All off-street parking areas designed to have head-in parking within 6½ feet of any lot line shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this Chapter (see Sections 17-402 and 17-403.)

**(c) Lighting**

All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles is recommended for said areas, and said illumination level shall not exceed the standards of Section 17-707.

**(d) Access**

Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses. (See also Table 17-704(6)(j).) Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.

**(e) Signage**

All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article VIII.

**(f) Handicapped Parking Spaces**

Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.

**(g) Parking Space Design Standards**

Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of Table 17-704(6)(j). The minimum required length of parking spaces shall be 16.0 feet where an additional 2.0 foot vehicle overhang area is provided at the end of a stall

terminated by a curb or curb stop, and shall be a minimum of 18.0 feet where no physical termination is provided. All parking spaces shall have a minimum vertical clearance of at least seven feet.

(h) **Snow Storage**

Required off-street parking and traffic circulation areas shall not be used for snow storage.

(i) **Parking Lot Design Standards**

Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 17-704(6)(j), and shown on the following page. Additional design standards apply to "Group or large developments." (See Section 17-220)

(j) **Landscaping**

Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Section 17-604(c).

(7) **Calculation of Minimum Required Parking Spaces**

(a) **General Guidelines for Calculating Required Parking Spaces**

The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

**Partial Development of Required Parking Spaces**

Any development may seek permission to not install a portion of its required parking at time of site plan review; however, said site plan shall depict the minimum number of required parking spaces.

**Limit on the Maximum Number of Required Parking Spaces**

No site plan may be approved, for a multi-family or non-residential use, which contains more than 120% of the development's minimum number of required parking spaces, except as granted through a conditional use permit.

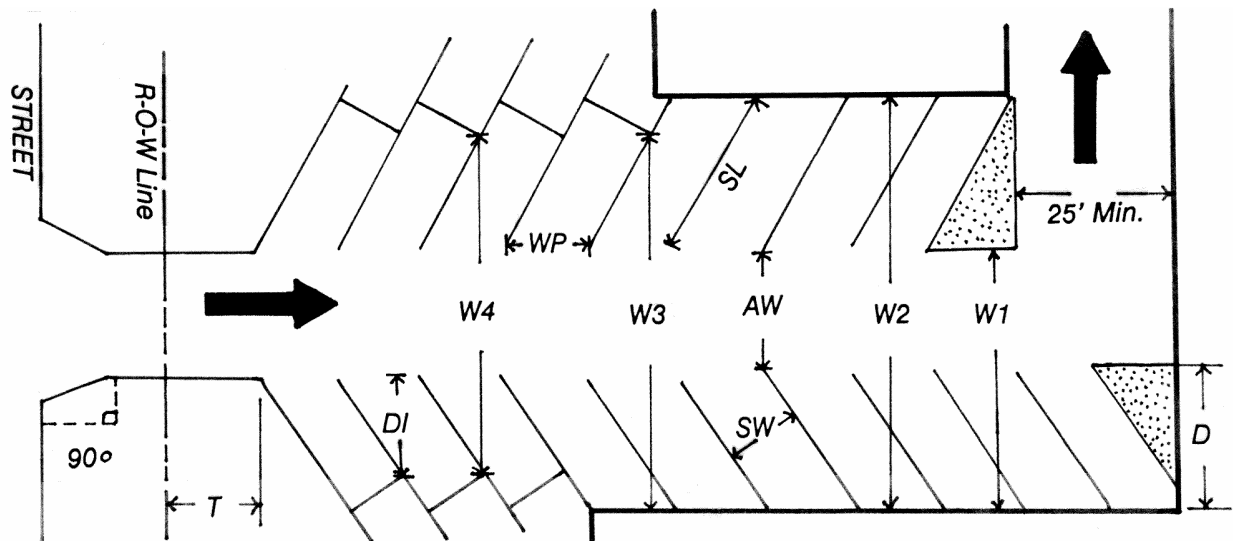
**Table 17-704(6)(j): Parking Layout Dimensions**

Minimum Permitted Dimensions	Parking Angle in Degrees (°)				
	0° (parallel)	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	17.90'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D)	9.0' <sup>1</sup>	17.5' <sup>1</sup>	19.0' <sup>1</sup>	19.5' <sup>1</sup>	18.5' <sup>1</sup>
Stall Depth to Interlock (DI)	-	15.3'	17.5'	18.8'	-
Stall Length (including 2.0' curb overhang) (SL)	18.0'	18.0'	18.0'	18.0'	18.0'
Aisle Width (AW)	12.0' <sup>2</sup>	12.0' <sup>2</sup>	16.0' <sup>2</sup>	17.20' <sup>2</sup>	24.0'
Throat Length (right-of-way to parking angle) (T)	Refer to requirements in Table 17-704(7)(f).				
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double-Loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double-Loaded) (W3)	-	44.8'	52.5'	61.3'	-
Interlock to Interlock (Double-Loaded) (W4)	-	42.6'	51.0'	60.6'	-

<sup>1</sup>Parking spaces located behind an enclosed garage and located directly off a thorough aisle shall be at least 30 feet deep.

<sup>2</sup>This dimension represents (AW) for one-way traffic.

**Diagram for Table 17-704(6)(j): Typical Parking Layout Dimensions**



**(b) Joint and Off-Site Parking Facilities**

1. Parking facilities which have been approved by the Director of Public Works to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
2. Each parking space designed to serve as joint parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, from the access to all of the various areas it is designated to serve. See Section 17-206(6)(a).
3. The applicant(s) for approval of a joint parking facility shall demonstrate to the Director of Public Works' satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two of more uses for which the joint parking facility is proposed to serve.
4. A legally binding instrument, approved by the Village Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the Village Clerk. A fee shall be required to file this instrument (see Section 17-919).

**(c) Minimum Off-Street Parking Requirements for Land Uses**

The off-street parking requirements for each land use are listed within Section 17-206.

**(d) Provision of Fee-in-Lieu of Parking Spaces Development**

Within the Central Business (CB) District, the parking requirements of this Chapter are hereby waived.

**(e) Locational Prohibitions for Off-Street Parking Areas**

1. Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan (see Section 17-908).
2. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.

**(f) Minimum Permitted Throat Length**

The Table 17-704(7)(f) on the following page shall be used to determine the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive:

**Table 17-704(7)(f): Minimum Permitted Throat Length**

Land Use	Type	Scale of Development	Type of Access Street		
			Collector	Arterial	
Residential	Any Residential	0-100 dwelling units	25 feet	-	
		101-200 dwelling units	50 feet	75 feet	
		201+ dwelling units	75 feet	125 feet	
Commercial	Office	0-50,000 gross sq. ft.	25 feet	50 feet	
		50,000-100,000 gross sq. ft.	25 feet	75 feet	
		100,000-200,000 gross sq. ft.	50 feet	100 feet	
		200,001+ gross sq. ft.	100 feet	150 feet	
	In-Vehicle Sales	0-2,000 gross sq. ft.	25 feet	75 feet	
		2,001+ gross sq. ft.	50 feet	100 feet	
	Indoor Entertainment	0-15,000 gross sq. ft.	25 feet	50 feet	
		15,000+ gross sq. ft.	25 feet	75 feet	
	Commercial Lodging	0-150 rooms	25 feet	75 feet	
		151+ rooms	25 feet	100 feet	
	Other Commercial Uses	0-25,000 gross sq. ft.	25 feet	50 feet	
		25,001-100,000 gross sq. ft.	25 feet	75 feet	
		100,000-500,000 gross sq. ft.	50 feet	100 feet	
		500,001+ gross sq. ft.	75 feet	200 feet	
	Industrial	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet
			100,001-500,000 gross sq. ft.	50 feet	100 feet
500,000+ gross sq. ft.			50 feet	200 feet	
All Other Uses	6+ parking spaces		25 feet	50 feet	

**(8) Bicycle Parking Standards**

**(a) Required Provision of Bicycle Parking Areas**

For residential and non-residential sites having an off-street automobile parking requirement of one hundred (100) spaces or more, off-street bicycle parking spaces shall be provided in a number equal to five (5) percent of the automobile parking space requirement. For residential and non-residential sites having an off-street parking requirement of less than one hundred (100) spaces, a number of off-street bicycle parking spaces shall be provided equal to ten (10) percent of the automobile parking space requirement. Each inverted-U type rack provided will count as two (2) bicycle parking spaces.

**(b) Potential Reduction in Automobile Parking Spaces**

The Plan Commission may decrease the required number of off-street automobile parking spaces by up to twenty-five (25) percent of the normal requirements based upon one or more of the following criteria:

1. Technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Ordinance.
2. Bicycle parking spaces will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.
3. A public transportation route is located within five hundred (500) feet of the property.

**(c) Specifications for Bicycle Parking Spaces**

The “Inverted-U” type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this section. All bicycle parking provided should be on a hard-surfaced area, and be located a minimum of 24” from a parallel wall, and 30” from a perpendicular wall (as measured closest to the inverted-U). Bicycle parking lockers are specifically encouraged for assigned use by employees and bicycle commuters. Bicycle parking capacity provided via lockers will be considered as being in compliance with these rules. Lockers are to be placed in accordance with setback requirements applicable to vehicular parking lots.

Bicycle parking spaces should either be installed in the public street right-of-way or on private sites in conformance with setback requirements applicable to automobile parking lots. The spaces shall be placed within 50 feet of building entrances, or where bicyclists would naturally transition to pedestrian mode. The placement of the racks should minimize conflicts with pedestrians and motorized traffic.

**Section 17-705: Off-Street Loading Standards****(1) Purpose**

The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.

**(2) Applicability**

Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.

**(3) Location**

All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 17-702. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.

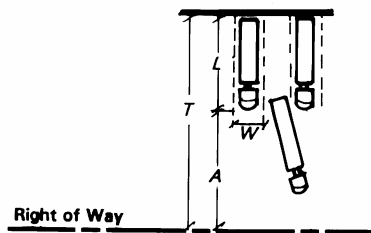
**(4) Size of Loading Area**

The first required loading berth shall be designed in accordance with Table 17-705(4). All remaining required loading berths shall be a minimum of 25 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

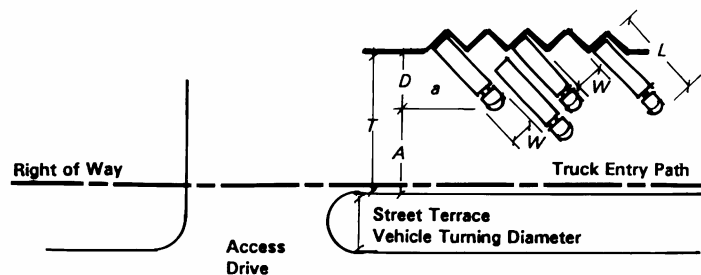
**Table 17-705(4): Loading Standards**

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)		
WB-40	50	90°	50	10	63	113		
				12	56	106		
				14	52	102		
		60°	44	10	46	90		
				12	40	84		
				14	35	79		
				45°	36	10	37	73
						12	32	68
						14	29	65
WB-50	55	90°	55	10	77	132		
				12	72	127		
				14	67	122		
		60°	48	10	55	103		
				12	51	99		
				14	46	94		
		45°	39	10	45	84		
				12	40	79		
				14	37	76		

**90 DEGREE DOCKS**



**SAWTOOTH DOCKS**





**(5) Access to Loading Area**

Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 17-704, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.

**(6) Surfacing and Marking**

All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.

**(7) Use of Required Loading Areas**

The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.

**(8) Lighting**

All loading areas shall be lit so as to not exceed the standards of Section 17-707.

**(9) Signage**

All signage located within, or related to, loading areas shall comply with the requirements of Article VIII.

**(10) Depiction on Required Site Plan**

Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 17-908.)

**(11) Calculation of Required Loading Spaces****(a) Indoor Institutional Land Uses**

One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.

**(b) Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses**

One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.

**(c) Office Land Uses**

One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

**Section 17-706 Exterior Storage Standards for Residential, Office, and Business Districts****(1) Purpose**

The purpose of this Section is to control the use of residential, office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Section 17-206.

**(2) Requirements for Exterior Storage in Office and Business Districts**

In all office and business zoning districts (See Section 17-102 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of five (5) feet from any and all property lines: screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.

**(3) Inoperative Motor Vehicles and Junk**

Refer to the Village Code of Ordinances.

**(4) Exterior Trash Storage**

All exterior trash storage shall be located within an enclosure that completely screens the view of said trash. The exterior of said enclosure shall be constructed of some or all of the materials used on the main building. A solid wood fence shall be used to gain access to the storage area.

**Section 17-707: Exterior Lighting Standards****(1) Purpose**

The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

**(2) Applicability**

The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way and/or lighting located on public property.

**(3) Depiction on Required Site Plan**

Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to Section 17-908.)

**(4) Requirements****(a) Orientation of Fixture**

In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.

**(b) Intensity of Illumination**

1. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.
2. The maximum average on-site lighting in non-residential zoning districts shall be 2.4 foot-candles.
3. The maximum average on-site lighting in residential zoning districts shall be 0.90 foot-candles.
4. The following exceptions shall be permitted:
  - a. Outdoor recreation facilities and assembly areas: Maximum average on-site lighting of 3.60 foot-candles.
  - b. Auto display lots and gas station pump islands: Maximum average on-site lighting of 25.0 foot-candles, all under-the-canopy fixtures shall be fully recessed.

**(c) Location**

Light fixtures shall not be located within required bufferyards.

**(d) Fixture Heights**

The maximum fixture height in the ER-1, SR-3, SR-4, SR-5, SR-6, TR-6, and MR-8 Districts shall be 20 feet. The maximum fixture height in the RH, NO, PO, NB, PB, CB, PI, GI, HI, and I Districts shall be 25 feet.

**(e) Flashing, Flickering and other Distracting Lighting**

Flashing, flickering and/or other lighting which may distract motorists are prohibited. (Refer to Section 17-804(1)(c).)

**(f) Minimum Lighting Standards**

All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.2 foot-candles.

**(g) Nonconforming Lighting**

All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal conforming uses, (see Section 17-207).

**(h) Special Events Lighting**

Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. (Refer to Section 17-906.)

**Section 17-708: Vibration Standards****(1) Purpose**

The purpose of this Section is to regulate the creation of vibration which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.

**(3) Depiction on Required Site Plan**

Any activity or equipment which create detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property. (See Section 17-908.)

**(4) Requirements**

No activity or operation shall cause or create earthbone vibrations in excess of the displacement values given below.

**(5) Method of Measurement**

Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The Maximum permitted displacements shall be determines in each zoning district by the following formula

$D = K/f$ , where D = displacement in inches

K = a constant to be determined by reference to the tables below

f = the frequency of vibration transmitted through the ground, cycles per second

**(6) Standards in the General Industrial District**

In the General Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

<b>Location</b>	<b>K</b>
<i>On or beyond any adjacent lot line</i>	
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24-hour period	0.075
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

**(7) Standards in the Heavy Industrial District**

In the Heavy Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

<b>Location</b>	<b>K</b>
<i>On or beyond any adjacent lot line</i>	
Continuous	0.030
Impulsive	0.060
Less than 8 pulses per 24-hour period	0.150
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

**(8) Standards in the Planned Industrial District**

In the Planned Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

<b>Location</b>	<b>K</b>
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

**Section 17-709: Noise Standards**

**(1) Purpose**

The purpose of this Section is to regulate the creation of noise which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance or agricultural operations

**(3) Requirements**

All noise shall be muffled so as not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of the subject property the values given in Table 17-709(3)(a) (set out hereafter) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, business zoning district, or the Planned Industrial (PI) District. (See Section 17-102.)

**Table 17-709(3)(a): Maximum Permitted Noise Level at Lot Line For Noise Radiated Continuously\***

Zoning District	Increase in Noise Level over Ambient Level
RH, ER-1, SR-3, SR-4, SR-5, SR-6, TR-6, MR-8	plus 3 dBA
NO, PO, PB, NB, CB, PI, I	plus 5 dBA
GI, HI	plus 8 dBA
* If the noise is not smooth and continuous or is present only during daytime hours, one or more of the corrections, in Table 17-709(3)(b) below shall be added to or subtracted from each of the decibel levels given above in Table 17-709(3)(a).	

- (1) Noises that were in effect as of the effective date of this Ordinance shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Ordinance shall be the responsibility of the noise producer.

**Table 17-709(3)(b): Adjustment Factors for Maximum Noise Levels**

Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
* Apply only one of these corrections.	

**Section 17-710: Air Pollution Standards****(1) Purpose**

The purpose of this Section is to regulate the creation of air pollution which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

**(3) Standards**

- (a) The emission, from all sources within any lot, of particulate matter containing a particle diameter larger than 44 microns is prohibited.
- (b) Emission of smoke or particulate matter of density equal to, or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
- (c) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
- (d) All applicable state and federal standards.

**Section 17-711: Odor Standards****(1) Purpose**

The purpose of this Section is to regulate the creation of odor which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.

**(3) Standards**

Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, office, business zoning district, or the Planned Industrial (PI) District. (See Section 17-102.)

**Section 17-712: Electromagnetic Radiation Standards****(1) Purpose**

The purpose of this Section is to regulate the creation of electromagnetic radiation which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities.

**(3) Standards**

It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

**Section 17-713: Glare and Heat Standards****(1) Purpose**

The purpose of this Section is to regulate the creation of glare or heat which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

**(3) Standards**

No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line of the subject property shall be permitted. (See also, Section 17-707.) Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.



**Section 17-714: Fire and Explosion Standards****(1) Purpose**

The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities.

**(3) Standards**

Any use involving materials which could decompose by detonation shall locate such materials not less than 400 feet from any residential or office zoning district (see Section 17-102), except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin.

**Section 17-715: Toxic or Noxious Material Standards****(1) Purpose**

The purpose of this Section is to regulate the handling of toxic or noxious material which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities.

**(3) Standards**

- (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
- (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

**Section 17-716: Waste Material Standards****(1) Purpose**

The purpose of this Section is to regulate the handling of waste material which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities.

**(3) Standards**

- (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.

- (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

### **Section 17-717: Drainage Standards**

**(1) Purpose**

The purpose of this Section is to regulate the creation of drainage which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities.

**(3) Standards**

No land shall be developed and no use shall be permitted that results in water runoff which causes property damage, a nuisance, and/or erosion on adjacent properties. Such runoff shall be properly conveyed to a public storm drain, drainageway or other such public drainage facility per the approval of the Director of Public Works. All parking lots four thousand (4,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.

### **Section 17-718: Exterior Construction Material Standards**

**(1) Purpose**

The purpose of this Section is to regulate the use of certain exterior construction materials creation so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and property value of certain zoning districts.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities.

**(3) Standards for all Residential, Office, Business, and the I Zoning Districts**

Except for exposed foundations not to exceed three feet in height from the adjacent grade, all non-single family development located within the RH, ER-1, SR-3, SR-4, SR-5, SR-6, TR-6, MR-8, NO, PO, NB, PB, CB, and I districts shall employ only high-quality, decorative exterior construction materials on the visible exterior of the following portions of all structures and buildings:

- (a) Any portion of the building or structure within 50 feet of an adjacent residentially zoned property;
- (b) Any portion of the building or structure located within 50 feet of a public right-of-way; or,
- (c) Any other portion of the building or structure visible from a public street and/or situated at an angle of 60 degrees or less: from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).

The following exterior construction materials shall not be considered "high quality, decorative:" non-decorative concrete block or cinder block, non-decorative concrete foundation walls or panels, corrugated or other metal with exposed fasteners, non-decorative plywood, asphaltic siding, or other materials using exposed fastener systems or non-decorative surfaces as determined by the Plan Commission. Such materials may be allowed by the Plan Commission as decorative elements.

- (4) Architecture and design elements shall be compatible with the surrounding area and community standards and shall minimize user-specific design elements as determined appropriate by the Plan Commission.

(5) Architectural design is subject to the Site Plan Review process, (see Section 17-908).

**(6) Exceptions**

The Conditional Use Process (per Section 17-905) may be used to propose the use of a material otherwise prohibited by subsection (3) above.

**Section 17-719: Hazardous Materials Standards**

**(1) Purpose**

The purpose of this Section is to provide information to the Village regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.

**(2) Applicability**

The requirements of this Section apply to all land uses and activities involving any one or more of the following:

- (a) **Micro-Organism Cultures subject to Wisconsin Statutes 94.65;**
- (b) **Pesticides subject to Wisconsin Statutes 94.67(25);**
- (c) **Biological Products subject to Wisconsin Statutes 95.39;**
- (d) **Hazardous Substances subject to Wisconsin Statutes 100.37(1)(c);**
- (e) **Toxic Substances subject to Wisconsin Statutes 101.58(2)(j);**
- (f) **Infectious Agents subject to Wisconsin Statutes 101.58(2)(f);**
- (g) Any material for which the State of Wisconsin requires notification of a local fire department; or
- (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.

**(3) Standards**

All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal. (See Section 17-908)

**Section 17-720: Fencing Standards**

**(1) Purpose**

The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.

**(2) Applicability**

The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.

**(3) Standards****(a) Materials****1. Residential Districts**

Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh, except that wire mesh fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque.

**2. Nonresidential Districts**

Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque.

**3. Temporary Fencing**

Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.

**4. Snow Fences**

Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

**(b) Location**

On all properties, no fence, landscape wall, or decorative post shall be located closer than 2 feet to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.

**(c) Maximum Height**

The maximum height of any fence, landscape wall, or decorative post shall be the following:

1. Fences in excess of 36" tall shall not be permitted within a front yard setback;
2. 6 feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and
3. 8 feet when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height.

**(d) Orientation**

Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.

**(e) Maintenance**

Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

**(f) Swimming Pools**

Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the Village Public Works Department.

**Section 17-721: Signal Receiving Antennas (Satellite Dishes) Standards****(1) Purpose**

This Section regulating the placement of signal receiving antennas (including roof-mounted antennas which are greater than 15 feet and satellite dishes which are greater than 18 inches) is adopted to:

- (a) Provide uniform regulation of all signal receiving antenna devices;
- (b) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
- (c) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
- (d) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.

**(2) Permit Required**

No owner shall, within the Village of Oregon, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator.

**(3) Definitions**

- (a) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
- (b) "Owner" means the holder of record of an estate in possession of fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.

**(4) Application**

Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee (see Section 17-935) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.

**(5) Installation Standards**

Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:

**(a) Setbacks**

1. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line.

2. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
3. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

**(b) Mounting**

Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.

**(c) Diameter**

The diameter of the signal receiving antenna shall not exceed fifteen (15) feet in diameter for business uses or ten (10) feet in diameter for residential uses, except for systems used to provide community antenna television services.

**(d) Height**

1. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
2. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

**(e) Wind Pressure**

All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) MPH.

**(f) Electrical Installations**

Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

**(g) Temporary Placement**

No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a

citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.

(h) **Advertising**

No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.

(i) **Interference with Broadcasting**

Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

(j) **Compliance with Federal Regulations**

The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.

(k) **Aesthetic Considerations**

Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

(6) **Enforcement**

- (a) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
- (b) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 17-936.

**Section 17-722: Wind Energy Systems Standards**

(1) **Construction of Wind Energy Systems**

No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.

(2) **Permits Required:**

- (a) A zoning permit shall be obtained to allow construction of a WECS.
- (b) A WECS permit shall be obtained from the Village Zoning Administrator for the construction of all WECS.

(3) **Application Requirements**

An application for a permit to build a wind energy system shall include the following:

- (a) The property lines of the proposed site of construction.
- (b) Proposed location of the WECS.
- (c) Location and description of all structures located on the property where the WECS site is proposed.

- (d) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
- (e) Location of all underground utility lines on the property where a WECS site is proposed.
- (f) Dimensional representation of the structural components of the tower construction including the base and footings.
- (g) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
- (h) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
- (i) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.

**(4) Blade Clearance**

The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

**(5) Climbing Towers, Tower Access**

Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.

**(6) Tower Construction**

Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wisconsin Administrative Code, and any future amendments, additions, and/or revisions to the same.

**(7) Utility Interconnection**

The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.

**(8) Setback Requirements:**

- (a) No WECS shall be constructed in any setback, dedicated easement, or dedicated roadway.
- (b) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.

**(9) Noise**

During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the Village of Oregon Code of Ordinances.

**(10) Interference with Navigational Systems**

No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.

**(11) Electrical Distribution Lines**

All WECS electrical distribution lines shall be located underground.



**(12) Required Safety Features**

- (a) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
- (b) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
- (c) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
- (d) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Village of Oregon Code of Ordinances.

**(13) Maintenance**

The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgement, there exists a deficiency in the structural stability of the system.

**(14) Inspections**

A yearly inspection at a fee to be determined from time to time by resolution of the Village Board shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

**Section 17-723: Swimming Pools Standards****(1) Definition**

A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

**(2) Exempt Pools**

Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

**(3) Permit Required**

Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the Village Building Code shall accompany such application.

**(4) Construction Requirements**

In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in subsection (2), above, unless the following construction requirements are observed:

**(a) Approved Materials**

All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the Village now in effect or hereafter enacted.

**(b) Plumbing**

All plumbing work shall be in accordance with all applicable ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

**(c) Electrical Installations**

All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.

**(5) Setbacks and Other Requirements**

- (a) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (b) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

**(6) Enclosure****(a) Fence; In-Ground pools**

All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

**(b) Above-Ground Pools; Pool Wall Barrier**

1. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
2. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.

**(7) Compliance**

All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

**(8) Draining and Approval Thereof**

No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.

**(9) Filter System Required**

All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

**(10) Dirt Bottoms Prohibited**

All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

**Section 17-724: Outdoor Storage of Firewood Standards**

- (1) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (2) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (3) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (4) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (5) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

**Section 17-725: Administration & Enforcement of Performance Standards**

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:
  - (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
  - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from

arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
  2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.
- (2) Enforcement of the provisions of this Article shall be per Section 17-920.

## **ARTICLE IX: Procedures and Administration**

### **Section 17-901: Purpose**

The purpose of this portion of the article is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, temporary use review and approval, sign permits, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Zoning Administrator, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

### **Section 17-902: Amendment of Zoning Regulations**

#### **(1) Purpose**

The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Chapter. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)).

#### **(2) Initiation of Request for Amendment of This Chapter**

Proceedings for amendment of this Ordinance may be initiated by any one of the following three methods:

- (a) an application by any member of the general public;
- (b) a recommendation of the Plan Commission; or
- (c) by action of the Village Board.

#### **(3) Application Requirements:**

All applications for proposed amendments to this Ordinance, regardless of the party of their initiation per 17-902(2) above shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Village Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Village Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village Clerk, the Applicant shall provide the Village Clerk with 10 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
- (b) A copy of the text which is proposed to replace the current text; and
- (c) As an optional requirement, the Applicant may provide written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the recommendation of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in subsection 17-902(4)(c)1. through 4., below.

#### **(4) Review by the Zoning Administrator**

The proposed text amendment shall be reviewed by the Zoning Administrator as follows:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that his application is complete the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed text amendment provided in the application per subsection 17-902(3)(a) through (c), above.

- (c) The Zoning Administrator may also evaluate the application to determine whether the proposed text amendment is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection 17-902(4)(c)1. through 4., below:
1. The proposed text amendment furthers the purposes of this Chapter as outlined in Section 17-005.
  2. The proposed text amendment furthers the purposes of the general Article in which the amendment is proposed to be located.
  3. The proposed text amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.
  4. The following factors have arisen that are not properly addressed in the current zoning text:
    - a. The provisions of this Chapter should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
    - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
    - c. New methods of development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
    - d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
  5. If the proposed text amendment is concerned with the provisions of Article II and/or III: The proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
- (d) The Zoning Administrator shall forward the review per 17-902(4)(b), and if it has been prepared, the report per 17-902(4)(c), to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

#### **(5) Review and Recommendation by the Plan Commission**

The Village Board shall not make an amendment to this Chapter without allowing an opportunity for a recommendation from the Plan Commission per the provisions of this Subsection.

- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the proposed text change. In addition, at least ten days before said public hearing, the Village Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Ordinance. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission may make a written report to the Village Board and/or may state in the minutes, its findings regarding 17-902(4), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of 17-902(4)(c)1. through 4., above.
- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of a Applicant-approved extension per 17-902(5)(b), above), then the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per 17-902(5)(a), above, shall not invalidate the proceedings or actions of the

Village Board. If such a public hearing is necessary, the Village Board shall provide notice per the requirements of 17-902(5)(a), above. *State Law Reference: Section 62.23(7)(d).*

- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in 17-902(4)(c)1. through 4., above, after taking into consideration the proposal by the Applicant.

#### **(6) Review and Action by the Village Board**

The Village Board shall consider the Plan Commission's recommendation regarding the proposed text amendment. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings, at the Board's, or the Applicant's request. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action. Any action to amend the provisions of proposed amendment requires a majority vote of the Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

#### **(7) Effect of Denial**

No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

#### **(8) Fee**

A fee is required for this procedure. Refer to Section 17-919.

### **Section 17-903: Amendment of Official Zoning Map**

#### **(1) Purpose**

The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (see Sections 17-103 and 17-107). (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)).

#### **(2) Initiation of Request for Amendment to Official Zoning Map**

Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following three methods:

- (a) an application of the owner(s) of the subject property;
- (b) a recommendation of the Plan Commission; or
- (c) by action of the Village Board.

#### **(3) Application Requirements**

All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per 17-903(2), above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Village Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Village Clerk. No placement of the application on any

agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village Clerk, the Applicant shall provide the Village Clerk with 10 copies of the complete application as certified by the Zoning Administrator. Said application shall be comprised of the following:

- (a) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Village of Oregon. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole; and
- (c) As an optional requirement, the Applicant may provide justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with recommendations of the Master Plan, particularly as evidenced by compliance with the standards set out in 17-903(4)(c)1. through 3., below.

#### **(4) Review by the Zoning Administrator**

The proposed amendment to the Official Zoning Map shall be reviewed by the Zoning Administrator as follows:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the Applicant.
- (b) Upon notifying the Applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed map amendment provided in the application per 17-903(3)(c), above.
- (c) The Zoning Administrator may also evaluate the application to determine whether the proposed zoning map amendment is in harmony with the recommendations of the Comprehensive Master Plan, as evaluated per the standards of 17-903(4)(c)1. through 3., below:
  1. Does the proposed Official Zoning Map amendment further the purposes of this Chapter as outlined in Section 17-005 and the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA)?
  2. Have one or more of the following factors arisen that are not properly addressed on the current Official Zoning Map?:
    - a. The designations of the Official Zoning Map is not in conformity with the Comprehensive Plan;
    - b. A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading;
    - c. Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district;
    - d. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.
  3. Does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?



- (d) The Zoning Administrator shall forward the review per 17-903(4)(b), and if it has been prepared, the report per 17-903(4)(c), to the Plan Commission for the Commission's review and use in the making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

**(5) Review and Recommendation by the Plan Commission**

The Village Board shall not make an amendment to the Official Zoning Map without allowing an opportunity for a recommendation from the Plan Commission per the provisions of this Subsection.

- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days of the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the Village Clerk shall mail an identical notice to the Applicant; to all property owners within 200 feet of the boundaries of the subject property as identified in 17-903(3)(a), above; and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission may make a written report to the Village Board and/or may state in the minutes, its findings regarding 17-903(4), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of 17-903(4)(c)1. through 3.
- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an Applicant-approved extension per 17-903(5)(b), above), then the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per 17-903(5)(b), above, shall not invalidate the proceedings or actions of the Village Board. If such a public hearing is necessary, the Village Board shall provide notice per the requirements of 17-903(5)(a), above. *State Law Reference: Section 62.23(7)(d).*
- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in 17-903(4)(c)1. through 3., above, after taking into consideration the proposal by the Applicant.

**(6) Review and Action by the Village Board**

The Village Board shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Board may take final action on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings, at the Board's, or the Applicant's request. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the Village Board wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action. Any action to amend the Official Zoning Map requires a majority vote of the Board, except that in case of adverse recommendation by the Planning Commission or of a protest against such change signed and acknowledged by the owners of 20% of the frontage proposed to be changed or the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed, except by a  $\frac{3}{4}$  vote of all members of the Village Board. The

Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

**(7) Effect of Denial**

No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

**(8) Fee**

A fee is required for this procedure. Refer to Section 17-919.

**(9) Floodland District Boundary Changes Limited**

The Village Board shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this Ordinance or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

- (a) Changes in the Floodway Overlay District boundaries shall not be permitted where the change will increase the flood stage elevation by 0.1 foot or more, unless the Applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. The only way the 1.0 foot limit may be exceeded is through filing of a federal waiver for a specific project that necessarily exceeds the one foot increase in flood elevation. Applications for Floodway Overlay District changes shall show the affects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- (b) Changes in the Floodplain Conservancy Overlay District boundaries shall not be permitted where the change will increase the flood stage elevation by 0.1 foot or more, unless the application has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot. Applications for Floodplain Conservancy Overlay District changes shall show the affects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- (c) Removal of land from the floodland districts shall not be permitted unless the land has been filled to an elevation at least two feet above the elevation of the regional flood and provided that such land is contiguous to lands lying outside of the floodlands.
- (d) Amendment of floodlands which were delineated by approximate methods shall not be permitted unless the Applicant provides the Village with engineering data showing the flood profile, necessary river cross-sections, flood elevations, and any effect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth above for changes in 17-903(9)(a) and 17-903(9)(b) above. If the approximate flood zone is less than five acres in area, and where the cost of the proposed development is estimated to be less than \$125,000.00, the Department of Natural Resources (DNR) will assist the Applicant in determining the required flood elevations.
- (e) No river or stream shall be altered or relocated until a flood-land zoning change has been applied for and granted in accordance with the requirements of this Section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of the altered or relocated watercourse shall not be reduced to less than the flood carrying capacity before the watercourse was altered or relocated.
- (f) Notice to and approvals by DNR and FEMA. A copy of all notices for amendments or rezoning in the Floodland Districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) at least 10 days prior to the public hearing. No amendments to the floodland district boundaries or regulations shall become effective until approved by the DNR and reviewed by the FEMA. In the case of floodland district boundary changes, an official letter of map amendment from the FEMA may also be required.

**Section 17-904: Zoning Permit****(1) Application**

Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by the Administrator and shall include the following where pertinent and necessary for proper review:

- (a) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.
- (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (c) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, channel floodway, and floodplain boundaries; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show type, slope and boundaries of soils shown in the Dane County Soils Survey prepared by the United States Department of Agriculture Soil Conservation Service.
- (d) Additional information as may be required by the Plan Commission or Zoning Administrator.
- (e) Fee receipt from the Village Treasurer in an amount specified in Subsection (2) of this Section.
- (f) A zoning permit shall be granted or denied by the Zoning Administrator in writing within thirty (30) days of the application, and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within four (4) months unless work equal to 10% of the dollar amount of the permits has been completed or within eighteen (18) months after the issuance of the permit if the structure for which a permit issued is not 75% completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of the Chapter shall be null and void.

**(2) Fees**

- (a) An application fee is required and is set by Village Resolution.
- (b) Zoning permit fees do not include and are in addition to building permit fees established by the Village Building Code.
- (c) Fees for conditional uses shall be computed in accordance with Section 17-905 of this Chapter.
- (d) Fees for amendments shall be in accordance with Section 17-902 of this Chapter.
- (e) A double fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (f) Fees for written determinations by the Zoning Administrator shall be set by Village Resolution.

**Section 17-905: Conditional Use Review and Approval Procedures****(1) Purpose**

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses. (Refer to the requirements of Wisconsin Statutes 62.23.)
- (b) Certain uses in situations which are of a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this ordinance of specific standards, regulation or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.

- (c) Under this Chapter, a proposed conditional use shall be denied unless the Applicant can demonstrate, to the satisfaction of the Village, that the proposed conditional use will not create undesirable impacts on nearby properties, the environment, nor the community as a whole.

**(d) Limited Conditional Uses**

Limited conditional uses are the same as regular conditional uses excepting that further, in considered findings of the Village Board and the granting thereof, because of any of the following should be of lesser permanence than regular conditional uses, and the duration or term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate:

- Their particularly specialized nature
- Their particular locations within a district
- The peculiar unique relationships or needed compatibility of uses to involved individuals
- Any other reason(s) the Board deems specially relevant and material to delimit the scope thereof

**(2) Initiation of Request for Approval of a Conditional Use**

Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.

**(3) Application Requirements**

All applications for proposed conditional uses, regardless of the party of their initiation per 17-905(2) above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the Village Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Village Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village Clerk, the Applicant shall provide the Village Clerk with 10 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as provided by the Village of Oregon). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole;
- (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
- (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 17-908(3). If the proposed conditional use is a group or large development (per Section 17-220), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 17-908;
- (e) As an optional requirement, the applicant may provide written justification for the proposed conditional use consisting of the reasons why the Applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection 17-905(4)(c)1. through 6., below.

**(4) Review by the Zoning Administrator**

The proposed conditional use shall be reviewed by the Zoning Administrator as follows:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that his application is complete the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed conditional use provided in the application per Section (3)(e), above.
- (c) The Zoning Administrator may also evaluate the application to determine whether the requested is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evaluated by the standards of Subsection 17-905(4)(c)1. through 6., below:
  1. Is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Oregon Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?
  2. Is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Oregon Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?
  3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see 17-905(3)(d), above), result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development?
  4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
  5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?
  6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?
- (d) The Zoning Administrator shall forward the review(s) per 17-905(4)(b), and if it has been prepared, the report per 17-905(4)(c), to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

**(5) Review and Recommendation by the Plan Commission**

The Village Board shall not approve a conditional use without allowing an opportunity for a recommendation from the Plan Commission per the provisions of this Section.

- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within forty-five (45) days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, or by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least ten (10) days before said public hearing, the Village Clerk shall

mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission may make a written report to the Village Board, and/or may state in the minutes its findings regarding Subsection (4), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of 17-905(4)(b)1. through 6, above.
- (c) If the Plan Commission fails to make a report within sixty (60) days after the filing of said complete application (and in the absence of an Applicant-approved extension per 17-905(5)(b), above), then the Village Board may hold a public hearing within thirty (30) days after the expiration of said sixty-day period. Failure to receive said written report from the Plan Commission per Subsection 17-905(5)(a), above, shall not invalidate the proceedings or actions of the Village Board. If such a public hearing is necessary, the Village Board shall provide notice per the requirements of 17-905(5)(a), above. *State Law Reference: Section 62.23(7)(d).*
- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed conditional use, as identified in 17-905(4)(b)1. through 6. above, after taking into consideration the proposal by the Applicant.

#### **(6) Review and Action by the Village Board**

The Village Board shall consider the Plan Commission's recommendation regarding the proposed conditional use. The Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, the Applicant, and/or from any other source. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings at Applicant's request. The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, its own members, and/or from any other source) or may deny approval of the proposed conditional use. If the Village Board wishes to make significant changes in the proposed conditional use, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action. Any action to amend the provisions of proposed conditional use requires a majority vote of the Board. The Village Board's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.

#### **(7) Effect of Denial**

No application which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

#### **(8) Termination of an Approved Conditional Use**

Upon approval by the Village Board, the Applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 17-908. Once a conditional use is granted, no Erosion Control Permit, Site Plan approval (per Section 17-908), Certificate of Occupancy (per Section 17-909), or Building Permit shall be issued for any development which does not comply with all requirements of this Ordinance. Any conditional use found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in Subsections 17-905(2) through 17-905(7), above.

**(9) Time Limits on the Development of Conditional Use**

The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Village Board and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, “operational” shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by the Village Board).

**(10) Discontinuing an Approved Conditional Use**

Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

**(11) Change of Ownership**

All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any conditional use in violation as approved per (6) above, without approval by the Village Board, shall be considered in violation of the Zoning Ordinance and shall be grounds for revocation of said conditional use approval per (8), above. For Bed and Breakfast land uses the granting of a Conditional Use Permit shall be valid while said property is owned by the owner at time of conditional use approval.

**(12) Recording of Conditional Use Requirements’**

Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the Village with the County Register of Deeds office.

**(13) Notice to the DNR**

The Plan Commission shall transmit a copy of each application for a conditional use for conservancy regulations in the Shoreland-Wetland, Floodway, Floodplain Conservancy, or Floodway Fringe Overlay Zoning Districts to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to conditional uses for shoreland-wetland conservancy regulations or to floodland regulations shall be transmitted to the DNR within ten (10) days of the date of such decision.

**(14) Uses Now Regulated as Conditional Uses Which Were Approved as Legal Land Uses— Permitted by Right or as Conditional Uses—Prior to the Effective Date of This Chapter**

A use now regulated as a conditional use which was approved as a legal land use—either permitted by right or as a conditional use—prior to the Effective Date of this Chapter shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.

**(15) Fees**

One or more fees are required for this procedure. Refer to Section 17-919.

**Section 17-906: Temporary Use Review and Approval Procedures****(1) Purpose**

- (a) The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary use.
- (b) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- (c) Land uses which fail to meet one, but not more than one, of the requirements for temporary uses of Section 17-206 may be reviewed as a conditional use. (See section 17-202(3)(b).)

**(2) Regulations Applicable to All Temporary Uses**

No public hearing is required to review a temporary use, however, a demonstration that the developer proposes to meet all temporary use requirements of this Article must be made at time of site plan application. Furthermore, no Building Permit shall be issued for any development that does not comply with all requirements of this Chapter (see Section 17-909). Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

**(3) Application Requirements**

All applications for proposed temporary uses, shall be approved as complete by the Zoning Administrator prior to certification of the proposed temporary use. Said complete application shall be comprised of all of the following:

- (a) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole; and
- (c) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
- (d) The Zoning Administrator may require a site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 17-908(3).

**(4) Approval by the Zoning Administrator**

Approval of a temporary use shall be by the Zoning Administrator following review of said complete application per (3) above.

**(5) Fee**

A fee is required for this procedure. Refer to Section 17-919.



**Section 17-907: Sign Permit****(1) Purpose**

The purpose of this Section is to provide a procedure and requirement for obtaining a sign permit prior to the erection of certain signs.

**(2) General Requirement**

Unless specifically exempted by Article VIII, no sign shall be erected, altered, or relocated after the effective date of this Ordinance (see Section 17-011) until a sign permit has been secured from the Zoning Administrator.

**(3) Application Requirements**

All applications for sign permits shall be made in writing on a form supplied by the Village of Oregon Zoning Administrator. Said application shall be submitted with all required information provided and shall contain or have attached thereto the following information:

- (a) The approved site plan for the subject property (per Section 17-908), (or if not previously required, a site plan for the subject property with requirements as determined by the Zoning Administrator), showing the location and dimensions of all buildings, structures, and signs on the subject property; said subject property boundaries; and the location of the proposed sign;
- (b) The configuration of the proposed sign listing the height, width, total square footage, method of attachment, method of illumination, and sign materials;
- (c) The subject property's zoning designation; and
- (d) The total area, and the total number, of all signs on the subject property both before and after the installation of the proposed sign.

**(4) Procedure**

The Zoning Administrator shall review the submitted application for compliance with the requirements of Subsection (3), above and per Section 17-802. Upon the receipt of a complete application, the Zoning Administrator shall review said application for compliance with the requirements of this Ordinance.

**(5) Termination of a Sign Permit**

Any sign found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.

**(6) Fee**

A fee is required for this procedure. Refer to Section 17-919.

**Section 17-908: Site Plan Review and Approval Procedures****(1) Purpose**

The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all *proposed* land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling) require the approval of site, building and operational plans by the Village Plan Commission before the building, occupancy, and zoning permits can be issued—except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete

implementation of a project approved within the SIP phase of the Planned Development [PD] is exempt from this requirement.

## (2) Procedure

### (a) Initiation of Request for Approval of a Site Plan

Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property, or their legally authorized representative(s).

### (b) Pre-Application Meeting

The Applicant shall first meet with the Zoning Administrator and other applicable Village Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Applicant on technical requirements and procedures, and a timetable for project review may be discussed.

### (c) Application for Site Plan Review

The Applicant shall apply to the Zoning Administrator for the scheduling of an appearance before the Plan Commission. The Zoning Administrator shall notify the Applicant of the date and time of the applicable Plan Commission meeting. The appearance before the Plan Commission shall not be scheduled unless the application is approved as complete by the Zoning Administrator per the requirements of Subsection (3), below. The review of the submitted application shall be completed within ten working days of application submittal. Once the application is approved as complete, the Zoning Administrator may schedule a meeting with Village staff a minimum of two weeks from the date of complete application acceptance. At time of acceptance and meeting scheduling, the Zoning Administrator shall forward two copies of the complete application (as provided by the Applicant) to all pertinent Village staff.

## (3) Application Requirements

All applications for proposed site plans shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Zoning Administrator to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Said complete application shall be comprised of all of the following, unless specific application requirements are waived in writing by the Zoning Administrator:

### (a) Written Description of the intended use describing in reasonable detail the:

1. existing zoning district(s) (and proposed zoning district(s) if different);
2. land use plan map designation(s);
3. Natural Resources Site Evaluation Worksheet (Section 17-303);
4. current land uses present on the subject property;
5. proposed land uses for the subject property (per Section 17-206);
6. projected number of residents, employees, and daily customers;
7. proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
8. operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
9. operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and

heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then the statement “The proposed development shall comply with all requirements of Article VII.” shall be provided;

10. exterior building and fencing materials (Sections 17-718 and 17-720);
  11. possible future expansion and related implications for 1-10, above, and;
  12. any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (b) A **Small Location Map** at 11” x 17” showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Village’s Land Use Plan Map with the subject property clearly indicated shall suffice to meet this requirement.)
- (c) A **Property Site Plan** drawing (and reduction at 11” x 17”) which includes:
1. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
  2. The date of the original plan and the latest date of revision to the plan;
  3. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
  4. A legal description of the subject property;
  5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
  6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
  7. All required building setback lines;
  8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
  9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
  10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Ordinance;
  11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
  12. The location of all outdoor storage areas and the design of all screening devices;
  13. The location, type, height, size and lighting of all signage on the subject property;
  14. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property—including the clear demonstration of compliance with Section 17-707;
  15. The location and type of any permanently protected green space areas;
  16. The location of existing and proposed drainage facilities; and
  17. In the legend, data for the subject property:
    - a. Lot Area;
    - b. Floor Area;
    - c. Floor Area Ratio (b/a);
    - d. Impervious Surface Area;
    - e. Impervious Surface Ratio (d/a); and
    - f. Building Height.

- (d) A **Detailed Landscaping Plan** of the subject property, at the same scale as the main plan (and reduction at 11" x 17"), showing the location of all required bufferyard and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of Article VI. (NOTE: the individual plant locations and species, fencing types and heights, and berm heights must be provided.)
- (e) A **Grading and Erosion Control Plan** at the same scale as the main plan (and reduction at 11" x 17") showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the Village Engineer.
- (f) **Elevation Drawings** of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. (Refer to Section 17-718.)
- (g) A **Certified Survey** may be required by the Zoning Administrator in instances where he determines compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.
- (h) A **Detailed Photometric Plan** that shows the impact of all exterior light fixtures based on the proposed fixture's pole heights and light bulb needs depicting resulting lighting levels across the entire property to the property lines rounding to the nearest 0.10 foot candles, and depicting an illumination limit of 0.50 foot candles. The 0.50 foot candle line cannot extend beyond the property line. The plan must be in compliance with lighting performance standards in Section 17-707(4)(b).
- (i) A **Development Impact Study** is required for all forms of development that require site plan approval. The contents and format of the required development impact study should meet the requirements of Appendix B in the Village subdivision ordinance. This requirement shall apply for any development requiring a site plan, including instances where no land division is promised.
- (j) A **Detailed Site Analysis** detailed site analysis shall be required for any lot or parcel containing a protected natural resource covered in Article V, as determined by Village staff. These protected natural areas include: floodplains, shoreland-wetlands, lakeshores, drainageways, woodlands, and steep slopes. The analysis must be submitted using the following submission and review process:

1. **Purpose**

The detailed site analysis required by this Article is designed to provide the clear identification of permanently protected green space areas on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas.

2. **Description**

The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Article. The detailed site analysis shall meet the following requirements:

a. **Scale**

A minimum scale of one inch equals 200 feet shall be used.

b. **Topography**

Topographic information is not required for any property which does not contain steep slopes (as designated on the Official Zoning Map). For such properties, topographic information with a minimum contour interval of two feet is required.

**c. Specific Natural Resources Areas**

All natural resources areas which require protection under the provisions of this Chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.

**d. Development Pads**

- 1) All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.
- 2) Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three (3) inches, whose canopies are located adjacent to disturbed areas, which die within a period of five years following site disruption shall be replaced by the owner with a three (3) inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.

**e. Mitigation Areas**

All mitigation areas related to the provisions of this Chapter shall be depicted on the detailed site map with notations provided which describe the mitigation techniques employed.

**3. Required Procedure for Submission and Review**

**a. Required Timing of Submission**

The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed development does not involve a land division then submittal is required as an attachment to a required site plan. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance and/or general approval of a concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property which has been previously approved by Village Staff may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

**b. Review by Village Staff**

Village Staff shall review the submitted detailed site analysis map for general compliance with the following data sources. The Zoning Administrator may provide the petitioner with a written evaluation of the submitted detailed site analysis map which shall indicate the acceptance by Village Staff; or the need for further analysis work, discussion with the petitioner and/or Staff-recognized experts, or a joint site visit.

- 1) The Official Zoning Map;
- 2) Applicable USGS 7.5 minute topographic maps for the Village of Oregon and its environs;
- 3) Air photos of the subject property;
- 4) USGS Quads and other sources of topographic information;
- 5) Applicable FEMA and related floodplain maps;
- 6) Applicable Federal and State Wetland Inventory Maps;
- 7) The Village of Oregon Comprehensive Master Plan; and

8) Site visits.

**c. Modification of Detailed Site Analysis Map**

If necessary, as determined by Village Staff, revised detailed site analysis maps shall be prepared and submitted for review by Village Staff, until a version is deemed acceptable. Staff review of the detailed site analysis may be appealed to the Board of Zoning Appeals as a matter of Ordinance interpretation. (See Section 17-910.)

**d. Acceptance of Detailed Site Analysis Map**

Upon notification of acceptance by Village Staff (or, in case of appeal, by determination of the Board of Zoning Appeals), the petitioner may proceed with the submittal of necessary development documents.

**4. Integration of Detailed Site Analysis Information with Required Development and/or Land Division**

Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas), shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a Building Permit) and on any proposed Plat of Subdivision or Certified Survey Map.

(k) **A Floor Plan and Seating Arrangement** for all entertainment and assembly uses, such as auditoriums and sanctuaries

**(4) Review by the Plan Commission**

- (a) The Plan Commission, in its consideration of the submitted complete application, shall take into account the basic intent of the Zoning Ordinance to ensure attractive, efficient, and appropriate development of land in the community, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. The Plan Commission, in reviewing the application may require such additional measures and/or modifications as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the Site Plan until revisions depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of the Zoning Administrator. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
- (b) In reviewing said application the Plan Commission may make findings on each of the following criteria to determine whether the submitted site plan shall be approved, approved with modification, or denied:
1. All standards of the Zoning Ordinance and other applicable Village, State and Federal regulations are met.
  2. The public health and safety is not endangered.
  3. Adequate public facilities and utilities are provided.
  4. Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
  5. Appropriate traffic control and parking are provided.
  6. Appropriate landscaping and open space areas are provided.
  7. The appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the general architectural guidelines provided in subsections a. through e. below:

- a. Exterior construction materials shall be consistent with Section 17-718.
- b. Exterior building design or appearance shall not be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- c. Exterior building design or appearance shall not be so identical with nearby buildings so as to create excessive monotony or drabness. A minimum of five basic home styles shall be provided in each residential subdivision.
- d. Exterior building design or appearance shall not be constructed or faced with an exterior material which is aesthetically incompatible with other nearby buildings or which presents an unattractive appearance to the public and from surrounding properties.
- e. Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area.

**(5) Initiation of Land Use or Development Activity**

Except with the written permission of the Zoning Administrator, absolutely 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 Chapter and shall be subject to all applicable enforcement mechanisms and penalties.

**(6) Modification of an Approved Site Plan**

Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures of Subsections (2) and (4), above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

**(7) Sunset Clause**

All buildings on an approved site plan not fully developed within two (2) years of final Village Board approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Village Board may extend this period, as requested by the Applicant, through the conditional use process following a public hearing.

**(8) Fee**

A fee is required for this procedure. Refer to Section 17-919.

**Section 17-909 Certificate of Occupancy**

**(1) Purpose**

The purpose of this Section is to provide regulations governing the review and approval of Certificates of Occupancy. This procedure is required to ensure *completed* development complies with the approved site plan (per the requirements of Section 17-908), and the requirements of this Chapter as a whole.

**(2) Land Uses and Development Requiring a Certificate of Occupancy**

Certificates of Occupancy shall be required for any of the following:

- (a) Occupancy and use of a building or structure hereafter erected or structurally altered.
- (b) New occupancy and use of an existing building when the new use is of a different land use classification (a different line in Table 17-203).
- (c) Occupancy and use of vacant land.
- (d) New use of vacant land when the new use is of a different land use classification (a different line in Table 17-203).

- (e) Any change in the use of a nonconforming use. No such occupancy, use of change of use shall take place until a Certificate of Occupancy therefor shall have been issued by the Building Inspector Superintendent.

**(3) Issuance of Certificate of Occupancy**

- (a) Every application for a Building Permit shall also be deemed to be an application for a Certificate of Occupancy for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator. Such Certificate shall be issued within ten working days after a written request for the same has been made to the Building Inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Chapter.
- (b) Written application for a Certificate of Occupancy for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Building Inspector; if the proposed use is in conformity with the provisions of this Chapter, the Certificate of Occupancy shall be issued within ten (10) working days after the application therefor has been made.
- (c) Every Certificate of Occupancy shall state that both the building, and the proposed use of a building or land, substantially complies with all provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

**(4) Certificate of Occupancy for Legal Nonconforming Uses**

Upon application, a Certificate of Occupancy shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Chapter, or in existence at the effective date of this Chapter (see Section 17-011). Application for such Certificate of Occupancy for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Chapter. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a legal nonconforming use.

**(5) Termination of a Certificate of Occupancy**

It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection (2), above, without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter.

**(6) Fee**

A fee is required for this procedure. Refer to Section 17-919.

**Section 17-910: Variance Review and Approval Procedures**

**(1) Purpose**

The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes 62.23(7)(e)(7).

**(2) Initiation of Request for Approval of a Variance**

Proceedings for approval of a requested variance shall be initiated by:



- (a) an application of the owner(s) of the subject property.

### (3) Application Requirements

All applications for requested variances shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the Village Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Village Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village Clerk, the Applicant shall provide the Village Clerk with ten (10) copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as determined by the Village of Oregon). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole;
- (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
- (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 17-908(3); and,
- (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection (4)(c)1. through 6., below.

### (4) Review by The Zoning Administrator

The requested variance shall be reviewed by The Zoning Administrator as follows:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per Subsection (4)(b) 1. through 6., below.
  1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
    - a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
    - b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;

- c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
  - d. Violations by, or variances granted to, neighboring properties shall not justify a variance;
  - e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
2. In what manner do the factors identified in 17-910(4)(b) 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
  3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
  4. Would the granting of the proposed variance as depicted on the required site plan (see (3)(d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
  5. Have the factors which present the reason for the proposed variance been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Ordinance (see Section 17-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.
  6. Does the proposed variance involve the regulations of Section 17-203 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.
- (c) The Zoning Administrator may also evaluate the application to determine whether the requested is in harmony with the recommendations of the Village of Oregon's Comprehensive Master Plan.
  - (d) The Zoning Administrator shall forward the report per (4)(b) and, if prepared, the report per (4)(c) to the Zoning Board of Appeals for the Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Village's Zoning Ordinance and Master Plan, the Zoning Administrator shall note this determination in the report.

#### **(5) Review and Determination by Zoning Board of Appeals**

- (a) Within thirty (30) days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(d) of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance per Subsections (3)(a) and (c), above. In addition, at least ten days before said public hearing, the Village Clerk shall mail an identical notice to the Applicant of the proposed variance; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 200 feet of the boundaries of the subject property as identified in Subsection (3)(a), above. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within thirty (30) days after the holding of the public hearing (per (5)(a), above, or, within an extension of said period approved by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings per Subsection (4), above, and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.
- (c) If the Zoning Board of Appeals fails to make a determination within thirty (30) days after said public hearing, then the request for the variance shall be considered denied.
- (d) Said report shall include a formal findings of facts developed and approved by the Zoning Board of Appeals concerning the requirements of (4)(b)1. through 6., above.

**(6) Effect of Denial**

No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

**(7) Limited Effect of a Variance**

Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.

**(8) Stay of Proceedings**

An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Ordinance from which the Applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown. *State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.*

**(9) Notice to the DNR**

The Zoning Board of Appeals shall transmit a copy of each application for a variance to conservancy regulations in the Shoreland-Wetland, Floodway, Floodplain Conservancy, or Floodway Fringe Overlay Zoning Districts, and a copy of all Shoreland floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to shoreland conservancy regulations or to floodland regulations, and a copy of all decisions to shoreland conservancy and floodland appeals, shall be transmitted to the DNR within ten (10) days of the date of such decision.

**(10) Fee**

A fee is required for this procedure. Refer to Section 17-919.

**Section 17-911: Interpretations**

**(1) Purpose**

The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.

**(2) Initiation of Request for an Interpretation**

Proceedings for an interpretation may be initiated by any of the following four methods:

- (a) an application of the owner(s) of the subject property;
- (b) a recommendation of the Plan Commission;
- (c) by action of the Village Board, or
- (d) by a request by the Zoning Administrator.

**(3) Application Requirements**

All applications for interpretations, regardless of the party of their initiation per (2) above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the Village Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the Village Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the Village Clerk, the Applicant shall provide the Village Clerk with twenty (20) copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) All requests for interpretations shall clearly indicate the part of the text of this Chapter for which the interpretation is requested and the specific questions the Applicant has regarding said text.
- (b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required:
  1. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County as provided by the Village of Oregon. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
  2. A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole;
  3. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property; and,
  4. A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 17-908(3).
- (c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:
  1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Village of Oregon's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?
  2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
  3. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

**(4) Review by Zoning Administrator**

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that the application is complete, and within thirty (30) days of such filing, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the proposed interpretation provided in the application per Subsection (3), above. This review shall also take into consideration the standards for review presented in Subsection (5), below. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Village of Oregon's Comprehensive Master Plan.
- (c) The Zoning Administrator shall forward a report to the Applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Village's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

**(5) Standards for Review of Requested Interpretations**

This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Village of Oregon Village Board as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

- (a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.  
Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.
- (b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.  
Rationale: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.
- (c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.  
Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements
- (d) This Chapter has been carefully designed by the Village Board to combine maximum achievement of public goals, and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan of the

Village of Oregon. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgements for the legislative acts of the Village Board.

- (e) In addition to the Applicant's response to the questions required by Subsection (3) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
  2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Section 17-203).
  3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Sections 17-203 and 17-206).
  4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Sections 17-102 and 17-203).
  5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 17-905.

**(6) Effect of a Favorable Land Use Interpretation**

No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to required site plans, special use permits, conditional uses, and Certificates of Occupancy.

**(7) Limitations on Favorable Land Use Interpretation**

- (a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a Building Permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
- (b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

**(8) Fee**

A fee is required for this procedure. Refer to Section 98-935.

**Section 98-912: Appeals of Zoning Interpretations****(1) Purpose**

The purpose of this Section is to provide regulations which enable the Village to hear and decide requests for appeals from the interpretations of the Zoning Administrator per Section 17-911 as provided for by Wisconsin Statutes 62.23(7)(e)(7).

**(2) Initiation of Request for Review of Zoning Interpretation**

Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator.

**(3) Time Limit for Filing An Appeal**

Any appeal of an interpretation under the provisions of this Section shall be made per the requirements of Subsection (4), below, within a period not exceeding forty-five (45) days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.

**(4) Application Requirements**

All applications for review of an interpretation, regardless of the party of their initiation per Subsection (2) above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the Village Clerk, and to the Zoning Board of Appeals. Said complete application shall be accompanied by all of the following:

- (a) A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the Applicant.
- (b) A written statement from the Applicant indicating the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the Applicant.

**(5) Review by the Zoning Administrator**

The submitted appeal shall be reviewed by the Zoning Administrator in the following steps:

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying Applicant that the application is complete, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the appeal to the Zoning Board of Appeals as submitted by the Applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Village of Oregon's Comprehensive Master Plan.
- (c) The Zoning Administrator shall forward a report to the Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Village's Master Plan or Zoning Ordinance, the Zoning Administrator shall note this determination in the report.

**(6) Review and Action by the Zoning Board of Appeals**

- (a) Within forty-five (45) days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application. Notice of the appeal and said public hearing shall conform to Section 63.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the issue per Subsection (4)(b), above. At least ten (10) days before said public hearing, the Village Clerk shall mail an identical notice to the Applicant; to the

Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter; and to any property owner within 300 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within sixty (60) days after the filing of the complete application as determined by the Zoning Administrator (or, within an extension of said period requested in writing by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings per Subsection (3), above. The Zoning Board of Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at Applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.
- (c) If the Zoning Board of Appeals fails to make a determination within sixty (60) days after the filing of said complete application, then the request for the appeal shall be considered denied.

**(7) Effect of Denial**

No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

**(8) Limited Effect of a Favorable Ruling on an Appeal**

- (a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
- (b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

**(9) Fee**

A fee is required for this procedure. Refer to Section 17-919.

**Section 17-913: Design Overlay Zoning District**

**(1) Purpose and Scope**

These districts are intended to implement the urban design recommendations of the Comprehensive Master Plan by preserving and enhancing the aesthetic qualities (historical and visual) of the community, and by attaining a consistent visually pleasing image for various portions of the Village. As emphasized by said Plan, these districts are designed to forward both aesthetic and economic objectives of the Village by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure the long-term progress and broad participation toward these principles.

**(2) Definitions**

- (a) cornice: The topmost projecting portion of the entablature, or top portion of a building. This term also refers to any "crowning" projection of a building.



- (b) header: A brick laid so that the end only appears on the face of the wall, as opposed to a stretcher, which is a brick laid so that the side only appears.
- (c) kickplate: A horizontal area on the façade of a building located between the sidewalk/entrance pavement and the lowest storefront windows.
- (d) sign band: A horizontal area on the façade of a building located between the transom and the cornice, which is typically opaque and provides a location for signage indicating the name of the establishment.
- (e) sill: A horizontal, lower member or bottom of a door or window casing.
- (f) transom: A horizontal bar of stone, wood or glass across the opening of a door or window.

(3) **Powers and Duties of the Zoning Administrator, Plan Commission and Historic Preservation Commission for All Development**

Proposed changes to the exterior appearance (no structural changes) of properties used exclusively for residential purposes are hereby excluded from the provisions of this Section. All other development applications within an Urban Design Overlay Zoning District are subject to one of the following three processes, as determined by the Zoning Administrator:

- (a) Applications which involve *only a renovation of the exterior appearance of a property* (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the Village), or a change in the exterior appearance of a property in absolute clear and complete compliance with the provisions of Subsection (9) below (as determined by the Zoning Administrator), are subject to **Renovation Review** by the Zoning Administrator. The Zoning Administrator shall determine whether the petition requires only certification of thorough compliance with the technical requirements set out in Subsection (5)(a) below;
- (b) Applications which involve *only a change in the appearance of a property* (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to **Design Review** by the Zoning Administrator, the Historic Preservation Commission, and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant, the Historic Preservation Commission, and the Plan Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Historic Preservation Commission shall serve as the recommending body to the Plan Commission on aesthetics, and shall focus its review on whether the application complies with sound aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in Subsection (5)(b), below. In part, this effort shall be guided by the Comprehensive Master Plan. The Plan Commission shall serve as the final discretionary review body on aesthetics and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design, and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Master Plan;
- (c) Applications which involve *modification to the physical configuration of a property* (such as grading, the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to **Project Review** by the Zoning Administrator, Historic Preservation Commission, and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant, Historic Preservation Commission, and the Plan Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Historic Preservation Commission shall serve as the recommending body to the Plan Commission on aesthetics, and shall focus its review on whether the application complies with sound aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in Subsection (5)(c), below. In part, this effort shall be guided by the Comprehensive Master Plan. The Plan Commission shall serve as the final discretionary review body on aesthetics and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Master Plan.

#### (4) Procedure for Project Review and Approval

There are three categories of Overlay Zoning District Review: Renovation Review, Design Review, and Project Review.

##### (a) Renovation Review

Applications which involve *no change to, but only a renovation of, the exterior appearance of a property* (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the Village, or a change in the exterior appearance of a property in absolute clear and complete compliance with the provisions of Subsection (9) below (as determined by the Zoning Administrator), are subject to **Renovation Review** by the Zoning Administrator. The Zoning Administrator shall serve to determine whether the applications simply requires certification of thorough compliance with the technical requirements below. (Refer to the procedure summary chart at the end of this Section.)

##### 1. Application Requirements

All applications for Renovation Review shall be made to the Zoning Administrator, and, in addition, shall be accompanied by all of the following, in addition to the requirements for Site Plan (per Section 17-908):

- a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Zoning Administrator;
- b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for renovation or replacement may be required by the Zoning Administrator;
- c. A written description of the proposed renovation, including a complete listing of proposed components, materials, and colors.
- d. Written justification for the proposed renovation consisting of the reasons why the Applicant believes the requested alteration is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection (5)(a)1.b., above.

##### 2. Review by the Zoning Administrator

The application for Renovation Review shall be reviewed and approved by the Zoning Administrator as follows:

- a. Within twenty (20) days after the filing of the application, the Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete and does not fulfill the requirements of the ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- b. Within twenty (20) days after the filing and notification of a complete application, the Zoning Administrator shall review the application which: 1) shall evaluate its status as merely requiring Downtown Renovation Review; and, 2) shall evaluate and comment on the written justification for the proposed alteration provided in the application per Subsection (5)(a) above. The Zoning Administrator shall also evaluate the application based on the following question:

How is the proposed alteration in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards of Subsection (6), below?

##### 3. Action by the Zoning Administrator

- a. The Zoning Administrator may request further information and/or additional reports from the Applicant.

- b. The Zoning Administrator may approve the application as originally proposed, may approve the application with modifications, may deny the application, or (where the proposal requires discretionary aesthetic judgement) shall forward the application to the Design Review Commission as an applicant for Downtown Design Review.
- c. The Zoning Administrator shall not approve any application unless he makes written findings of facts regarding the application.
- d. The approval of the proposed renovation shall be considered as the approval of a unique request and shall not be construed as precedent for any other proposed alteration.

**(b) Design Review**

Applications which involve *a change only in the appearance of a property* (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to **Design Review** by the Zoning Administrator, the Historic Preservation Commission, and the Plan Commission. The Zoning Administrator shall serve as the liaison between the Applicant, the Historic Preservation Commission, and the Plan Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Historic Preservation Commission shall serve as the recommending body to the Plan Commission on aesthetics, and shall focus its review on the application's compliance with sound aesthetic, urban design, historic and architectural practices per the procedures outlined below. In part, this effort shall be guided by the Comprehensive Master Plan. The Plan Commission shall serve as the final discretionary review body on aesthetics and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design, and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Master Plan. (Refer to the procedure summary chart at the end of this Section.)

**1. Procedure**

Design Review proposals shall follow the procedures for Conditional Use Permits, see Section 17-905.

**2. Application Requirements**

In addition to the application requirements for Conditional Use Permits, Section 17-905, all applications for Design Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following:

- a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village;
- b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village;
- c. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.
- d. Written justification for the proposed alteration consisting of the reasons why the Applicant believes the requested alteration is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection (5)(b)2.b., above, using the following question to develop said written justification:

How is the proposed alteration in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with Subsection (6), below?

**(c) Project Review**

Applications which involve *modification to the physical configuration of a property* (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to **Project Review** by the Zoning Administrator, the Historic Preservation Commission, and the Plan Commission. Specifically, the powers of the Zoning Administrator, the Historic Preservation Commission, and the Plan Commission within the Urban Design Overlay Zoning District shall be as described in the following sections. The Zoning Administrator shall serve as the liaison between the Applicant, the Historic Preservation Commission, and the Plan Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Historic Preservation Commission shall serve as the recommending body to the Plan Commission on aesthetics, and shall focus its review on the application's compliance with sound aesthetic, urban design, historic and architectural practices per the procedures outlined below. In part, this effort shall be guided by the Comprehensive Master Plan. The Plan Commission shall serve as the final discretionary review body on aesthetics and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Master Plan. (Refer to the procedure summary chart at the end of this Section.)

**1. Procedure**

Project Review proposals shall follow procedures for Conditional Use Permits, refer to Section 17-905.

**2. Application Requirements**

In addition to the application requirements for Conditional Use Permits, Section 17-905, all applications for Project Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:

- a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
- b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Village.
- c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area, a detailed site plan which provides the following information:
  - 1) A title block indicating name and address of the current property owner, developer and project consultants;
  - 2) The date of the original plan and the latest date of revision to the plan;
  - 3) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
  - 4) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
  - 5) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
  - 6) All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
  - 7) All required building setback lines;
  - 8) A legal description of the subject property;
  - 9) The location, type and size of all signage on the site
  - 10) The location, type and orientation of all exterior lighting on the subject property;

- 11) The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas;
- 12) The location of all outdoor storage areas;
- 13) The location and type of any permanently protected green space areas;
- 14) The location of existing & proposed drainage facilities;
- 15) In the legend, the following data for the subject property:
  - Lot Area;
  - Floor Area;
  - Floor Area Ratio;
  - Impervious Surface Area;
  - Impervious Surface Ratio; and
  - Building Height.
- d. A detailed landscaping plan of the subject property, at the same scale as the main plan, showing the location, species and size of all proposed plant materials.
- e. A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
- f. Written justification for the proposed project consisting of the reasons why the Applicant believes the requested alteration is in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection (5)(c)2.b., above, using the following question to develop said written justification:

How is the proposed project in harmony with the recommendations of the Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection (9), below?

**(5) Additional Recommendations Permitted Under the Design Review Process**

- (a) The Zoning Administrator is hereby authorized to make recommendations for, or require modifications to, a proposed application for Renovation Review; and to make recommendations for the modification of a proposed application for Design Review or Project Review.
- (b) The Historic Preservation Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Review and Project Review.
- (c) The Plan Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for site design aspects for Project Review.

**(6) Appeals**

Appeals from the decisions of the Zoning Administrator and Historic Preservation Commission may be made per the provisions of the Municipal Code and State Statutes.

**(7) Penalty**

Penalty for violation of the provisions of this ordinance shall be per the provisions of Section 17-920.

**Section 17-914 Planned Development Overlay Zoning District Procedures****(1) Purpose**

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed Planned Developments, and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district.
- (b) Planned Developments are intended to provide more incentives for development and redevelopment in areas of the community which are experiencing a lack of significant investment. Furthermore, Planned Developments are designed to forward both the aesthetic and economic development objectives of the Village by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.
- (c) Planned Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, Planned Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent this from occurring, all Planned Developments are required to meet certain procedural requirements applicable only to Planned Developments, in addition to the general requirements of this Chapter. A public hearing process is required to review a request for a Planned Development. This process shall essentially combine the process for a zoning map amendment (for the General Development Plan (GDP) Step) with that required for a conditional use (for the Specific Implementation Plan (SIP) Step), with several additional requirements.

**(2) Provision of Flexible Development Standards for Planned Developments****(a) Permitted Location**

Planned Developments shall be permitted with the approval of a Planned Development Overlay Zoning District, specific to the approved Planned Development, within all zoning districts.

**(b) Flexible Development Standards**

The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Development:

**1. Land Use Requirements**

All land uses listed as "Residential", "Institutional", or "Business" in Section 17-203 may be permitted within a Planned Development.

**2. Density and Intensity Requirements**

All requirements listed in Sections 17-304 and 17-305 for residential density and nonresidential intensity may be waived within a Planned Development.

**3. Bulk Requirements**

All requirements listed in Sections 17-403, 17-404, 17-405, 17-406 and 17-407 may be waived within a Planned Development.

**4. Landscaping Requirements**

All requirements listed in Sections 17-604, 17-605, 17-606, 17-607, 17-608, 17-609 and 17-610 may be waived within a Planned Development.

## 5. Parking and Loading Requirements

All requirements listed in Sections 17-704 and 17-705 may be waived within a Planned Development.

### (c) Requirements to Depict All Aspects of Development

Only development which is explicitly depicted on the required site plan approved by the Village Board as part of the approved Planned Development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Sections 17-403 through 17-407. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Village Board. If not so requested and approved, such exemptions shall not be permitted.

### (3) Initiation of Request for Approval of a Planned Development

Proceedings for approval of a Planned Development shall be initiated by

- (a) an application of the owner(s) of the subject property;
- (b) a recommendation of the Plan Commission; or
- (c) by action of the Village Board.

### (4) Application Requirements

All applications for proposed Planned Developments, regardless of the party of their initiation per (3) above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the Village Clerk. Said application shall apply to each of the process steps in (5) through (8) below.

### (5) PD Process Step 1: Pre-Application Conference

- (a) The Applicant shall contact the Zoning Administrator to place an informal discussion item for the PD on the Plan Commission agenda.
- (b) No details beyond the name of the Applicant and the identification of the discussion item as a PD is required to be given in the agenda.
- (c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential PD. Appropriate topics for discussion may include the location of the PD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.
- (d) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step.

### (6) PD Process Step 2: Concept Plan

- (a) The Applicant shall provide the Zoning Administrator with a draft PD Concept Plan Submittal Packet for a determination of completeness prior to placing the proposed PD on the Plan Commission agenda for Concept Plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Concept Plan review:
  - 1. A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Village of Oregon Land Use Plan Map;
  - 2. A general written description of proposed PD including:
    - a. general project themes and images;
    - b. the general mix of dwelling unit types and/or land uses;

- c. approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio
  - d. the general treatment of natural features;
  - e. the general relationship to nearby properties and public streets;
  - f. the general relationship of the project to the Master Plan;
  - g. an initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply, as compared to the underlying zoning district(s). Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and
3. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
    - a. Land Use Exemptions;
    - b. Density and Intensity Exemptions;
    - c. Bulk Exemptions;
    - d. Landscaping Exceptions;
    - e. Parking and Loading Requirements Exceptions;
  4. A conceptual plan drawing (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 11" x 17" reduction.
    - a. Within ten working days of receiving the draft PD Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed PD Concept Plan shall be placed on the Plan Commission agenda.
    - b. At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PD. Appropriate topics for discussion may include the any of the information provided in the PD Concept Plan Submittal Packet, or other items as determined by the Plan Commission.
    - c. Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the GDP application.

### **(7) PD Process Step 3: General Development Plan (GDP)**

- (a) The Applicant shall provide the Zoning Administrator with a draft GDP Plan Submittal Packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:
  1. A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Village of Oregon Land Use Plan Map;
  2. A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as provided by the Village of Oregon). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;



3. A general written description of proposed PD including:
  - a. general project themes and images;
  - b. the general mix of dwelling unit types and/or land uses;
  - c. approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio
  - d. the general treatment of natural features;
  - e. the general relationship to nearby properties and public streets;
  - f. the general relationship of the project to the Master Plan;
  - g. a Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of the underlying zoning district(s) and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning
  - h. a complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply shall be identified, as compared with the underlying zoning district(s). Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;
  - i. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order
    - 1) Land Use Exemptions;
    - 2) Density and Intensity Exemptions;
    - 3) Bulk Exemptions;
    - 4) Landscaping Exceptions;
    - 5) Parking and Loading Requirements Exceptions.
4. A General Development Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
  - a. A conceptual plan drawing (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 11" x 17" reduction;
  - b. location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
  - c. statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Village Board; and
  - d. notations relating the written information provided in (7)(a)3.a.-f., above to specific areas on the GDP Drawing.
5. A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Ordinance (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.
6. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.
7. Written justification for the proposed Planned Development. (The Applicant shall use the requirements of the zoning map amendment procedure (Section 17.903(4)(c)1.-3.) to develop said written justification.)

The process for review and approval of the GDP shall be identical to that for Zoning Map Amendments per Section 17-903 of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code.

All portions of an approved PD/GDP not fully developed within five years of final Village Board approval shall expire, and no additional PD-based development shall be permitted. The Village Board may extend this five years period by up to five additional years via a majority vote following a public hearing.

**(8) PD Process Step 4: Specific Implementation Plan (SIP)**

- (a) After the effective date of the rezoning to PD/GDP, the Applicant may file an application for a proposed Specific Implementation Plan (SIP) with the Plan Commission. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for PD review:
1. A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Village of Oregon Land Use Plan Map;
  2. A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as provided by the Village of Oregon). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
  3. A general written description of proposed SIP including:
    - a. specific project themes and images;
    - b. the specific mix of dwelling unit types and/or land uses;
    - c. specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
    - d. the specific treatment of natural features;
    - e. the specific relationship to nearby properties and public streets.
    - f. a Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.
    - g. a complete list of zoning standards which will not be met by the proposed SIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed SIP and the location(s) in which they apply shall be identified as compared to the underlying zoning district(s). Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
  4. A Specific Implementation Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
    - a. A SIP site plan conforming to all the requirements of Section 17-908(3). If the proposed Planned Development is a cluster development (per Section 17-206(1)(b) through (f)) or a group or large development (per Section 17-220) a proposed preliminary plat or conceptual plat may be required by the Zoning Administrator in addition to the required site plan.
    - b. location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
    - c. statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio

- and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Village Board; and
- d. notations relating the written information provided in (8)(a)3.a.-f., above to specific areas on the GDP Drawing.
  5. A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
  6. A series of building elevations for the entire exterior of all buildings in the proposed SIP, including detailed notes as to the materials and colors proposed.
  7. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from Village standards or common practices.
  8. A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
  9. A written description which demonstrates the full consistency of the proposed SIP with the approved GDP.
  10. All variations between the requirements of the approved PD/GDP zoning district and the proposed SIP development; and
  11. The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
  12. The area included in a Specific Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.
  13. The Specific Implementation Plan (SIP) submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the SIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.
  14. The Plan Commission or Village Board may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.
- (b) The process for review and approval of the PD shall be identical to that for site plans per Section 17-908 of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code.
  - (c) All portions of an approved PD/SIP not fully developed within five years of final Village Board approval shall expire, and no additional PD-based development shall be permitted. The Village Board may extend this five years period by up to five additional years via a majority vote following a public hearing.

### **Section 17-915 Purpose of Administrative Regulations**

The purpose of this portion of the Subchapter is to establish the administrative and enforcement framework for the application of this Chapter.

### **Section 17-916 Zoning Administrator**

#### **(1) Designation**

The Public Works Director or a designee of the Public Works Director is hereby designated as the administrative and enforcement officer for the provisions of this Code and is also herein referred to as the Zoning Administrator. The duty of the Zoning Administrator is to interpret and administer this Code and to issue, after on-site inspection, all permits required by this Code.

**(2) Duties**

The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:

- (a) Determine that all Detailed Site Analyses, Building Permits, Certificates of Occupancy, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.
- (b) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
- (c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Ordinance. If, however he is refused entry after presentations of his identification, he may procure a special inspection warrant in accordance with Section 66.0119(2) of the Wisconsin statutes. Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
- (d) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefor.
- (e) Record the first floor and lowest floor (basement or crawlway) elevations of all structures erected, moved, altered, or improved in the floodland districts.
- (f) Receive, file and forward all applications for all procedures governed by this Chapter to the designated official bodies.
- (g) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Code to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
- (h) Institute, in the name of the Village of Oregon, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.
- (i) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (j) Where useful, the Zoning Administrator, or his agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.
- (k) Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.
- (l) Make available to the public, to the fullest extent possible, all reports and documents concerning the Village's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Village Board may set fees necessary to recover the cost of providing information to the public.
- (m) The Public Works Director may be designated Deputy Zoning Administrator by the Zoning Administrator.
- (n) Make interpretations regarding the provisions of this Chapter per Section 17-911.
- (o) Grant minor variations from the dimensional (setback, height, and area requirements of this Ordinance; up to a maximum variation of 5% for setbacks and height limitations; and up to a maximum variation of 5% or 1,000 square feet for area requirements (whichever is less); so long as the spirit and intent of the performance standards are preserved.

**Section 17-917 Plan Commission**

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys.

In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Code, its functions are primarily recommendatory to the Village Board pursuant to guidelines set forth in this Code as to various matters, and, always, being mindful of the intent and purposes of this Code. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

### **Section 17-918 Zoning Board of Appeals**

The Zoning Board of Appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this Chapter (see Section 17-910); or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Chapter (see Section 17-911 and 17-912).

#### **(1) Establishment and Membership**

A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation by the Village Board, for three (3) years, except that of those first appointed, one shall serve for one year; two for two years. The members shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one of the members chairman. The Mayor shall appoint subject to confirmation of the Board for staggered terms of three (3) years, two alternate members of such board, in addition to the five members above provided for. Annually, the Mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling of vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the Third Tuesday in April. Terms of office shall commence the first day of May. The Village Clerk shall serve as Secretary of the Board. The Board of Appeals may employ other employees.

#### **(2) Organization**

The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board of Appeals may determine. The Chairman, or in his absence an elected Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals, which is the Village Clerk's office, and shall be a public record.

#### **(3) Powers**

(a) The Board of Appeals shall have the following powers:

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
2. To hear and decide special exceptions to the terms of this Code upon which the Board of Appeals is required to pass.
3. To authorize, upon appeal in specific cases, such variance from the terms of this Code as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

4. Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (b) In exercising the above listed powers, the Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Code.
- (c) In addition to the foregoing powers, the Board of Appeals shall have the following specific powers:
  1. To interpret the provisions of this Code in such a way as to carry out the intent and purpose of the plan, as shown on the Zoning Map accompanying and made a part of this Code, where the street layout actually on the ground varies from the street layout on the aforesaid map.
  2. The Board of Appeals shall have the power to call on any other Village department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- (d) Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such districts.

#### **(4) Appeals**

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Oregon affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide to same within a reasonable time.

#### **(5) Notice of Hearing**

The Board of Appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) five days prior to the hearing to the fee owners of record of all land within 300 feet of any part of the subject building or premises involved in the appeal.

#### **(6) Hearings**

Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the Board. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Decisions of the Board following public hearing may be made either in public or closed session as the Board shall determine.

#### **(7) Findings**

- (a) Findings of fact and reasons for all actions taken shall be reduced by the Board to writing in the minutes of the proceedings.
- (b) In the case of appeal based on variance, for the same to be granted the findings shall affirmatively show the following together with the fact and the grounds therefor:

1. A literal enforcement of the terms of the Zoning Code would result in practical difficulty or unnecessary hardship to the appellant.
  2. The variance is not contrary to the public interest and will not endanger public safety.
  3. The variance is in accord with the spirit of the Zoning Code.
  4. The variance will cause substantial justice to be done.
- (c) Further to be considered by the Board in case of appeal based on variance, in arriving at its reasons and grounds for the above required findings, are the following:
1. **Preservation of Intent**  
No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
  2. **Exceptional Circumstances**  
There may be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general recurrent nature as to suggest that the Zoning Code should be changed.
  3. **Economic Hardship and Self-Imposed Hardship Not Grounds for Variance**  
No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
  4. **Preservation of Property Rights**  
Such variance may be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
  5. **Absence of Detriment**  
Such variance should not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this Code or the public interest.
- (d) **Additional Requirements in Floodland Districts**  
See Chapter 40: Floodplain and Shoreland-Wetland Zoning.
- (8) **Wetland and Floodland Mapping Disputes**  
See Chapter 40: Floodplain and Shoreland-Wetland Zoning.
- (9) **Decision**  
The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Village Plan Commission.
- (a) Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.
  - (b) Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
  - (c) Applicants receiving variances in floodlands shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums and risk to life or property may result from the granting of the variance. The Board shall keep a record of the notification in its files.

**(10) Reserved****(11) Review by Court of Record**

Any persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Board.

**Section 17-919 Fees****(1) Fees for Procedures Requested by a Private Party**

The fees for the procedures and permits established by this Chapter shall be established by resolution of the Village Board of the Village of Oregon.

**(2) Fees for Procedures Requested by the Village of Oregon**

There shall be no fee in the case of applications filed in the public interest by the Village Board or the Plan Commission, other agency, or official of the Village of Oregon.

**(3) Payment of Fees**

Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this Chapter), and are not refundable.

**(4) Reimbursable Costs**

The Village Planner, Village Engineer and Village Attorney, and other Village staff, may expend time in the investigation and processing of procedures regulated by the Zoning Ordinance. In addition to Village staff involvement, the Village may retain the services of professional consultants including, but not limited to engineers, landscape architects, architects, attorneys, environmental specialists, and recreation specialists in the administration, investigation and processing of such matters. Any person, firm or corporation requesting action by the Village on conditional use permits, permits pursuant to the supplemental regulations and zoning ordinance amendments shall reimburse the Village for staff time expended in the administration, investigation and processing of applications for such permits or amendments and the cost to the Village charged by any professional consultant retained by the Village on any such matter. Notice shall be sent to the property owner or representative of the property owner informing them of the Village policy on reimbursement costs.

**Section 17-920 Violations and Penalties****(1) Violation of this Chapter**

It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements. Any person who violates or fails to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection (2), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.

**(2) Penalties**

Any person, firm, or corporation who fails to comply with the provisions of this Code or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.



**(3) Oregon Promulgated Correction of Violation**

In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter.

**(a) Hazardous Condition Caused by Violation of this Chapter**

If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.

**(b) Non-Hazardous Condition Caused by Violation of this Chapter**

If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by Registered Mail on the current owner of the property (as indicated by current Village of Oregon tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Zoning Administrator shall cause the violation to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below.

**(c) Cost of Abatement**

In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per Subsections (a) and/or (b), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Registered Mail, and shall be payable within thirty (30) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by State Statute 66.615(5).

*List of Amendments to the Official Zoning Ordinance and Map through List of Amendments to the Official Zoning Ordinance and Map*

**List of Amendments to the Official Zoning Ordinance and Map**

Map ID #	File #	Property Description	Zoning		Date of Board Action	Ordinance #
			From	To		

List of Amendments to the Official Zoning Ordinance and Map through List of Amendments to the Official Zoning Ordinance and Map

Map ID #	File #	Property Description	Zoning		Date of Board Action	Ordinance #
			From	To		

### Detailed Classification of Plant Species

#### Detailed Classification of Plant Species: Climax Trees (75 landscaping points)

Growth				
Botanical Name	Common Name	Rate	Form	Adaptation and Remarks
* <i>Acer saccharum</i> <sup>RF</sup>	Sugar Maple	S	Round	Rich soil; salt-sensitive; oval when young; yellow, orange or scarlet fall color.
“Green Mountain”				Scorch-resistant; leathery leaves.
* <i>Carya ovata</i> <sup>RF</sup>	Shagbark Hickory			Native and very adaptable, salt-sensitive, fruit-nut, lawn tree.
Ginkgo bilboa	Ginkgo	S	Pyramidal	Very urban, dioecious, females produce smelly fruits, golden yellow fall color.
“Fastigiata”	Sentry Ginkgo		Columnar	Seedless.
<i>Juglans nigra</i> <sup>RF</sup>	Walnut Eastern Walnut Black Walnut	F		Best in public open spaces or lawns; not to be used as a street tree; poisonous to other plants within the drip zone; susceptible to caterpillars and leaf-spot disease.
* <i>Quercus alba</i> <sup>RF</sup>	White Oak	S	Round	Extremely sensitive to soil compaction; tolerant of urban conditions; dry soil; subject to iron chlorosis; red fall color; very difficult to transplant; excellent lawn or shade tree.
* <i>Quercus bicolor</i> <sup>RF</sup>	Swamp White Oak	S	Round	Very tolerant of urban conditions; moist to wet, intolerant of alkaline soil; tolerates poor drainage; difficult to transplant; yellow fall color.
* <i>Quercus macrocarpa</i> <sup>RF</sup>	Bur Oak Mossycup Oak	S	Round	Sensitive to soil compaction; tolerant of urban conditions; dry to wet soil; no fall color; very difficult to transplant.
* <i>Quercus palustris</i>	Pin Oak	M	Pyramidal	Sensitive to soil compaction; tolerant of urban conditions; moist, acid soil; pendulous lower branches; red fall color; iron chlorosis on alkaline soil; lawn tree; cultivar “Sovereign” best for streets.
* <i>Quercus rubra</i> <sup>RF</sup> (also known as <i>Quercus Borealis</i> )	Northern Red Oak Red Oak	M	Round	Sensitive to soil compaction; tolerant of urban conditions; pyramidal when young; red fall color; well-drained soil; fast-growing for oaks; excellent lawn, shade, and street tree.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer nigrum</i>	Black Maple	M	Oval	Does well in poor, dry soils; red to bright gold fall color; excellent for lawn, shade, or street.
<i>Acer platanoides</i>	Norway Maple	M	Round	Shallow root system; not to be used along streets.
“Cleveland”		F	Oval-upright	Uniform, dense foliage
“Columnare”			Columnar	Indistinct central leader.
“Crimson King”				Keeps deep purple leaf color throughout summer; susceptible to sun scald, bark-splitting and transplant shock.
“Drummondii”	Harlequin Norway Maple	S	Round	Variegated, cream-edged leaves.
“Emerald Queen”		F	Oval	Vigorous; crisp foliage.
“Globosum”	Globe Norway Maple	S	Globe	Useful on a standard under utility wires; 20’ height.
“Greenlace”			Round	Deeply divided, fine-textured leaves.
“Royal Red”		S	Round	Best for purple summer foliage.
“Shwedleri”			Round	New foliage reddish; bronze by summer.
“Summershade”		F		Rapidly growing cultivar; deep green, large, leathery leaves.
* <i>Acer rubrum</i> <sup>RF</sup>	Red Maple Scarlet Maple Swamp Maple	F	Round	Moist, acid soil; tolerates poor drainage; smooth gray bark; yellow, orange, or red fall color; salt-sensitive.
“Armstrong”			Fastigate	No fall color; light gray bark.
“Autumn Flame”				Early scarlet fall color.
“Bowhall”			Oval	Orange fall color
“Red Sunset”				Late, scarlet fall color.
“Schlesingeri”				Red-orange fall color.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points) (continued)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Acer saccharinum</i> <sup>RF</sup>	Silver Maple Soft Maple White Maple River Maple	F	Vase	Heart and fast-growing; most soil; tolerates poor drainage; fine-textured; weak-wooded (develops heart rots after fifty years, limbs may fall); yellowish or no fall color
“Blair”		Very Fast		Strong branch structure; storm-resistant.
“Pyramidale”	Upright Silver Maple		Pyramidal	Improved branch structure.
“Silver Queen”	Seedless Sugar Maple		Round	Seedless
“Wieri”	Cutleaf Sugar Maple			Shredded leaves; pendulous branches.
<i>Aesculus hippocastanum</i>	Horsechestnut	M	Round	Urban; coarse; showy, white May flowers; litter problem; no fall color; difficult to transplant; pest or disease problems may limit use.
<i>Alnus glutinosa</i>	European Alder Black Alder	F	Oval	Rich or wet soils; produces catkins; possible winterkill.
<i>Betula lutea</i> <sup>RF</sup>	Yellow Birch	M	Round	Drooping branches; moist well-drained soils; yellow-orange bark; rusty yellow fall color.
<i>Catalpa speciosa</i>	Northern Catalpa	F	Oval	Poor, dry soil; showy, white June flowers; coarse; litter problem; no fall color.
* <i>Celtis occidentalis</i> <sup>RF</sup>	Common Hackberry	M	Vase	Tolerates alkaline soils; “pebbled” bark; yellowish fall color; pest or disease problem may limit use.
* <i>Fagus grandifolia</i> <sup>RF</sup>	American Beech	S	Oval	Moist, rich soil; smooth, gray bark; yellow-bronze fall color; difficult to transplant; salt-sensitive; sensitive to soil compaction.
<i>Fagus sylvatica</i>	European Beech	S	Round	Moist, rich soil; less difficult to transplant than American Beech; several cultivars available; excellent lawn tree.
* <i>Fraxinus americana</i> <sup>RF</sup>	White Ash	M	Round	Moist soil; tolerates poor drainage; dioecious; orange to purple fall color; tolerates urban conditions.
“Autumn Purple”			Round	Seedless; superior fall color.
“Rosehill”			Oval	Seedless; superior fall color.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points) (continued)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Fraxinus excelsior</i>	European Ash	F	Round	Jet-black buds; no fall color
“Aurea”	Golden European Ash	M	Round	Golden, young foliage, twigs and fall color; green summer foliage.
“Hesseri”	Hesse European Ash		Round	Simple leaves.
<i>Fraxinus nigra</i> <sup>RF</sup>	Black Ash	M	Irregular	Deep, rich, moist soils; tolerates wet soils; yellow fall color; scaly bark.
<i>Fraxinus pennsylvanica</i> <sup>=RF</sup>	Green Ash Red Ash	F	Oval; irregular	Dry to wet soils; tolerates poor drainage; salt-tolerant; twiggy and weak-wooded; yellow fall color; pest or disease problem may limit use; tolerates urban conditions.
“Marshall’s Seedless”			Oval	Seedless; glossy, dark green foliage; improved habit of growth.
“Summit”			Upright	Finer textured foliage.
* <i>Gleditsia triacanthos inermis</i>	Thornless Honeylocust	F	Vase	Tolerates poor drainage; thornless, as are all of the following; pest or disease problem may limit use; salt-tolerant; yellow fall color.
“Imperial”			Round	Podless; low-growing; flat-topped; pest or disease problem may limit use.
“Shademaster”			Irregular	Podless; vase shape in age; pest or disease problem may limit use.
“Skyline”			Upright	Podless; tends to form central leader; good golden fall color; pest or disease problem may limit use.
“Sunburst”			Irregular	Podless; yellow new foliage; poor branch structure; pest or disease problem may limit use.
* <i>Gymnocladus dioica</i>	Kentucky Coffeetree	M	Upright	Moist, rich soil; coarse and rugged; dioecious; yellowish fall color.
<i>Juglans cinerea</i> <sup>RF</sup>	Butternut	S		Needs good soil and consistent moisture; fairly good shade tree; susceptible to butternut decline.
<i>Larix decidua</i>	European Larch	F	Pyramidal	Full sun; graceful, fine-textured; transplant in spring before buds open; yellow fall color.
“Pendula”				Interesting weeping branches.
<i>Larix kaempferi</i>	Japanese Larch	F	Wide-Pyramidal	Similar to European Larch, more picturesque.
<b>KEY:</b> *Wisconsin native S=Slow M=Medium F=Fast				

**Detailed Classification of Plant Species: Tall Deciduous Trees (30 landscaping points) (continued)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Larix laricina</i> <sup>RF</sup>	American Larch Tamarack	M	Narrow-Pyramidal	Hardy; drought tolerant; used in shelterbelts.
<i>Liriodendron tulipifera</i>	Tuliptree	F	Upright	Rich, moist soil; unique leaves and interesting June flowers; yellow fall color; purchase from northern source.
* <i>Platanus occidentalis</i>	Sycamore American Planetree	F	Pyramidal	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
<i>Populus alba</i> "Pyramidalis"	White Poplar	F	Fastigate	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
<i>Populus deltoides</i> <sup>RF</sup>	Eastern Poplar	Very fast	Fastigate	Hardy, fast growing; golden yellow fall color; tolerates drought; brittle; may produce "cotton"; too large for homes.
"Robusta"			Upright	Seedless.
"Siouxland"				Larger greener leaves; seedless; uniform in shape; hardy.
"Cottonless"				Seedless; many similar species available.
<i>Populus grandidentata</i> <sup>RF</sup>	Bigtooth Aspen	F	Narrow	Moist, sandy, gravelly soils; not shade tolerant; yellow fall color.
* <i>Prunus serotina</i> <sup>RF</sup>	Black Cherry	M	Oval	Dry soil; white flowers and black fruits in drooping racemes; orange fall color; pest or disease problem may limit use.
<i>Taxodium distichum</i>	Baldcypress	F	Pyramidal	Moist, intolerant of alkaline soil; tolerates poor drainage; sun; bronze fall color; fine texture; purchase from northern source.
* <i>Tilia americana</i> <sup>RF</sup>	American Linden Basswood Linden Tree Linn Tree	M	Round	Sensitive to soil compaction; salt-sensitive; coarse; rich soils.
<i>Tilia cordata</i>	Littleleaf Linden	S	Pyramidal	Urban; moist soil; fragrant flowers; poor branch structure, needs training while young; yellow fall color.
"Chancellor"				Uniform, upright habit.
"Greenspire"				Improved branching habit.
<i>Tilia x euchlora</i> "Redmond"	Redmond Linden	M	Pyramidal	Urban; dark green foliage.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				



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**Detailed Classification of Plant Species: Medium Deciduous Trees (15 landscaping points) (**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Growth Rate</b>	<b>Form</b>	<b>Adaptation and Remarks</b>
<i>Aesculus x carnea</i> "Briotii"	Ruby Horsechestnut	S	Round	Rich, most soil; red flowers.
<i>Aesculus glabra</i>	Ohio Buckeye	S	Round	Rich, moist soil; yellow-green flowers; orange fall color.
<i>Alnus glutinosa</i>	European Alder	F	Oval	Wet; tolerates poor drainage; catkins; cone fruits; no fall color.
* <i>Betula nigra</i> <sup>RF</sup>	River Birch	M	Vase	Wet to dry, intolerant of alkaline soils; tolerates poor drainage; pinkish, peeling bark.
* <i>Betula papyifera</i> <sup>RF</sup>	Paper Birch	M	Oval	Cool, moist soil; white, peeling bark; golden yellow fall color; pest or disease problem.
<i>Betula pendula</i> "Gracilis"	Cutleaf European Birch	M	Weeping	Cool, moist soil; dissected leaves; yellow fall color; pests & disease.
<i>Betula platyphylla japonica</i>	Japanese White Birch	M	Pyramidal	White bark; some resistance to bronze birch borer.
<i>Cercidiphyllum japonicum</i>	Katsuratree	M	Columnar	Moist soil; dioecious; form controlled by pruning, wide spreading if multi-trunked; yellow to red fall color.
<i>Cladrastis lutea</i>	American Yellowwood	S	Round	Moist, rich soil; smooth, light gray bark; fragrant, white June flowers in large clusters; yellow fall color.
<i>Magnolia acuminata</i>	Cucumbertree	F	Pyramidal	Inconspicuous, greenish flowers; pink to red fruits; coarse foliage; no fall color.
* <i>Nyssa sylvatica</i>	Black Gum	S	Pyramidal	Moist soil; tolerates poor drainage; dense habit; dioecious; orange to scarlet fall color; difficult to transplant.
<i>Phellodendron amurense</i>	Amur Corktree	M	Round	Urban; dry soil; dioecious; compound leaves; corky bark; yellow fall color.
<i>Prunus maackii</i>	Amur Chokecherry	M	Round	Amber exfoliating bark; does well in containers.
<i>Prunus padus commutata</i>	Harbinger European Bird Cherry	S	Round	Sun; early to leaf out in spring; pest or disease problem.
* <i>Prunus pennsylvanica</i> <sup>RF</sup>	Pin Cherry	M	Upright	Poor, dry soil; sun; graceful; shortlived; suckering; red fruits; orange to red fall color.
<i>Prunus sargentii</i>	Sargent Cherry	M	Upright	Sun, well-drained soil; early, pink flowers; red fall color.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

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**Detailed Classification of Plant Species: Medium Deciduous Trees (15 landscaping points)  
(continued)**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Growth Rate</b>	<b>Form</b>	<b>Adaptation and Remarks</b>
<i>Salix alba tristis</i>	Golden Weeping Willow	F	Weeping	Wet soil; tolerates poor drainage; bright yellow twigs; fine-textured; litter problem.
<i>Ulmus parvifolia</i>	Chinese Elm	M	Vase	Disease resistant; exfoliating bark.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer ginnala</i>	Amur Maple	M	Round	Sun, shade; red fruit; red fall color.
* <i>Alnus rugosa</i>	Speckled Alder	F	Round	Wet soil; tolerates poor soil; lenticled bark.
* <i>Amelanchier arborea</i> <sup>RF</sup>	Downy Serviceberry	S	Upright	Dry soil; shade; gray bark; white flowers; yellow to red fall color; edible fruits.
<i>Amelanchier x grandiflora</i>	Apple Serviceberry	S	Spreading	Semi-shade; large, white flowers, edible fruits.
* <i>Amelanchier laevis</i>	Alleghany Serviceberry	S	Upright	Moist soil; shade; white flowers; orange to red fall color, edible fruits.
* <i>Carpinus caroliniana</i> <sup>RF</sup>	American Hornbeam	S	Spreading	Moist soil; shade; smooth, gray muscle-like trunks; orange fall color.
<i>Cercis canadensis</i>	Eastern Redbud	M	Spreading	Sun or shade; purplish-pink flowers; yellow fall color; purchase form northern source.
* <i>Cornus alternifolia</i>	Pagoda Dogwood	M	Spreading	Cool, moist soil; shade; blue-black berries on red stalks; early, maroon fall color.
* <i>Crataegus crus-galli</i> "Inermis"	Thornless Cockspur Hawthorn		Spreading	Urban; sun; persistent, brick red fruits; orange to red fall color; no thorns.
<i>Crataegus laevigata</i> "Paulii"	Paul's Scarlet Hawthorn	S	Upright	Heavy soil; sun; double, scarlet flowers in late May; no fall color; pest or disease problem.
"Superba"	Crimson Cloud Hawthorn			Single, scarlet flowers; resistant to leaf spot.
<i>Crataegus x lavalleyi</i>	Lavalle Hawthorn	S	Upright	Urban; sun; glossy foliage; bronzy-red fall color.
* <i>Crataegus mollis</i>	Downy Hawthorn	S	Upright	Sun; large, red, early-ripening fruit; yellow fall color; pest or disease problem.
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	M	Upright	Urban; sun; latest blooming; small, persistent, orange-red fruits in clusters; orange fall color.
* <i>Crataegus punctata</i>	Dotted Hawthorn	S	Spreading	Moist, heavy soil; sun; picturesque; pest or disease problem may limit use.
<i>Crataegus x "Toba"</i>	Toba Hawthorn	S		Sun; double, pink, fragrant flowers; glossy leaves; red fruits; dwarf-15.
<i>Elaeagnus angustifolia</i>	Russianolive	F	Round	Dry, alkaline soil; sun; fragrant, inconspicuous flowers; silver-gray foliage; no fall color; pest or disease problem may limit use.
<i>Magnolia x loebneri</i> "Merrill"	Dr. Merrill Magnolia	M	Pyramidal	Rich soil; sun; white, many-petaled flowers; difficult to transplant.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points) (continued)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Magnolia x soulangiana</i>	Saucer Magnolia	S	Round	Rich soil; sun; large pink flowers; difficult to transplant.
<i>Malus</i> species & cultivars	Flowering Crabapples			All require sun and well drained soil. They all possess a high degree of resistance to the apple scab disease.
<i>Malus</i> "Adams"	Adams Flowering Crabtree	M	Spreading	Slightly susceptible to fire blight; rose-red flowers; 5/8" diam., persistent, deep red fruits.
<i>Malus baccata jackii</i>	Jack Flowering Crabtree	M	Upright spreading	Slightly susceptible to fire blight; white flowers; tiny 1/3-1/2"diam., dark red fruits.
<i>Malus</i> "Bob White"	Bob White Flowering Crabtree	M	Rounded	Moderately susceptible to fire blight; white flowers; 5/8" diam., persistent, yellow fruits.
<i>Malus</i> "Candied Apple"	Weeping Candied Apple Flowering Crabtree		Weeping	Slightly susceptible to scab; pink flowers; 5/8" diam., persistent cherry-red fruits; foliage tinged with red.
<i>Malus</i> "Centurian"	Centurian Flowering Crabtree		Narrow-Upright	Disease resistant; rose-red flowers; 5/8" diam., persistent, cherry-red fruits.
<i>Malus</i> "David"	David Flowering Crabapple	M	Rounded	Slightly susceptible to fire blight and scab; white flowers; 1/4-1 1/2" diam., reddish fruits for in alternate years.
<i>Malus</i> "Dolgo"	Dolgo Flowering Crabtree	M	Upright-Spreading	Slightly susceptible to fire blight and scab; white flowers; 1 1/4-1 1/2" diam., persistent red fruits.
<i>Malus</i> "Donald Wyman"	Donald Wyman Flowering Crabtree	M	Rounded	Disease-resistant; white flowers; 3/8" diam.; persistent red fruits.
<i>Malus</i> "Dorothea"	Dorothea Flowering Crabtree	S	Horizontal	Moderately susceptible to scab; clear pink semi-double flowers; 1/2" diam., yellow fruits.
<i>Malus</i> "Gibb's Golden Gage"	Gibb's Golden Gage Flowering Crabtree		Rounded	Disease resistant; white flowers; 1" diam., persistent, yellow fruits.
<i>Malus</i> "Indian Summer"	Indian Summer Flowering Crabtree		Rounded	Disease resistant; rose-red flowers; 5/8-3/4" diam., red fruits.
<i>Malus</i> "Mary Potter"	Mary Potter Flowering Crabtree	S	Horizontal	Moderately susceptible to fire blight and scab; white flowers; 1/2" diam., red fruits; 10' height.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points) (continued)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Malus</i> "Ormiston Roy"	Ormiston Roy Flowering Crabtree	M	Rounded	Slightly susceptible to fire blight; white flowers, 3/8" diam., persistent, yellow fruits.
<i>Malus</i> "Profusion"	Profusion Flowering Crabtree	M	Rounded-Spreading	Slightly susceptible to fire blight; rose-red flowers; 1/2" diam., deep red fruits; bronze-green foliage.
<i>Malus</i> "Red Jewel"	Red Jewel Flowering Crabtree		Horizontal	Moderately susceptible to scab; white flowers; 1/2" diam., persistent, bright red fruits.
<i>Malus</i> "Robinson"	Robinson Flowering Crabtree		Upright-Spreading	Disease resistant; rose-red flowers; 3/8" diam, persistent, bright red fruits, bronze-green foliage.
<i>Malus</i> "Sentinel"	Sentinel Flowering Crabtree		Narrow-upright	Slightly susceptible to fire blight and scab; pale pink flowers; 1/2" diam., persistent, bright red fruits.
<i>Malus</i> "White Cascade"	White Cascade Flowering Crabtree	S	Weeping	Disease resistant; white flowers, 1/2" diam., yellowish fruits.
* <i>Ostrya virginiana</i> <sup>RF</sup>	Hophornbeam	S	Pyramidal	Dry soil; shade; catkins; elm-like leaves; yellow fall color.
* <i>Prunus americana</i> <sup>RF</sup>	American Plum	F	Horizontal	Dry soil; sun; suckering habit; white flowers; yellow to orange fall color.
<i>Prunus cerasifera</i> "Newportii"	Newport Plum	M	Round	Sun; reddish-purple summer foliage.
* <i>Prunus virginiana</i> <sup>RF</sup>	Chokecherry	M	Upright	Dry, infertile soil; suckering habit; white flowers; yellow to orange fall color.
"Canada Red" or "Shubert"	Shubert Chokecherry			Sun; foliage changes from green to purple in early summer.
<i>Pyrus calleryana</i> and cultivars	Callery Pear	M	Oval	Sun; early, white flowers; late red fall color.
<i>Salix matsudana</i> "Tortuosa"	Corkscrew or Contorted Willow	F	Upright	Wet soil; tolerates poor drainage; sun; twisted branches; pest or disease problem may limit use.
<i>Salix pentandra</i>	Laurel Willow	M	Round	Wet soil; sun; foliage glossy, dark green; dense habit.
<i>Sorbus alnifolia</i>	Korean Mountainash	S	Oval	Cool soil; simple leaves; small flowers and fruits; orange to red fall color; pest or disease problem.
<i>Sorbus aucuparia</i> and cultivars	European Mountainash	M	Oval	Cool soil; orange fruits; pest or disease problem
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

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**Detailed Classification of Plant Species: Low Deciduous Trees (10 landscaping points) (continued)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>*Sorbus decora</i>	Showy Mountainash	S	Upright	Cool Soil; large, reddish fruits; pest or disease problem.
<i>Syringa reticulata</i>	Japanese Tree Lilac	S	Horizontal	Sun; large, pyramidal, cream-white flower clusters in June; tan fruits.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Tall Evergreen Trees (40 landscaping points)**

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
<i>Abies concolor</i>	White Fir	M	70'	Dry soil; heat; gray-green foliage.
<i>Picea abies</i>	Norway Spruce	F	75'	Deep soil; dark green foliage; long cones; pendulous branchlets
<i>*Picea glauca</i> <sup>RF</sup>	White Spruce	M	50'	Moist soil; sun; light green needles.
<i>Picea omorika</i>	Serbian Spruce	S	50'	Sun; narrow habit; pendulous branchlets.
<i>Picea pungens glauca</i>	Blue Colorado Spruce	S	60'	Sun; urban; blue needles; stiff, formal habit.
<i>Pinus cembra</i>	Swiss Stone Pine	S	50'	Sun; narrow habit.
<i>Pinus nigra</i>	Austrian pine	M	50'	Sun; urban; stout, dark green needles, pest or disease problem.
<i>*Pinus resinosa</i> <sup>RF</sup>	Red Pine	F	50'	Dry soil; sun; reddish bark; yellow-green winter color.
<i>*Pinus strobus</i> <sup>RF</sup>	Eastern White Pine	M	75'	Moist soil; sun; picturesque; soft, green foliage, pest or disease problem.
<i>Pinus sylvestris</i>	Scots Pine	F	50'	Dry soil; sun; orange bark; bluish needles.
<i>Pseudotsuga menziesii</i>	Douglas Fir	M	70'	Half-shade; flat, dark green needles.
<i>*Tsuga Canadensis</i> <sup>RF</sup>	Canada Hemlock	M	75'	Moist soil; soft, feathery foliage.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Medium Evergreen Trees (20 landscaping points)**

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
<i>*Thuja occidentalis</i> <sup>RF</sup>	American Arborvitae	M	40'	Wet soil; half-shade; light green, soft, scale-like foliage.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Low Evergreen Trees (12 landscaping points)**

Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
<i>Juniperus chinensis</i> "Keteleeri"	Keteleer Juniper	S	20'	Dry soil; sun; green foliage; large fruits.
<i>Juniperus chinensis</i> "Mountbatten"	Mountbatten Juniper	S	20'	Dry soil; sun; narrow, columnar form; large fruits.
* <i>Juniperus virginiana</i> <sup>RF</sup>	Eastern Red Cedar	S	20'	Dry soil; sun; brownish winter color.
"Burkii"	Burke Eastern Red Cedar			Fine-textured, gray-green foliage.
"Canaertii"	Canaert Eastern Red Cedar			Dark green, tufted foliage.
"Glauca"	Silver Eastern Red Cedar			Silver-gray foliage; informal habit.
"Hilli"	Hill Dundee Eastern Red Cedar			Gray-green foliage turns purple in winter, no fruits.
* <i>Picea glauca</i> <sup>RF</sup> "Densata"	Black Hills Spruce	S	20'	Dry soil; sun; narrow, dense habit.
<i>Taxus cuspidata</i>	Japanese Yew	S	20'	Shade; urban, deep green needles; often sold as <i>Taxus cuspidata</i> "Capitata"
* <i>Thuja occidentalis</i> <sup>RF</sup> "Fastigiata"	Pyramidal Arborvitae	M	25'	Narrow columnar form.
* <i>Thuja occidentalis</i> <sup>RF</sup> "Techny"	Techny Arborvitae	S	20'	Deep green foliage, year round.
<b>KEY:</b> *Wisconsin native      S=Slow      M=Medium      F=Fast				

**Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points)**

Botanical Name	Common Name	Form	Adaptation and Remarks
* <i>Amelanchier sp.</i> (See also low trees)	Serviceberry	Upright	Shade; alkaline soil; white flowers; edible purple fruits; smooth, gray bark; yellow to orange fall color; fireblight a problem.
<i>Caragana arborescens</i>	Siberian Peashrub	Erect, Oval	Dry, alkaline soils; yellow flowers; green twig.
<i>Chionanthus virginicus</i>	Fringetree	Spreading	Moist soil; shade; white flowers; blue fruits; coarse.
* <i>Cornus alternifolia</i>	Pagoda Dogwood	Spreading	Moist soil; shade; white flowers; blue fruits; horizontal branches; early, maroon fall color.
<i>Cornus mas</i>	Corneliancherry Dogwood	Oval	Shade; urban; yellow flowers in April; flower buds may be injured or killed during some winters; edible red fruits.
<b>KEY:</b> *Wisconsin native			

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**Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points) (continued)**

Botanical Name	Common Name	Form	Adaptation and Remarks
* <i>Cornus racemosa</i>	Gray Dogwood	Erect	Dry or wet soils; shade; white flowers; white fruits; purple fall color.
<i>Cornus sericea</i>	Redosier Dogwood	Spreading	Wet, moist soils; tolerates poor drainage; white flowers; white fruits; red twigs; often sold a <i>C. stolonifera</i> .
<i>Cornus sericea baileyi</i>	Bailey Redosier Dogwood	Erect	
<i>Cotoneaster multiflora</i>	Manyflowered Cotoneaster	Mounded	Sun; well-drained soil; white flowers; red fruits; very wide-spreading; pests/diseases.
<i>Elaeagnus umbellata</i>	Autumnolive	Spreading	Poor, dry soil; sun; fragrant flowers; edible, red fruits; twiggy.
<i>Euonymus alata</i>	Winged Euonymus	Spreading	Sun or shade; well-drained soil; corky, winged twigs; pink to rose fall color.
* <i>Euonymus atropurpurea</i>	Eastern Wahoo	Tree-like	Moist soil; shade; tiny, purplish flowers; orange to purple fall color.
<i>Euonymus europaea</i>	Spindletree of European Euonymus	Tree-like	Dry-soil; urban; striped bark; persistent pink fruit; orange to purple fall color.
“Aldenhamensis”	Aldenham European Euonymus		Bright pink fruit; shrubby form
“Redcap”	Redcap European Euonymus		Bright red fruit.
<i>Exochorda racemosa</i>	Pearlbush	Leggy	Sun; pearl-like flower buds; tan fruit capsules.
* <i>Hamamelis virginiana</i>	Common Witchhazel	Spreading	Shade; yellow October flowers.
<i>Hydrangea paniculata</i> “Grandiflora”	Peegee Hydrangea	Upright	Moist soil; white to pink flowers in August; persistent, tan flower clusters.
<i>Kolkwitzia amabilis</i>	Beautybush	Upright	Alkaline soil; sun; pink flowers in June; shredded bark; leggy.
<i>Ligustrum amurense</i>	Amur Privet	Erect	Dry soil; white flowers; black fruits; hedge plant
<i>Ligustrum vulgare</i> “Cheyenne”	Cheyenne Privet	Erect	Dry soil; urban; white flowers; black fruits; hedge plant.
<i>Lonicera x bella</i> “Candida”	White Belle Honeysuckle	Upright-mounded	Dry soil; white flowers; red fruits; may become weedy, pest problem.
<i>Lonicera tatarica zabelii</i>	Zabel Honeysuckle	Rounded	Dry soil; urban; red flowers; dense, red fruits; may become weedy, pest or disease problem, may be sold as <i>L. korolkowii zabelii</i> .
<i>Magnolia stellata</i>	Star Magnolia	Rounded	Rich soil; white flowers; orange fruits; finest textured magnolia.
* <i>Physocarpus opulifolius</i>	Eastern Ninebark	Vase	Dry soil; semi-shade; white flowers; red, capsular fruit; shredded bark; course.
<b>KEY:</b> *Wisconsin native			



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**Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points) (continued)**

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Prunus tomentosa</i>	Manchu Cherry	Rounded	Dry soil; sun; white flowers; edible, red fruits.
<i>Prunus triloba</i>	Double Flowering Plum	Rounded	Sun; double, pink flowers; no fruit.
<i>Rhamnus frangula</i> "Columnaris"	Tallhedge Glossy Buckthorn	Columnar	Moist soil; shade; red to black fruits; holds leaves late.
* <i>Rhus glabra</i>	Smooth Sumac	Suckering	Dry soil; sun; persistent red fruits; smooth stems; scarlet fall color.
<i>Rhus typhina</i>	Staghorn Sumac	Suckering	Dry soil; sun; persistent red fruits; felty stems; orange to red fall color.
<i>Rhus typhina</i> "Dissecta"	Shredleaf Staghorn Sumac	Picturesque	Dry soil; sun; red fruits; dissected leaves, orange to red in fall.
<i>Salix caprea</i>	Goat Willow or French Pussy Willow	Oval	Wet or dry soil; sun; large silver catkins in early spring.
<i>Shepherdia argentea</i>	Buffaloberry	Irregular	Dry soil; sun; yellowish flowers; dioecious; edible red fruits; silvery foliage.
* <i>Staphylea trifolia</i>	American Bladdernut	Upright	Moist soil; shade; whitish flowers; green to brown, bladder-like fruits; white-striped bark.
<i>Syringa x chinensis</i>	Chinese Lilac	Vase	Dry, alkaline soil; purple-lilac flowers; fine texture.
<i>Syringa x hyacinthiflora</i> cvs.	Hyacinth Lilacs	Upright	Sun; white, pink, lilac, purple flowers; early blooming.
<i>Syringa x prestoniae</i> cvs.	Preston Lilacs	Rounded	Sun; pink to purple flowers; late-blooming; coarse textured.
<i>Syringa reticulata</i>	Japanese Tree Lilac	Tree-like	Sun; white flowers in June; tan fruits; cherry-like bark; often sold as <i>S. amurensis japonica</i> .
<i>Syringa vulgaris</i> cvs	Common Lilac	Upright	Well-drained soil; sun; white, pink, lilac, purple, fragrant flowers; pest or disease problem may limit use.
<i>Tamarix ramosissima</i>	Tamarisk	Irregular	Dry soil; sun; tiny, pink flowers; very fine texture; often sold as <i>T. pentandra</i> .
<i>Viburnum dentatum</i>	Arrowwood Viburnum	Vase	Moist soil; shade; white flowers in June; blue fruits; maroon fall color.
<i>Viburnum lantana</i>	Wayfaringtree Viburnum	Upright	Dry soil; shade; white flowers; red to black fruits; late maroon fall color.
* <i>Viburnum lentago</i>	Nannyberry Viburnum	Upright	Moist or dry soil; sun or shade; white flowers; black fruits; leggy; maroon fall color; pest or disease problem.
* <i>Viburnum prunifolium</i>	Blackhaw Viburnum	Spreading	Dry soil; shade; white flowers; black fruits; single or multi-trunked; maroon fall color.
<b>KEY:</b> *Wisconsin native			

Detailed Classification of Plant Species

through

Detailed Classification of Plant Species

**Detailed Classification of Plant Species: Tall Deciduous Shrubs (5 landscaping points) (continued)**

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Viburnum sieboldii</i>	Siebold Vibernum	Tree-like	Rich soil; white flowers; red to black fruits; large, coarse leaves.
<i>Viburnum trilobum</i>	American Cranberrybush Vibernum	Upright	Moist soil; shade; lacy, white flowers; persistent, edible fruits.
<b>KEY:</b> *Wisconsin native			

**Detailed Classification of Plant Species: Medium Deciduous Shrubs (3 landscaping points)**

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Aronia arbutifolia</i>	Red Chokeberry	Erect	Wet soil; shade; tolerates poor drainage; white flowers; red fruits; red fall color.
<i>Cornus alba</i> “Argenteomarginata”	Creamedge Dogwood	Mounded	Moist soil; white flowers; white fruit; variegated foliage.
* <i>Corylus americana</i>	American Filbert or Hazelnut	Rounded	Dry soil; shade; catkins in March; orange fall color.
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	Mounded	Dry alkaline soil; red fruits; fine texture; late maroon fall color; not fully hardy in zone indicated—needs a special site or ideal conditions.
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster	Upright	Dry soil; shade; black fruits; orange to maroon fall color; good hedge plant; <i>C. acutifolius</i> is similar.
<i>Euonymus alatus</i> “Compacta”	Dwarf Winged Euonymus	Spreading	Sun or shade; pink and orange fruits; red fall color.
<i>Forsythia x intermedia</i> cv.	Border Forsythia	Vase	Sun; urban; large, pale to yellow flowers; flower buds may be injured or killed at temperatures lower than -14°F.
<i>Forsythia ovata</i>	Early Forsythia	Mounded	Sun; urban; smaller, earlier, yellow flowers; flower buds may be injured or killed at temperatures lower than -25°F.
<i>Forsythia suspensa</i>	Weeping Forsythia	Mounded	Sun; urban; yellow flowers; slender, drooping twigs; flower buds may be injured or killed at temperatures lower than -15°F.
* <i>Ilex verticillata</i>	Winterberry	Upright	Wet, acid soil; tolerates poor drainage; dioecious; red fruits.
<i>Ligustrum obtusifolium</i> <i>regelianum</i>	Regel's Border Privet	Spreading	Dry soil; shade; white flowers; blue-black fruits; late, purple fall color.
<i>Malus sargentii</i> “Tina”	Sargent Crabapple	Spreading	Disease resistant; 5' mature height.
<i>Myrica pensylvanica</i>	Bayberry	Upright	Dry soil; sun; gray, fragrant fruits; dioecious; semi-evergreen; suckering.
<i>Philadelphus x virginialis</i> “Glacier”	Glacier Mockorange	Rounded	Sun; double, white, fragrant flowers.
<b>KEY:</b> *Wisconsin native			

Detailed Classification of Plant Species

through

Detailed Classification of Plant Species

**Detailed Classification of Plant Species: Medium Deciduous Shrubs (3 landscaping points)  
(continued)**

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Prunus x cistena</i>	Purple-leaved Sand Cherry	Rounded	Dry soil; sun; white flowers; purple foliage all season.
<i>Rhodotypos scandens</i>	Jetbead	Spreading	Dry soil; shade; white flowers; sparse red fruits; fine texture.
<i>Rosa hugonis</i>	Father Hugo Rose	Vase	Poor soil; sun; yellow flowers; sparse red fruits; fine texture.
<i>Rosa rugosa cvs.</i>	Rugosa Rose	Rounded	Dry soil; sun; white, yellow, pink, or red flowers; large edible red fruits; fall color; wrinkled leaves; tolerant of salt.
* <i>Rosa setigera</i>	Prairie Rose	Sprawling-mounded	Sun; pink flowers in July; red fruits; orange fall color; can be used as a climber.
<i>Spiraea prunifolia</i>	Bridalwreath Spirea	Upright	Sun; double, white flowers; orange to red fall color.
<i>Spiraea thunbergii</i>	Thunberg Spirea	Vase	Sun; white flowers; yellow to orange fall color; fine-textured.
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea	Vase	Sun; white flowers; arching branches.
<i>Syringa meyeri</i> "Palibin"	Palibin Lilac	Rounded	Sun; purple flowers; dense; fine-textured; good informal hedge plant often sold as <i>S. palibiniana</i> .
<i>Viburnum carlesii</i>	Koreanspice Viburnum	Rounded	Shade; urban; pink to white, fragrant flowers; blue-black fruits; red fall color.
* <i>Viburnum cassinoides</i>	Witherod Viburnum	Rounded	Wet, acid soil; tolerates poor drainage; white flowers; pink to red to blue fruits; red fall color.
<i>Weigela florida</i>	Old-fashioned Weigela	Spreading	Well-drained soil; pink, funnel-shaped flowers.
<i>Weigela x 'Vanicekii'</i>	Vanicek Weigela	Spreading	Well-drained soil; red flowers.
<b>KEY:</b> *Wisconsin native			

**Detailed Classification of Plant Species: Low Deciduous Shrubs (1 landscaping point)**

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Acanthopanax sieboldianus</i>	Fiveleaf Aralia	Upright	Dry soil; shade; urban; leaves palmately compound; thorny.
* <i>Amelanchier stolonifera</i>	Running Serviceberry	Suckering	Dry soil; shade; white flowers; edible fruits; orange fall color.
* <i>Aronia melanocarpa</i>	Black Chokeberry	Suckering	Wet soil; shade; white flowers; black fruits; red fall color.
<b>KEY:</b> *Wisconsin native			

Detailed Classification of Plant Species

through

Detailed Classification of Plant Species

**Detailed Classification of Plant Species: Low Deciduous Shrubs (1 landscaping point) (continued)**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Form</b>	<b>Adaptation and Remarks</b>
<i>Berberis thunbergii</i>	Japanese Barberry	Mounded	Dry soil; shade; red fruits; orange fall color; thorns; good hedge plant.
“Atropurpurea”	Redleaf Japanese Barberry		Sun; red summer foliage.
“Crimson Pygmy”	Crimson Japanese Barberry	Low-mound	Sun; red summer foliage; 2' tall.
<i>Buxus microphylla koreana</i>	Korean Littleleaf Box	Rounded	Shade; broadleaf evergreen; good hedge plant.
<i>Chaenomeles japonica alpina</i>	Dwarf Japanese Floweringquince	Spreading	Dry soil; urban; orange flowers; yellow, edible fruits; dense; 1' tall; flower buds may be injured or killed during some winters.
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster	Mounded	Dry soil; red fruits; red fall color.
<i>Deutzia x lemoinei</i> “Compacta”	Compact Lemoine Deutzia	Rounded	Well-drained soil; white flowers.
* <i>Diervilla lonicera</i>	Dwarf Bushhoneysuckle	Mounded	Dry soil; shade; yellow flowers; good bank cover.
<i>Forsythia viridissima</i> “Bronxensis”	Bronx Forsythia	Low-mound	Sun; small yellow flowers; fine texture; purple fall color.
<i>Hydrangea arborescens</i> “Annabelle”	Annabelle Hydrangea	Mounded	Moist soil; shade; white, clustered flowers; dense; blooms on new wood.
<i>Hydrangea arborescens</i> “Grandiflora”	Snowhill Hydrangea	Mounded	Smaller flower clusters and less dense than <i>Hydrangea arborescens</i> “Annabelle.”
* <i>Hypericum kalmianum</i>	Kalm's St. Johnswort	Rounded	Dry soil; sun; yellow flowers; shiny brown twigs.
<i>Lonicera x xylosteoides</i> “Clavey's Dwarf”	Clavey's Dwarf Honeysuckle	Rounded	Dense growth; good hedge or screening plant.
<i>Lonicera xylosteum</i> “Nanum”	Emerald Mound Honeysuckle	Mounded	Lower growing than preceding; 2'-3'.
<i>Mahonia aquifolium</i> “Mayhan”	Mayhan Oregongrape	Suckering	Shade; urban; yellow flowers; blue fruits; holly-like evergreen foliage; not fully hardy in zone - need special site or ideal conditions.
<i>Philadelphus coronarius</i> “Aureus”	Golden Mockorange	Rounded	Sun; white flowers; yellow summer foliage.
<i>Philadelphus x lemoinei</i> “Mont Blanc”	Mont Blanc Mockorange	Mounded	Sun; single; white, fragrant flowers; dense.
<i>Physocarpus opulifolius</i> “Nanus”	Dwarf Common Ninebark	Rounded	Dry soil; shade; creamy-white flowers; red capsular fruits; shredded bark.
<b>KEY:</b> *Wisconsin native			

Detailed Classification of Plant Species

through

Detailed Classification of Plant Species

**Detailed Classification of Plant Species: Low Deciduous Shrubs (1 landscaping point) (continued)**

<b>Botanical Name</b>	<b>Common Name</b>	<b>Form</b>	<b>Adaptation and Remarks</b>
<i>*Potentilla fruticosa</i> cvs.	Bush Cinquefoil	Mounded	Dry soil; sun; yellow and white flowers; blooms all summer.
<i>Prunus glandulosa</i> "Sinensis"	Pink Dwarf Floweringalmond	Rounded	Sun; light soil; double, pink flowers; no fruits; narrow leaves.
<i>Rhododendron x kosteranum</i>	Mollis Hybrid Azaleas	Spreading	Moist, acid soil; pink flowers; red fall color.
<i>Rhododendron x</i> "PJM Hybrid"	PJM Hybrid Rhododendron	Rounded	Moist, acid soil; shade; lavender flowers; evergreen leaves turn purple in autumn.
<i>*Rhus aromatica</i>	Fragrant Sumac	Mounded	Dry soil; sun; red fruits; fragrant foliage; turns orange-maroon in fall.
"Gro-Low"	Gro-low Fragrant Sumac		Uniform 2 1/2' height; glossy leaves.
<i>Ribes alpinum</i>	Alpine Currant	Rounded	Shade; urban; good hedge plant.
<i>Rosa virginiana</i>	Virginia Rose	Suckering	Dry soil; pink flowers; red fruits; red stems; good bank cover.
<i>Salix repens argentea</i>	Silver Creeping Willow	Spreading	Moist soil; sun; silvery foliage.
<i>Spiraea x arguta</i> "Compacta"	Compact Garland Spirea	Mounded	Sun; white flowers; fine texture.
<i>Spiraea x billiardii</i>	Billiard Spirea	Upright	Sun; pink flowers, in July and August.
<i>Spiraea x bumalda</i> "Anthony Waterer"	Anthony Waterer Spirea	Rounded	Dry soil; sun; raspberry red flowers; unattractive fruits.
<i>Spiraea x bumalda</i> "Froebelii"	Froebel Spirea	Rounded	Dry soil; sun; raspberry red flowers; orange to maroon fall color.
<i>Spiraea japonica alpina</i>	Daphne Spirea	Low-mound	Sun; pale pink flowers in July; 10" height.
<i>Spiraea nipponica</i> "Snowmound"	Snowmound Spirea	Mounded	Sun; white flowers; blue-green foliage; possible disease problem.
<i>Symphoricarpos rivularis</i>	Snowberry	Vase	Dry soil; shade; tiny pink flowers; showy white fruits; often sold as <i>S. albus laevigatus</i> .
<i>Symphoricarpos orbiculatus</i>	Indiancurrant Coralberry	Suckering	Dry soil; shade; pink fruits; good bank cover.
<i>Viburnum opulus</i> "Compactum"	Compact European Cranberrybush Viburnum	Rounded	Shade; white flowers; persistent, red fruit; dense habit.
<i>Viburnum opulus</i> "Nanum"	Dwarf European Cranberrybush Viburnum	Globe	Shade; no flowers or fruits; twiggy.
<b>KEY:</b> *Wisconsin native			

Detailed Classification of Plant Species

through

Detailed Classification of Plant Species

**Detailed Classification of Plant Species: Tall to Medium Evergreen Shrubs (5 landscaping points)**

Botanical Name	Common Name	Height	Form	Adaptation and Remarks
<i>Juniperus chinensis</i>				
“Ames”	Ames Juniper	9'	Broad pyramid	Sun; bluish green foliage.
“Blaauw”	Blaauw Juniper	4'	Upright-vase	Sun; grayish blue foliage.
“Herzii”	Herz Blue Juniper	15'	Ascending-Spreading	Sun; silvery blue foliage.
“Maney”	Maney Juniper	6'	Upright, bushy	Sun; bluish green foliage.
“Old Gold”	Old Gold Juniper	4'	Spreading	Sun; green with gold tips.
“Pfitzerana”	Pfitzer Juniper	6'	Wide-spreading	Sun; green foliage; no fruits.
“Pfitzerana Glauca”	Blue Pfitzer Juniper	5'	Spreading	Sun; blue-gray foliage.
* <i>Juniperus communis depressa</i>	Oldfield Common Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
<i>Juniperus sabina</i> “Von Ehren”	Von Ehren Savin Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
<i>Juniperus squamata</i> “Meyeri”	Meyer Singleseed Juniper	5'	Picturesque	Sun; blue foliage.
<i>Picea glauca</i> <sup>RF</sup> “Conica”	Dwarf Alberta Spruce	7'	Pyramidal	Shelter from winter sun; light green foliage.
<i>Pinus mugo</i>	Mugo Pine	4'	Mounded	Dry soil; sun; green foliage.
<i>Taxus cuspidata</i> “Expansa”	Spreading Japanese Yew	6'	Spreading	Shade; urban; dark green foliage; needs ideal conditions.
<i>Taxus cuspidata</i> “Nana”	Dwarf Japanese Yew	4'	Mounded	Shade; urban very dark green foliage; needs ideal conditions.
<i>Taxus x hunnewelliana</i>	Hunnewell Yew	6'	Spreading	Shade; green
<i>Taxus x media cvs.</i>	Anglojapanese Yew	1-10'	Round or upright	Shade; very dark green; needs ideal conditions.
<i>Thuja occidentalis</i> <sup>RF</sup> “Robusta”	Ware American Arborvitae	8'	Broad Pyramid	Wet soil; half-shade; dark green foliage. Often sold as <i>T.o.</i> “Wareana”
<i>Thuja occidentalis</i> <sup>RF</sup> “Woodwardii”	Woodward Globe American Arborvitae	6'	Globe	Wet soil; half-shade; bright green.
<b>KEY:</b> *Wisconsin native				

**Detailed Classification of Plant Species: Low Evergreen Shrubs (3 landscaping points)**

Botanical Name	Common Name	Height	Form	Adaptation and Remarks
<i>Juniperus chinensis procumbens</i>	Japanese Garden Juniper	2'	Creeping	Sun; blue-green, year-round foliage.
<i>Juniperus chinensis sargentii</i>	Sargent Juniper	1'	Creeping	Sun; green; or blue-green in cv. "Glauca"
* <i>Juniperus horizontalis</i>	Creeping Juniper	1'	Creeping	Dry soil; sun; variable color-brown in winter.
"Bar Harbor"	Bar Harbor Juniper	8"	Creeping	Dry soil; sun; bluish green foliage; slaty in winter.
"Douglasii"	Waukegan Juniper	18"	Creeping	Dry soil; sun; steel blue; purplish in winter.
"Plumosa"	Andorra Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
"Prince of Wales"	Prince of Wales Juniper	4-6"	Prostrate	Dry soil; sun; bright green; bronzed in winter.
"Wiltonii"	Blue Rug Juniper	4-6"	Flat-trailing	Dry soil; sun; silvery blue.
"Youngstown"	Youngstown Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
<i>Juniperus sabina</i>				
"Arcadia"	Arcadia Savin Juniper	18"	Low-spreading	Sun; green.
"Broadmoor"	Broadmoor Savin Juniper	2'	Mounded	Sun; soft grayish green; fine textured.
"Skandia"	Skandia Savin Juniper	12"	Low-spreading	Sun; grayish blue.
"Tamariscifolia"	Tamarix Savin Juniper	2'	Dense, spreading	Sun; bluish green; pest or disease problem.
<b>KEY:</b> *Wisconsin native				

**Detailed Classification of Plant Species: Non-Contributing Species (0 points)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer negundo</i>	Boxelder			Weed tree.
	Buckthorn			Invasive
	Crown Vetch			Invasive ground cover; aggressive.
<i>Crataegus crus-galli</i>	Cockspur Hawthorn	S	Spreading	Urban; sun; persistent, brick red fruits; orange to red fall color; evil thorns.
<b>KEY:</b> *Wisconsin native				

**Detailed Classification of Plant Species: Non-Contributing Species (0 points) (continued)**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Gleditsia triacanthos</i> <sup>RF</sup>	Common Honeylocust	F	Vase	Urban; tolerates poor drainage; salt tolerant; dioecious, females produce pods; fine-textured foliage; wicked thorns; yellow fall color; pest or disease problems may limit use.
<i>Lonicera x bella</i>	Belle Honeysuckle			Dry soil, white flowers; red fruits; <i>may become weedy</i> , pest problem.
<i>Lonicera tatarica</i>	Tatarian Honeysuckle			Dry soil; urban, pink to white flowers; dense, red fruits; <i>may become weedy</i> , pest or disease problem.
<i>Lonicera morrowi</i>	Morrow Honeysuckle			Urban, dense, white flowers, pest and disease problem, <i>weedy</i> .
	Purple Loosestrife			Perennial, common marsh plant, may choke out native plants.
<i>Rhamnus cathartica</i>	Common Buckthorn			Becomes weak.
<i>Rhamnus frangula</i>	Glossy Buckthorn			Becomes weak.

<sup>RF</sup> refers to reforestation. Marked species are native to Wisconsin, and recommended for reforestation efforts by the Wisconsin DNR. (See Section 17.609.)

**The following sources were used in compiling the preceding lists of plant species:**

Department of Natural Resources. *Forest Trees of Wisconsin: How to Know Them*. Madison, Wisconsin: Department of Natural Resources, 1987.

Hasselkus, E.R. *A Guide to Selecting Landscape Plants for Wisconsin*. Madison, Wisconsin: College of Agricultural and Life Sciences University of Wisconsin - Extension, Cooperative Extension Programs, 1982.

Hightshoe, Gary L. *Native Trees, Shrubs, and Vines for Urban and Rural America: A Planting Design Manual for Environmental Designers*. New York: Van Nostrand Reinhold, 1988.

Iowa State University. *Landscape Plants for Iowa*. Ames, Iowa: Iowa State University Cooperative Extension Service, May 1984.



## Village of Oregon Requirements Checklist for Landscaping for Building Foundations (Requirements per Section 17-604)

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

Plant Types (See Table 17-611 and Plant Classification Appendix)	Landscape Point Calculations per the Building Foundations Requirements				
	Example for PB district: Bldg Side = <u>250</u> ft	Building Side #1 = _____ ft	Building Side #2 = _____ ft	Building Side #3 = _____ ft	Building Side #4 = _____ ft
<b>Calculations of Landscape Points Required per Side in Specific Zoning District</b>	Calculation Formula: ( _____ feet of building side , 100 linear feet building foundation) x _____ points per 100 linear feet building foundation in the _____ zoning district = _____ Total Points per Side (See Table 17-604 for required number of points per zoning district)				
<b>Total Points Required for Each Building Side</b>	40 pts per 100 ft in PB = <u>60</u> pts				
<b>1. Plant Type</b>	Pfitzer Juniper				
<b># of Plants @ points per plant</b>	2 plants @ 5 pts				
<b>Total Points</b>	10 points				
<b>2. Plant Type</b>	Crabapple				
<b># of Plants @ points per plant</b>	3 trees @ 10 pts				
<b>Total Points</b>	+ 30 points				
<b>3. Plant Type</b>	Chinese Lilac				
<b># of Plants @ points per plant</b>	4 shrubs @ 5 pts				
<b>Total Points</b>	+20 points				
<b>4. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>5. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>6. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>7. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>8. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>TOTAL POINTS PROVIDED</b>	= 60 points				
<b>TOTAL POINTS REQUIRED</b>	60 points				

## Village of Oregon Requirements Checklist for Landscaping for Landscaping for Developed Lots (Requirements per Section 17-605)

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

Plant Types (See Table 17-611 and Plant Classification Appendix)	Landscape Point Calculations per the Developed Lots Requirements				
	Example for PB district: Floor area = 5000 sf	Floor Area = _____ ft	Floor Area = _____ ft	Floor Area = _____ ft	Floor Area = _____ ft
<b>Calculation of Landscape Pts Required per Lot Area in Specific Zoning District</b>	Calculation Formula: ( _____ square feet of lot area , 1000 square feet of floor area ) x _____ points per 1000 square feet of floor area in the _____ zoning district = _____ Total Points per Lot (See Table 17-605 for required number of points per zoning district)				
<b>Total Points Required for Each Lot Area</b>	10 pts per 1,000 sf in PB = 50 pts				
<b>1. Plant Type</b>	Pfitzer Juniper				
<b># of Plants @ points per plant</b>	3 plants @ 5 pts				
<b>Total Points</b>	15 points				
<b>2. Plant Type</b>	River Birch				
<b># of Plants @ points per plant</b>	1 tree @ 15 pts				
<b>Total Points</b>	+ 15 points				
<b>3. Plant Type</b>	Chinese Lilac				
<b># of Plants @ points per plant</b>	4 shrubs @ 5 pts				
<b>Total Points</b>	+20 points				
<b>4. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>5. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>6. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>7. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>8. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>TOTAL POINTS PROVIDED</b>	= 50 points				
<b>TOTAL POINTS REQUIRED</b>	50 points				

## Village of Oregon Requirements Checklist for Landscaping for Landscaping for Street Frontages (Requirements per Section 17-606)

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

<b>Plant Types</b> (See Table 17-611 and Plant Classification Appendix)	<b>Landscape Point Calculations per Street Frontages Requirements</b>				
	Example for PB district: Frontage = 150 feet	Frontage = _____ ft	Frontage = _____ ft	Frontage = _____ ft	Frontage = _____ ft
<b>Calculation of Landscape Pts Required per Lot Area in Specific Zoning District</b>	Calculation Formula: ( _____ feet of street frontage , 1000 square feet of street frontage) x _____ points per 100 linear feet of street frontage in the _____ zoning district = _____ Total Points per Frontage (See Table 17-606 for required number of points per zoning district)				
<b>Total Points Required for Each Street Frontage</b>	40 pts per 100 ft in PB = 60 pts				
<b>1. Plant Type</b>	Black Maple				
<b># of Plants @ points per plant</b>	1 tree @ 30 pts				
<b>Total Points</b>	30 points				
<b>2. Plant Type</b>	Amur Maple				
<b># of Plants @ points per plant</b>	1 tree @ 20 pts				
<b>Total Points</b>	+ 20 points				
<b>3. Plant Type</b>	Chinese Lilac				
<b># of Plants @ points per plant</b>	2 shrubs @ 5 pts				
<b>Total Points</b>	+20 points				
<b>4. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>5. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>6. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>7. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>8. Plant Type</b>					
<b># of Plants @ points per plant</b>					
<b>Total Points</b>					
<b>TOTAL POINTS PROVIDED</b>	= 60 points				
<b>TOTAL POINTS REQUIRED</b>	60 points				

Village of Oregon Requirements Checklist for Landscaping for Landscaping for Paved Areas (Requirements per Section 17-607) through

Village of Oregon Requirements Checklist for Landscaping for Landscaping for Paved Areas (Requirements per Section 17-607)

### Village of Oregon Requirements Checklist for Landscaping for Landscaping for Paved Areas (Requirements per Section 17-607)

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

Plant Types (See Table 17-611 and Plant Classification Appendix)	Landscape Point Calculations per Paved Areas Requirements				
	Example for PB district: Area = 15,000 sf	Paved Area = _____ sf	Paved Area = _____ sf	Paved Area = _____ sf	Paved Area = _____ sf
Calculation of Landscape Pts Required per Paved Area in Specific Zoning District	Calculation Formula: ( _____ square feet of paved area , 10,000 square feet of paved area) x _____ points per 1,000 square feet of paved area in the _____ zoning district = _____ Total Points per Paved Area (See Table 17-607 for required number of points per zoning district)				
Total Points Required for Each Street Frontage	80 pts per 10,000 sf in PB = 120 pts				
1. Plant Type	Pfitzer Juniper				
# of Plants @ points per plant	5 plants @ 5 pts				
Total Points	20 points				
2. Plant Type	Japanese Yew				
# of Plants @ points per plant	2 shrubs @ 5 pts				
Total Points	+ 20 points				
3. Plant Type	Chinese Lilac				
# of Plants @ points per plant	5 shrubs @ 5 pts				
Total Points	+25 points				
4. Plant Type	Red Maple				
# of Plants @ points per plant	2 trees @ 30 pts				
Total Points	+ 60 points				
5. Plant Type					
# of Plants @ points per plant					
Total Points					
6. Plant Type					
# of Plants @ points per plant					
Total Points					
7. Plant Type					
# of Plants @ points per plant					
Total Points					
8. Plant Type					
# of Plants @ points per plant					
Total Points					
<b>TOTAL POINTS PROVIDED</b>	= 120 points				
<b>TOTAL POINTS REQUIRED</b>	120 points				

## **Village of Oregon Land Use Regulations Tables (Requirements per Section 17-206)**

### **How to Use the Land Use Tables**

- (1) **The land uses listed in** this appendix are specifically designated and refer to the detailed listing of land uses contained in Section 17-206 (Detailed Land Use Descriptions and Regulations).

(2) **Land Uses Permitted by Right:**

Land uses listed as permitted by right (designated as a “P”) are permitted per the general land use requirement of this Chapter (Section 17-205); per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the Official Zoning Map; per the general requirements of this Chapter including Section 17-908; and per any and all other applicable Village, County, State, and Federal regulations.

(3) **Land Uses Permitted as a Conditional Use:**

Land uses listed as a permitted conditional use (designated as a “C”) are subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17-206 (Detailed Land Use Descriptions and Regulations), including any additional requirements imposed as part of the conditional use process. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. (See also Section 17-905 for Conditional Use Procedures).

(4) **Land Uses Permitted as an Accessory Use:**

Land uses permitted as an accessory use are subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17-206 (Detailed Land Use Descriptions and Regulations).

(5) **Land Uses Permitted as a Temporary Use:**

Land uses listed as a permitted temporary use (designated as a “T”) are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17-206(9) (Detailed Land Use Descriptions and Regulations). (See also Section 17-206.)

- (6) Land Uses for which a blank space is shown for a specific zoning district are not permitted in such zoning district, except as legal nonconforming uses (per Section 17-207).

- (7) Although a land use may be indicated as permitted by right or permitted as a conditional use in a particular district, it does not follow that such a land use is permitted or permissible on every parcel in such district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this Chapter which are applicable to the specific land use and parcel in question, or unless an appropriate variance has been granted pursuant to Section 17-910.

**Tables of Land Uses (1)**

																Type of Land Use	
Rural Holding (RH)	Exurban Residential (ER-1)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (TR-5)	Single-family Residential (SR-6)	Two-Family Residential (TR-6)	Multi-Family Residential (MR-8)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	
<b>Dwelling Unit Types (See 17-206(1)(_)(_))</b>																	
P																	(a)(1) Single-Family Detached 35 acre lot
C	P																(a)(1) Single-Family Detached 40,000 sf lot
		P															(a)(1) Single-Family Detached 12,000 sf lot
			P														(a)(1) Single-Family Detached 9,600 sf lot
				P	C	P	P	P		P							(a)(1) Single-Family Detached 7,200 sf lot
					P												(a)(1) Single-Family Detached 4,200 sf lot
						P	P	C		C							(a)(2)&(3) Twin House/Duplex 5,800 sf/du
				C		C	P	C		C							(a)(4) Two-Flat 7,200 sf lot
					C												(a)(4) Two-Flat 6,000 sf lot
							P										(a)(5) Townhouse (3-4) 5,445 sf lot*
							C										(a)(5) Townhouse (5-8) 5,445 sf lot
							P										(a)(6) Multiplex (3-4) 5,445 sf/du
							C										(a)(6) Multiplex (5-8) 5,445 sf/du
							P										(a)(7) Apartment 3-4 5,445 sf/du
							C										(a)(7) Apartment 5-8 5,445 sf/du
						C											(d) Mobile Home Develop. 5,800 sf lot
						C											(e) Mobile Home Park 5,800 sf lot

(P): Land uses permitted by right (See page C-1)

(C): Land uses permitted as a conditional use (See page C-1)

**Tables of Land Uses (2) & (3)**

Rural Holding (RH)	Exurban Residential (ER-1)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-5)	Single-Family Residential (SR-6)	Two-Family Residential (TR-6)	Multi-Family Residential (MR-8)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	INSTITUTIONAL LAND USES
																	<b>Agricultural Uses (17-206(2)( ))</b>
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Cultivation
C																	(b) Husbandry
C																	(c) Intensive Agriculture
C														C			(d) Agricultural Services
P																	(e) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(f) Selective Cutting
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(g) Clear Cutting
																	<b>Institutional Uses (17-206(3)( ))</b>
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Passive Outdoor Public Recreational
P	P	P	P	P	P	P	P	P	P	P	P	P					(b) Active Outdoor Public Recreational
			C									C				C	(c) Indoor Institutional
C			C									C				C	(d) Outdoor Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(e) Public Services and Utilities
												C				C	(f) Institutional Residential
P	P	P	P	P	P	P	P	C		C						C	(g) Community Living Arrangement (1-8 res.)
	C	C	C	C	C	P	P	C	C	C						C	(h) Community Living Arrangement (9-15)
							C	C	C	C						C	(i) Community Living Arrangement (16+)

(P): Land uses permitted by right (See page C-1)

(C): Land uses permitted as a conditional use (See page C-1)

**Tables of Land Uses (4)**

Rural Holding (RH)	Exurban Residential (ER-1)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-5)	Single-Family Residential (SR-6)	Two-Family Residential (TR-6)	Multi-Family Residential (MR-8)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Commercial Uses (17-206(4)(L))</b>
								P	P	P	P	P	P	P	P	P	(a) Office
								P	P	P	P	P	P			P	(b) Personal or Professional Service
								C	C	P	P	P	C				(c) Indoor Sales or Service
											C						(d) Outdoor Display
										P	P	P	P	P	P		(e) Indoor Maintenance Service
															C		(f) Outdoor Maintenance Service
									C	C	C	C					(g) In-Vehicle Sales or Service
								C	C	C	C	C	C				(h) Indoor Commercial Entertainment
C											C						(i) Outdoor Commercial Entertainment
C											C						(j) Commercial Animal Boarding
									C		C	C					(k) Commercial Indoor Lodging
C	C	C	C	C	C	C	C	C	C	C	C	C					(l) Bed and Breakfast Establishments
						C	C	C	C	C	C	C	C	C		C	(m) Group Day Care Center (9+ children)
C																	(n) Campground
							C	C		C		C					(o) Boarding House
															C		(p) Sexually-Oriented Land Use
											C		C	C			(q) Vehicle Repair and Maintenance

(P): Land uses permitted by right (See page C-1)

(C): Land use permitted as a conditional use (See page C-1)



**Tables of Land Uses (5), (6), & (7)**

Rural Holding (RH)	Exurban Residential (ER-1)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-5)	Single-Family Residential (SR-6)	Two-Family Residential (TR-6)	Multi-Family Residential (MR-8)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Storage/Disposal (17-206(5)(_))</b>
													P		P		(a) Indoor Storage or Wholesaling
														C	P		(b) Outdoor Storage or Wholesaling
													C	C			(c) Personal Storage Facility
C															C		(d) Junkyard or Salvage Yard
C															C		(e) Waste Disposal Facility
C															C		(f) Composting Operation
																	<b>Transportation Uses (17-206(6)(_))</b>
												P		P	P		(a) Off-Site Parking Lot
C								C					C	C	C		(b) Airport/Heliport
														C	C		(c) Freight Terminal
													C	P	P		(d) Distribution Center
																	<b>Industrial Uses (17-206(7)(_))</b>
													P	P	P		(a) Light Industrial
															P		(b) Heavy Industrial
C													C	C	C		(c) Communication Tower
C																	(d) Extraction Use

(P): Land uses permitted by right (See page C-1)

(C): Land uses permitted as a conditional use (See page C-1)

**Tables of Land Uses (8)**

Rural Holding (RH)	Exurban Residential (ER-1)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-5)	Single-Family Residential (SR-6)	Two-Family Residential (TR-6)	Multi-Family Residential (MR-8)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Heavy Industrial (HI)	Type of Land Use
																	<b>Accessory Uses (17-206(8)(L))</b>
										C	C	P					(a) Upper Storey Dwelling Unit
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(b) Farm Residence
P	P	P	P	P	P/C	P	P	P	P	P	P	P	P	P	P	P	(c) Private Residential Garage or Shed
								P	P		P	P	P	P	P	P	(d) Company Cafeteria
								P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C	(e) Company-Provided On-Site Recreation
C											C						(f) Outdoor Display Incidental
									C	C	C	C	C	C	C	C	(g) In-Vehicle Sales and Service
										C			P	P	P		(h) Indoor Sales Incident to Light Ind. Use
											C	C					(i) Light Ind. Incident to Indoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(j) Home Occupation
P	P	P	P	P	P	P	P										(k) Family Day Care Home (4-8 children)
C	C	C	C	C	C	C	C										(l) Intermediate Day Care Home (9-15 children)
C															C		(m) Migrant Labor Camp
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(n) On-Site Parking Lot
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(o) Private Residential Recreational Facility
C	C																(p) Private Residential Kennel
C	C																(q) Private Residential Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(r) Drainage Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(s) Filling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(t) Lawn Care of Subject Property

Rural Holding (RH)	Exurban Residential (ER-1)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-5)	Single-Family Residential (SR-6)	Two-Family Residential (TR-6)	Multi-Family Residential (MR-8)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Heavy Industrial (HI)	Type of Land Use
C	C																(u) Septic Systems
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(v) Exterior Communication Devices
	C																(w) Caretaker's Residence
					P												(x) In-family Suite
					P												(y) Accessory Residential Unit

(P): Land uses permitted by right (See page C-1)

(C): Land uses permitted as a conditional use (See page C-1)

**Tables of Land Uses (9)**

Rural Holding (RH)	Exurban Residential (ER-1)	Single-Family Residential (SR-3)	Single-Family Residential (SR-4)	Single-Family Residential (SR-5)	Single-Family Residential (SR-6)	Two-Family Residential (TR-6)	Multi-Family Residential (MR-8)	Neighborhood Office (NO)	Planned Office (PO)	Neighborhood Business (NB)	Planned Business (PB)	Central Business (CB)	Planned Industrial (PI)	General Industrial (GI)	Heavy Industrial (HI)	Institutional (I)	Type of Land Use
																	<b>Temporary Uses (17-206(9)(_))</b>
										T	T	T					(a) General Temporary Outdoor Sales
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(b) Outdoor Assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(c) Contractor's Project Office
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(d) Contractor's On-Site Equipment Storage
								T	T	T	T	T	T	T	T	T	(e) Relocatable Building
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(f) On-Site Real Estate Sales Office
T	T									T	T	T	T				(g) Outdoor Sales of Farm Products

(T): Land uses permitted as a temporary use (See page C-1)

*Land Use Permitted in Permanently Protected Green Space Areas*      *through*      *Land Use Permitted in Permanently Protected Green Space Areas*

### Land Use Permitted in Permanently Protected Green Space Areas

Land Use	Permanently Protected Greenspace Areas					
	Floodplain	Shoreland- Wetland	Drainageway	Lakeshore	Woodland	Permanently Protected Green Space Outside Natural Resource Protection Overlay Zoning District
<b>(a) Cultivation</b>						C
<b>(b) Passive Outdoor Recreational</b>	P	P	P	P	P	P
<b>(c) Active Outdoor Recreational</b>	C					P
<b>(d) Outdoor Institutional</b>						P
<b>(e) Lawn Care (mow-feed-seed-weed)</b>	C		C	C	C	P
<b>(f) Golf Course</b>	C	C	C	C	C	P
<b>(g) Any Permitted Temporary Use</b>						P,T
<b>(h) Drainage Structure</b>	C	C	C	C	C	C
<b>(i) Filling</b>	C	C	C	C	C	C
<b>(j) Septic System</b>						C
<b>(k) Road, Bridge</b>	C	C	C	C	C	C
<b>(l) Utility Lines &amp; Related Facilities</b>	C	C	C	C	C	C
<b>(m) Piers and Wharfs</b>	C	C	C	C	C	C

**C:** Permitted as a Conditional Use per 17-206(10)

**T:** Permitted as a Temporary Use per 17-206(10)

**Village of Oregon Density and Intensity  
(Requirements per Articles I and II)**

**Key to Village of Oregon Residential Density Standards**

<b>Zoning District</b>	<b>Maximum Gross Density</b>	<b>Minimum Lot Area</b>
<p>regulates the type of uses permitted on the site.</p> <p>Section 17-105 describes each zoning district.</p> <p>Sections 17-205 and 17-206 provide detailed regulations applying to specific land uses. Zoning districts are depicted on the Official Zoning Map (see Section 17-103)</p>	<p>is the maximum number of dwelling units permitted on one acre of Gross Site Area in the specific Zoning District and Development Option. Gross Site Area is calculated in Section 17-303(3)(a).</p>	<p>is the minimum size lot permitted within the specified Zoning District and Development Option. This also limits the type of dwelling unit permitted. Specific dwelling unit regulations are given in Section 17-015.</p>

**Village of Oregon Residential Density Standards**

Zoning District	Maximum Gross Density (MGD)	Minimum Lot Area (MLA)	Minimum Landscape Surface Ratio (LSR)

**Minimum Landscape Surface Ratio**

is the minimum permitted percentage of the Gross Site Area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the GSA. GSA is calculated in Section 17-303(3)(a). "Landscaped area" is defined in Section 17-015.

## Village of Oregon Residential Density Standards

Zoning District	Maximum Gross Density (MGD)	Minimum Lot Area (MLA)	Minimum Landscape Surface Ratio (LSR)
Exurban Residential	1.00	40,000 sf	80%
Single-family Residential-3	3.50	12,000 sf	50%
Single-family Residential-4	4.50	9,600	50%
Single-family Residential-5	5.0	7,200	50%
Single-family Residential-6	6.0	4,000	30%
Two-family Residential-6	6.0	11,600 sf	50%
	6.0 du/acre	5,800 sf/du	50%
Multi-family Residential-8	8.0	5,445 sf	50%

**Key to Village of Oregon Nonresidential Intensity Standards**

**Zoning District**

regulates the type of uses permitted on the site.  
 Section 17-205 describes a detailed listing of all uses permitted in each Zoning District. Sections 17-205 and 17-206 provide detailed regulations applying to specific land uses. Zoning districts are depicted on the Official Zoning Map (see Section 17-103)

**Maximum Floor Area Ratio**

is calculated by dividing the total gross floor area of all buildings on a site by the Gross Site Area (GSA). Gross Floor Area is defined in Section 17-015.

**Maximum Building Size**

is the maximum total Gross Floor Area which a building is permitted to contain. Gross Floor Area is defined in Section 17-015.

**Village of Oregon Nonresidential Intensity Standards**

Zoning District	Max Number of Floors (F)	Min Landscape Surface Area Ratio	Max Floor Area Ratio (FAR)	Min Lot Area (MLA)	Max BLDG Size (MBS)

**Maximum Number of Floors**

is the maximum number of floors located at or above street grade a building is permitted to contain.

**Minimum Landscape Surface Area Ratio**

is the percentage of the Gross Site Area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the GSA. GSA is calculated in Section 17-303(3)(a). "Landscaped area" is defined in Section 17-015.

**Minimum Lot Area**

is the minimum size lot permitted in the specified Zoning District for a building with the listed number of floors.



*Village of Oregon Nonresidential Intensity Standards**through**Village of Oregon Nonresidential Intensity Standards***Village of Oregon Nonresidential Intensity Standards**

<b>Zoning District</b>	<b>Max Number of Floors (F)</b>	<b>Min Landscape Surface Ratio</b>	<b>Max Floor Area Ratio (FAR)</b>	<b>Min Lot Area (MLA)</b>	<b>Max BLDG Size (MBS)</b>
Neighborhood Office	2	40%	0.250	7,200 sf	na
Planned Office	4	25%	0.300	20,000 sf	na
Neighborhood Business	2	30%	0.25	7,200 sf	5,000 sf
Planned Business	4	25%	0.30	20,000 sf	na
Central Business	4	0%	3.000	1,000 sf	na
Planned Industrial	4	25%	0.600	20,000 sf or 7,200 w/ conditional use permit	na
General Industrial	4	15%	1.000	10,000 sf	na
Heavy Industrial	2 <sup>1</sup>	15%	1.000	7,200 sf	na
Institutional	3	25%	0.300	20,000 sf	na

<sup>1</sup> More floors may be allowed with a conditional use permit

**Village of Oregon Bulk Regulations (Requirements per Articles I and II)**

**Summary of Village of Oregon Residential Bulk Standards**

Zoning District ↓	Min Lot <sup>1</sup> Area (sq ft)	Min Lot Width (ft)	Minimum Setbacks						Min Dwelling Separation (ft)	Max Building Height	
			Front/ Street	Side to Home <sup>2</sup>		Rear to Home <sup>2</sup>	Side/Rear to Accessory building (ft)	Pavement side or rear/street (ft)		Home	Accessory Building
				Least Side	Sum of Sides						
Rural Holding	35 Acres	100	30	10	20	20	3/3 <sup>3</sup>	5/10	20	35	45
Exurban Res	40,000	100	30	10	20	20	3/3 <sup>3</sup>	5	20	35	45
Single-family Res-3	12,000	90	30	10	20	20	3/3 <sup>3</sup>	5/10	20	35	15
Single-family Res-4	9,600	80	30	10	20	20	3/3 <sup>3</sup>	5/10	12	35	15
Single-family Res-5	7,200	60	30	6	14	20	3/3 <sup>3</sup>	5/10	12	35	15
Single-family Res-6	4,000	40 <sup>4</sup>	20	5	12	20	5/5	5/10	12	35	25
Two-family Res-6	11,600 sf or 5,800 per du	80 or 40 for twin home	30	10 <sup>6</sup>	20 <sup>6</sup>	20	3/3 <sup>3</sup>	5/10	20	35	15
Multi-family Res-8	5,445	60 <sup>5</sup>	30	10 <sup>6</sup>	20 <sup>6</sup>	20	3/3 <sup>3</sup>	5/10	20	35	15
Neighborhood Office <sup>7</sup>	See footnote #7	-	-	-	-	-	-	-	-	-	-
Planned Office	-	-	-	-	-	-	-	-	-	-	-
Neighborhood Business <sup>7</sup>	See footnote #7	-	-	-	-	-	-	-	-	-	-
Planned Business	-	-	-	-	-	-	-	-	-	-	-
Central Business <sup>8</sup>	See footnote #8	-	-	-	-	-	-	-	-	-	-

<sup>1</sup>Measured from existing or officially mapped right-of-way line, whichever is farthest from the center line of the street.

<sup>2</sup>Additional setbacks may be required along zoning district boundaries. See Section 17-610.

<sup>3</sup>Accessory buildings shall be 3 feet from the property line; 5 feet from an alley.

<sup>5</sup>20 feet for townhouse on interior of row, 30 feet for townhouse on end of row, 80 feet for apartment or multiplex, Add 10 feet for corner lots

<sup>4</sup>50 feet for corner lot

<sup>6</sup>0 feet along common wall

<sup>7</sup>For single-family homes see the SR-5 District. For two-family homes see the TR-6 District

<sup>8</sup>For institutional residential development, see the Mr-8 District

**Village of Oregon Nonresidential Bulk Standards**

Zoning District	Min Lot Area (sq ft)	Min Lot Width (ft)	Minimum Setbacks						Minimum Building Separation	Maximum Building Height
			Front/Street (ft)	Side From		Rear (ft)	Side/Rear from Acc (ft)	Pavement side or rear/street (ft)		
				Res (ft)	Non-Res (ft)					
Rural Holding <sup>1</sup>	40,000	100	35	50	50	50	3/3 <sup>2</sup>	5/10	100	35
Exurban Res <sup>1</sup>	40,000	100	25	30	30	30	3/3 <sup>2</sup>	5/10	60	35
Single-family Res-3 <sup>1</sup>	40,000	100	30	10	10	20	3/3 <sup>2</sup>	5/10	20	35
Single Family Res-4 <sup>1</sup>	40,000	100	30	10	10	20	3/3 <sup>2</sup>	5/10	20	35
Single-Family Res-5 <sup>1</sup>	40,000	100	30	10	10	20	3/3 <sup>2</sup>	5/10	20	35
Single-Family Res-6 <sup>1</sup>	40,000	100	30	10	10	20	5/5	5/10	20	35
Two-Family Res-6 <sup>1</sup>	40,000	100	30	10	10	20	3/3 <sup>2</sup>	5/10	20	35
Multi-Family Res-8 <sup>1</sup>	40,000	100	25 <sup>3</sup>	10	10	20	3/3 <sup>2</sup>	5/10	20	35
Institutional <sup>1</sup>	20,000	100	25	10	10 <sup>4</sup>	30	3/3 <sup>2</sup>	5/10	20 <sup>4</sup>	35
Neighborhood Office	7,200	60	30	10	10	20	3/3 <sup>2</sup>	5/10	20	35
Planned Office	20,000	100	25	10	10	30	3/3 <sup>2</sup>	5/10	20 <sup>4</sup>	45
Neighborhood Business	7,200	60	30	10	10	20	3/3 <sup>2</sup>	5/10	20	35
Planned Business	20,000	100	25	10	10 <sup>4</sup>	30	3/3 <sup>2</sup>	5/10	20 <sup>4</sup>	45
Central Business	1,000	20	Maximum setback of 0 feet, except per Plan Commission as a component of site design.			10	3/3 <sup>2</sup>	Maximum setback of 0 feet, except per Plan Commission as a component of site design	Maximum setback of 0 feet, except per Plan Commission as a component of site design	45; minimum is 20 ft; minimum 2 stories
Planned Industrial	20,000	100	15	10 <sup>5</sup>	10	10 <sup>5</sup>	3/3 <sup>2</sup>	5/10	20	45
General Industrial	10,000	100	15	25	10	25/10	3/3 <sup>2</sup>	5/10	20	60
Heavy Industrial	7,200	100	25	50	20	40	3/3 <sup>2</sup>	5/10	40	35

<sup>1</sup>Bulk requirements for institutional uses, such as churches and schools, in agricultural and residential districts.  
<sup>2</sup>Accessory buildings shall be 3 feet from the property line; 5 feet from an alley.  
<sup>3</sup>40 feet for lot adjacent to a street Officially Mapped as being equal to or exceeding 100 feet  
<sup>4</sup>Zero feet where property line divides attached buildings.  
<sup>5</sup>For building to residential lot line, 50 feet if an opaque screen at least 5 feet tall is not placed on the entire lot line abutting the residential district

**Process for Residential and Nonresidential Proposal Review**

Procedure	Type of Proposal		
	Renovation <sup>1</sup>	Design <sup>2</sup>	Project <sup>3</sup>
1. Optional meeting with Plan Commission to discuss proposal	No	Optional	Recommended
2. Submit zoning permit application to the Zoning Administrator, including:	Yes	Yes	Yes
a. Color photos/drawings of existing property, with close-ups of details	Yes	Yes	Yes
b. Drawings/depictions of proposed changes to the site & bldg. exterior	Yes	Yes	Yes
c. For new projects or additions ≥ 100 sf, provide Site Plan including: 1) Title block with name of current property owner and Applicant; 2) Date of original plan graphic and date of most recent revision; 3) North arrow and graphic scale; 4) Property lines and right-of-way lines (with distances & bearings); 5) Easements; 6) Existing and proposed buildings, structures and paved areas; 7) Required building setback lines; 8) Legal description of the property; 9) Location, size, type and orientation of all exterior signage; 10) Location, type and orientation of all exterior lighting; 11) Location of all vehicle access drives, circulation areas, loading areas and parking stalls; 12) Location of all outdoor storage and display areas (including trash facilities); 13) Location and purpose of all drainage facilities; 14) Location of all permanent green space areas; and, 15) Site Summary Data: Lot Area, Floor Area, Floor Area Ratio, Impervious Surface Area, Impervious Surface Ratio	No	No	Yes
d. Landscaping Plan showing the location, size and type of plants	No	No	Yes
e. Written description of proposal, including exterior materials & colors	Yes	Yes	Yes
f. Written justification of proposal answering: How does the proposal comply with the design standards?	Yes	Yes	Yes
3. Review and action by the Zoning Administrator/Village Staff	Yes	Yes	Yes
4. Review and action by the Historic Preservation Commission on aesthetics	No	Yes	Yes
5. Review and action by the Plan Commission on site design	No	No	Yes
6. If proposal is approved: a. Record documents with Register of Deeds; b. Work must start within 365 days and be complete within 730 days; c. Conditions of approval run with the property. If the proposal is denied: It may not be resubmitted for 12 months.	Yes	Yes	Yes
<b>KEY:</b> Yes: Step is required.                    No: Step is not required. <sup>1</sup> Only a renovation of the exterior appearance of a property. <sup>2</sup> Only a change in the appearance of a property. <sup>3</sup> Modification to the physical configuration of a property.			

Village of Oregon Procedural Checklist for Amendment of Zoning Regulations (Requirements per Section 17-902)

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Zoning Ordinance text and by the Village to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the Village when processing said application.

I. Record of Administrative Procedures for Village Use

Pre-submittal staff meeting scheduled

Date of Meeting: Time of Meeting: Date: By:

Follow-up staff meetings scheduled

Date of Meeting: Time of Meeting: Date: By:

Date of Meeting: Time of Meeting: Date: By:

Date of Meeting: Time of Meeting: Date: By:

Application form filed with Zoning Administrator Date: By:

Application fee of \$ received by Village Treasurer Date: By:

Reimbursement of professional consultant costs agreement executed: Date: By:

II Application Submittal Packet Requirements For Village and Applicant Use

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 copies to Zoning Administrator) Date: By:

Draft Final Packet (1 copy to Zoning Administrator) Date: By:

Downward arrows indicating flow

(a) A copy of the provisions of the current Zoning Ordinance which are to be amended:

With said provisions clearly indicated in a manner which is clearly reproducible with a photocopier.

(b) A copy of the text which is proposed to replace the current text.

(c) Written justification for the proposed text amendment

Indicating reasons why the Applicant believes the proposed text amendment is in harmony with the recommendations of the Village of Oregon Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 17-902(4)(c)1.-5.

(See following page for part III)

**III Justification of the Proposed Zoning Ordinance Amendment for Applicant Use**

- 1. How does the proposed Official Zoning Ordinance amendment further the purposes of the Zoning Ordinance as outlined in Section 17-005?

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- 2. How does the proposed text amendment further the purposes of the general Article in which the amendment is proposed to be located?

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- 3. How does the proposed text amendment further the purposes of the specific Section in which the amendment is proposed to be located?

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- 4. Which of the following has arisen that are not properly addressed in the current zoning text?

- a. The provisions of the Zoning Ordinance should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.)
- b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
- c. New methods of development or providing infrastructure make it necessary to alter the Zoning Ordinance to meet these new factors.
- d. Changing governmental finances require amending the Zoning Ordinance to meet the needs of the government in terms of providing and affording public services.

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- 5. If the proposed text amendment is concerned with the provisions of Articles II and/or III: how does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

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**(See following page for part IV)**

**IV. Final Application Packet Information for Village Use**

- Receipt of final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Receipt of 20 copies of final application by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Certification of complete final application packet and required copies to Zoning Administrator by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Property Owners (within 300 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Township Clerks (within 1,000 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice sent to official newspaper by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice published on \_\_\_\_\_ and \_\_\_\_\_** Date: \_\_\_\_\_ By: \_\_\_\_\_

## Village of Oregon Procedural Checklist for Amendment of Official Zoning Map (Requirements per Section 17-903)

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Official Zoning Map *and* by the Village to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the Village when processing said application.

### I. Record of Administrative Procedures for Village Use

Presubmittal staff meeting scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Follow-up staff meetings scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Application form filed with Zoning Administrator Date: \_\_\_\_\_ By: \_\_\_\_\_

Application fee of \$\_\_\_\_\_ received by Village Treasurer Date: \_\_\_\_\_ By: \_\_\_\_\_

Reimbursement of professional consultant costs agreement executed: Date: \_\_\_\_\_ By: \_\_\_\_\_

### II Application Submittal Packet Requirements for Village and Applicant Use

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 copies to Zoning Administrator) Date: \_\_\_\_\_ By: \_\_\_\_\_

↓ Draft Final Packet (1 copy to Zoning Administrator) Date: \_\_\_\_\_ By: \_\_\_\_\_

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(a) **A copy of the Current Zoning Map of the subject property and vicinity:**

- Showing all lands for which the zoning is proposed to be amended.
- Showing all other lands within 300 feet of the subject property.
- Referenced to a list of the names and addresses of the owners of said lands.
- Map and all its parts are clearly reproducible with a photocopier.
- Map size of 11" by 17" and map scale not less than one inch equals 800 ft.
- All lot dimensions of the subject property provided.
- Graphic scale and north arrow provided.

(b) **A copy of the Land Use Plan Map of the subject property and vicinity.**

(c) **Written justification for the proposed text amendment**

- Indicating reasons why the Applicant believes the proposed map amendment is in harmony with the recommendations of the Village of Oregon Master Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 17-903(4)(c)1.-3.

(See following page for part III)



**III Justification of the Proposed Zoning Map Amendment for Applicant Use**

- 6. How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 17-005 (and, for floodplains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA))?

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- 7. Which of the following has arisen that are not properly addressed in the current Official Zoning Map? (Please provide explanation in space below.)
  - a. The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan.
  - b. A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading.
  - c. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
  - d. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.

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- 8. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

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**(See following page for part IV)**

**IV. Final Application Packet Information for Village Use**

- Receipt of 5 full-scale copies in blueline or blackline of complete final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Receipt of 20 reduced (8.5” by 11” text and 11” by 17” graphics) copies of final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Certification of complete final application packet and required copies to Zoning Administrator by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Property Owners (within 300 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Township Clerks (within 1,000 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice sent to official newspaper by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice published on \_\_\_\_\_ and \_\_\_\_\_** Date: \_\_\_\_\_ By: \_\_\_\_\_

Village of Oregon Procedural Checklist for Conditional Use Review and Approval (Requirements per Section 17-905)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a conditional use and by the Village to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the Village when processing said application.

I. Record of Administrative Procedures for Village Use

Presubmittal staff meeting scheduled

Date of Meeting: Time of Meeting: Date: By:

Follow-up staff meetings scheduled

Date of Meeting: Time of Meeting: Date: By:

Date of Meeting: Time of Meeting: Date: By:

Date of Meeting: Time of Meeting: Date: By:

Date of Meeting: Time of Meeting: Date: By:

Application form filed with Zoning Administrator Date: By:

Application fee of \$ received by Village Treasurer Date: By:

Reimbursement of professional consultant costs agreement executed: Date: By:

II Application Submittal Packet Requirements for Village and Applicant Use

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 copies to Zoning Administrator) Date: By:

Draft Final Packet (1 copy to Zoning Administrator) Date: By:

Downward arrows indicating flow

(a) A map of the proposed conditional use:

- Showing all lands for which the zoning is proposed to be amended.
Showing all other lands within 300 feet of the boundaries of the subject property.
Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Dane County (as provided by the Village of Oregon).
Map and all its parts are clearly reproducible with a photocopier.
Map size of 11" by 17" and map scale not less than one inch equals 800 ft.
All lot dimensions of the subject property provided.
Graphic scale and north arrow provided.

(b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole.

- (c) **A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations**
- (d) **A site plan (conforming to the requirements of Section 17-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a group or large development (per Section 17-220) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 17-908.**
- (e) **Written justification for the proposed conditional use:**
  - Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the Village of Oregon Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 17-905(4)(b)1.-6.

**III Justification of the Proposed Zoning Ordinance Amendment for Applicant Use**

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the Village of Oregon Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. How is the proposed conditional use, in its specific location, in harmony with the purposes, goals, objectives, policies and standards of the Village of Oregon Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 17-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

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- 5. Is the proposed conditional use located in an area that will be adequately served by and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

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- 6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 17-905(4)(b)1.5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

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**IV. Final Application Packet Information for Village Use**

- Receipt of 5 full-scale copies in blue-line or blackline of complete final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Certification of complete final application packet and required copies to Zoning Administrator by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Property Owners (within 300 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Township Clerks (within 1,000 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice sent to official newspaper by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice published on \_\_\_\_\_ and \_\_\_\_\_** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Conditional Use recorded with the County Register of Deeds Office**

## Village of Oregon Procedural Checklist for Temporary Use Review and Approval (Requirements per Section 17-906)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a temporary use *and* by the Village to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - III are to be used by the Village when processing said application.

### I. Recordation of Administrative Procedures for Village Use

Presubmittal staff meeting scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Follow-up staff meeting scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Application form filed with Zoning Administrator

Date: \_\_\_\_\_ By: \_\_\_\_\_

Application fee of \$\_\_\_\_\_ received by Zoning Administrator

Date: \_\_\_\_\_ By: \_\_\_\_\_

Reimbursement of professional consultant costs agreement executed: Date: \_\_\_\_\_ By: \_\_\_\_\_

### II Application Submittal Packet Requirements for Applicant Use

The Applicant shall submit an application packet for staff review which includes the following information:

Application Packet (1 copy to Zoning Administrator)

Date: \_\_\_\_\_ By: \_\_\_\_\_

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(a) A map of the subject property:

- Showing all lands for which the temporary use is proposed.
- Showing all other lands within 300 feet of the boundaries of the subject property.
- Indicating current zoning of the subject property and environs, and the jurisdiction(s) which maintains that control.
- Map and all its parts are clearly reproducible with a photocopier.
- Map scale not less than one inch equals 800 feet.
- All lot dimensions of the subject property provided.
- Graphic scale and north arrow provided.

(b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Village as a whole.

(c) A written description of the proposed temporary use:

- Describing the type of activities, buildings and structures proposed for the subject property and their general locations.

(d) A site plan of the subject property as proposed for development confirming to all requirements of Section 17-908(3). (See "Site Plan Approval" checklist.)

### III. Final Application Packet Information for Village Use

Certification of complete application by Zoning Administrator

Date: \_\_\_\_\_ By: \_\_\_\_\_

## Village of Oregon Procedural Checklist for Site Plan Review and Approval (Requirements per Section 17-908)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a site plan review and by the Village to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - III are to be used by the Village when processing said application.

### I. Record of Administrative Procedures for Village Use

Presubmittal staff meeting scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Follow-up pre-submittal staff meetings scheduled

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_ Time of Meeting: \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

Application form filed with Village Treasurer Date: \_\_\_\_\_ By: \_\_\_\_\_

Application fee of \$\_\_\_\_\_ received by Zoning Administrator Date: \_\_\_\_\_ By: \_\_\_\_\_

Reimbursement of professional consultant costs agreement executed: Date: \_\_\_\_\_ By: \_\_\_\_\_

### II Application Submittal Packet Requirements for Applicants Use

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 copies to Zoning Administrator) Date: \_\_\_\_\_ By: \_\_\_\_\_

↓ Draft Final Packet (1 copy to Zoning Administrator) Date: \_\_\_\_\_ By: \_\_\_\_\_

↓ ↓

**(a) A written description of the intended use describing in reasonable detail the following:**

- Existing zoning district(s) (and proposed zoning district(s) if different).
- Land use plan map designation(s).
- Current land uses present on the subject property.
- Proposed land uses for the subject property (per Section 17-206).
- Projected number of residents, employees, and daily customers.
- Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio.
- Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation.
- Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 17-701 through 721)

including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials.

- If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII".
  - Exterior building and fencing materials (Sections 17-718 and 17-720).
  - Possible future expansion and related implications for points above.
  - Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (b) A Small Location Map at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Village's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)**
- (c) A Property Site Plan drawing which includes the following:**
- A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project.
  - The date of the original plan and the latest date of revision to the plan.
  - A north arrow and a graphic scale (not smaller than one inch equals 100 feet).
  - A reduction of the drawing at 11" x 17".
  - A legal description of the subject property.
  - All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
  - All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
  - All required building setback lines.
  - All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
  - The location and dimension (cross-section and entry throat) of all access points onto public streets.
  - The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance.
  - The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
  - The location of all outdoor storage areas and the design of all screening devices.
  - The location, type, height, size and lighting of all signage on the subject property.
  - The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property—including the clear demonstration of compliance with Section 17-707.
  - The location and type of any permanently protected green space areas.
  - The location of existing and proposed drainage facilities.
  - In the legend, data for the subject property on the following
    - a. Lot Area



- b. Floor Area
- c. Floor Area Ratio (b/a)
- d. Impervious Surface Area
- e. Impervious Surface Ratio (d/a)
- f. Building height

- (d) A Detailed Landscaping Plan of the subject property:**
  - Scale same as main plan (> or equal to 1" equals 100').
  - Map reduction at 11" x 17".
  - Showing the location of all required bufferyard and landscaping areas.
  - Showing existing and proposed Landscape Point fencing.
  - Showing berm options for meeting said requirements.
  - Demonstrating complete compliance with the requirements of Article VI.
  - Providing individual plant locations and species, fencing types and heights, and berm heights.
- (e) A Grading and Erosion Control Plan:**
  - Scale same as main plan (> or equal to 1" equals 100').
  - Map reduction at 11" x 17"
  - Showing existing and proposed grades including retention walls and related devices, and erosion control measures.
- (f) Elevation Drawings of proposed buildings or remodeling of existing buildings:**
  - Showing finished exterior treatment.
  - With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance.
  - Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

**NOTE:** Initiation of Land Use or Development Activity: Absolutely 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 law and shall be subject to all applicable enforcement mechanisms and penalties.

**NOTE:** Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 17-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

**III. Final Application Packet Information for Village Use**

- Receipt of 5 full-scale copies in blue-line or blackline of complete Final Application Packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of complete final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_

## Village of Oregon Procedural Checklist for Variance Review and Approval (Requirements per Section 17-910)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a variance *and* by the Village to process said application. Part II is to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the Village as a guide when processing said application.

### I. Recordation of Administrative Procedures for Village Use

Presubmittal staff meeting scheduled

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Follow-up pre-submittal staff meetings scheduled

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Application form filed with Zoning Administrator **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Application fee of \$\_\_\_\_\_ received by Village Treasurer **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Reimbursement of professional consultant costs agreement executed: **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

### II Application Submittal Packet Requirements for Applicants Use

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

*Initial Packet (5 copies to Zoning Administrator)*

*Date:* \_\_\_\_\_ *By:* \_\_\_\_\_

↓ *Draft Final Packet (1 copy to Zoning Administrator)*

*Date:* \_\_\_\_\_ *By:* \_\_\_\_\_

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**(a) A map of the subject property:**

- Showing all lands for which the variance is proposed.
- Showing all other lands within 300 feet of the subject property.
- Referencing a list of names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as determined by the Village of Oregon).
- Indicating current zoning of the subject property and environs, and the jurisdiction(s) which maintains that control.
- Map and all its parts are clearly reproducible with a photocopier.
- Map scale not less than one inch equals 800 feet.
- All lot dimensions of the subject property provided.
- Graphic scale and north arrow provided.

**(b) A map, such as the Land Use Plan Map, of the generalized location of the subject property to the Village as a whole**

**(c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property**

- (d) A site plan of the subject property as proposed for development conforming to all requirements of Section 17-908(3). (See "Site Plan Approval checklist")
- (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 17-910(4)(c)1.-6. (See part III below.)

**III Justification of the Proposed Variance for Village Use**

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district.
  - a. Describe the hardship or difficulty that is peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.

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- NOTES:**
- ? Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
  - ? Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships
  - ? Violations by, or variances granted to, neighboring properties shall not justify a variance
  - ? The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

2. In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

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3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

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4. Would the granting of the proposed variance as depicted on the required site plan (see (d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

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5. Have the factors which present the reason for the proposed variance been created by the act of the Applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of the Zoning Ordinance (see Section 17-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of the Ordinance and were not created by action of the Applicant, a previous property owner, or their agent.

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6. Does the proposed variance involve the regulations of Section 17-203 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

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**IV. Final Application Packet Information for Village Use**

- Receipt of Final Application Packet by Zoning Administrator**                      **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_
- Receipt of 20 copies of final applications by Zoning Administrator**                      **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_
- Certification of complete Final Application Packet and required copies to the Zoning Administrator by Village Clerk**                      **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_
- Notified Neighboring Property Owners (within 300 feet)**                      **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_
- Notified Neighboring Township Clerks (within 1,000 feet)**                      **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_
- Class 2 legal notice sent to official newspaper by Village Clerk**                      **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_
- Class 2 legal notice published on \_\_\_\_\_ and \_\_\_\_\_**                      **By:** \_\_\_\_\_

## Village of Oregon Procedural Checklist for Planned Development Review and Approval (Requirements per Section 17-910)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a planned development *and* by the Village to process said application. Parts II, III, V, VII are to be used by the Applicant to submit a complete application; Parts I - VIII are to be used by the Village as a guide when processing said application.

### I. Recordation of Administrative Procedures for Village Use

Presubmittal staff meeting scheduled

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Follow-up pre-submittal staff meetings scheduled

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

**Date of Meeting:** \_\_\_\_\_ **Time of Meeting:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Application form filed with Zoning Administrator **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Application fee of \$\_\_\_\_\_ received by Zoning Administrator **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

Reimbursement of professional consultant costs agreement executed: **Date:** \_\_\_\_\_ **By:** \_\_\_\_\_

### II. Application Submittal Packed Requirements for Applicants Use

#### PD Process Step 1: Pre-application

Step 1 does not require the submittal of an application packet; however, Steps 2-4 do require submittal of all draft and final application packets to the Zoning Administrator prior to Plan Commission review.

**A.** Contact the Zoning Administrator to place an informal discussion item for the PD on the Plan Commission agenda. No details beyond the name of the Applicant and the identification of the discussion item as a PD is required to be given in the agenda.

**B.** Engage in an informal discussion with the Plan Commission regarding the potential PD. Appropriate topics may include: location, project themes and images, general mix of dwelling unit types and/or land uses being considered, approximate residential densities, and non-residential intensities, general treatment of natural features, general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan.

**NOTE:** Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step.

**III. Application Submittal Packet Requirements for Applicants Use****PD Process Step 2: Concept Plan**

Prior to submitting the 20 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 copies to Zoning Administrator)

Date: \_\_\_\_\_ By: \_\_\_\_\_

↓ Draft Final Packet (1 copy to Zoning Administrator)

Date: \_\_\_\_\_ By: \_\_\_\_\_

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- A.** Provide Zoning Administrator with draft PD Concept Plan Submittal Packet for determination of completeness prior to placing the proposed PD on the Plan Commission agenda for Concept Plan review. The submittal packet shall contain all of the following items:
  - (1)** A *location map* of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Village of Oregon Land Use Plan Map.
  - (2)** A *general written description* of proposed PD including the following:
    - General project themes and images.
    - The general mix of dwelling unit types and/or land uses.
    - Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio.
    - The general treatment of natural features.
    - The general relationship to nearby properties and public streets.
    - The general relationship of the project to the Master Plan.
    - An initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
  - (3)** A *written description* of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
    1. Land Use Exemptions
    2. Density and Intensity Exemptions
    3. Bulk Exemptions
    4. Landscaping Exceptions
    5. Parking and Loading Requirements Exceptions
  - (4)** A *conceptual plan drawing* (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.

**IV. Final Application Packet Information for Village Use****PD Process Step 2: Concept Plan**

- Receipt of 5 full scale copies in blueline or blackline of complete final application packet by Zoning Administrator Date: \_\_\_\_\_ By: \_\_\_\_\_
- Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of complete final application packet by Zoning Administrator Date: \_\_\_\_\_ By: \_\_\_\_\_
- Certification of complete Final Application Packet and required copies to the Zoning Administrator by Village Clerk Date: \_\_\_\_\_ By: \_\_\_\_\_

**V. Application Submittal Packet Requirements for Village Use****PD Process Step 3: General Development Plan (GDP)**

Prior to submitting the 20 complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 copies to Zoning Administrator)

Date: \_\_\_\_\_ By: \_\_\_\_\_

↓ Draft Final Packet (1 copy to Zoning Administrator)

Date: \_\_\_\_\_ By: \_\_\_\_\_

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- A.** Provide Zoning Administrator with a draft GDP Submittal Packet for determination of completeness prior to placing the proposed PD on the Plan Commission agenda for GDP review. The submittal packet shall contain all of the following items:
- (1) A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Village of Oregon Land Use Plan Map.
- (2) A map of the subject property for which the PD is proposed:
- Showing all lands within 300 feet of the boundaries of the subject property.
  - Referenced to a list of the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as provided by the Village of Oregon).
  - Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
  - Map and all its parts clearly reproducible with a photocopier.
  - Map size of 11" x 17" and map scale not less than one inch equals 800 feet.
  - All lot dimensions of the subject property provided.
  - Graphic scale and north arrow provided.
- (3) A general written description of proposed PD including:
- General project themes and images.
  - The general mix of dwelling unit types and/or land uses.
  - Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio.
  - The general treatment of natural features.
  - The general relationship to nearby properties and public streets.



- The general relationship of the project to the Master Plan.
- A statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.
- A complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
  1. Land Use Exemptions.
  2. Density and Intensity Exemptions.
  3. Bulk Exemptions.
  4. Landscaping Exceptions.
  5. Parking and Loading Requirements Exceptions.
- (4)** *A General Development Plan Drawing* at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
  - A conceptual plan drawing (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.
  - Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use.
  - Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Village Board.
  - Notations relating the written information provided in (3), above to specific areas on the GDP Drawing.
- (5)** *General conceptual landscaping plan* for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Ordinance (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.
- (6)** *A general signage plan* for the project, including all
  - Project identification signs.
  - Concepts for public fixtures and signs (street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.
- (7)** *Written justification* for the proposed Planned Development. (*See Section 17-905 for requirements of the conditional use procedure.*)

**VI. Final Application Packet Information for Applicant Use**

**PD Step 3: General Development Plan (GDP)**

The process for review and approval of the PD shall be identical to that for conditional use permits per Section 17-905 of the Zoning Ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. All portions of an approved PD/GDP not fully developed within five years of final Village Board approval shall expire, and no additional PD-based development shall be permitted. The Village Board may extend this five years period by up to five additional years via a majority vote following a public hearing.

- Receipt of 5 full scale copies in blue/line or black/line of complete final application packet by Zoning Administrator Date: \_\_\_\_\_ By: \_\_\_\_\_
- Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of complete final application packet by Zoning Administrator Date: \_\_\_\_\_ By: \_\_\_\_\_
- Certification of complete Final Application Packet and required copies to the Zoning Administrator by Village Clerk Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Property Owners (within 300 feet) Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Township Clerks (within 1,000 feet) Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice sent to official newspaper by Village Clerk Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice published on \_\_\_\_\_ and \_\_\_\_\_ Date: \_\_\_\_\_ By: \_\_\_\_\_

**VII. Application Submittal Requirements for Applicant Use**

**PD Step 4: Specific Implementation Plan (SIP)**

Prior to submitting the 20 complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

- Initial Packet (5 copies to Zoning Administrator) Date: \_\_\_\_\_ By: \_\_\_\_\_
- ↓ Draft Final Packet (1 copy to Zoning Administrator) Date: \_\_\_\_\_ By: \_\_\_\_\_
- ↓ ↓

- A.** After the effective date of the rezoning to PD/GDP, the Applicant may file an application for the proposed SIP with the Plan Commission. This submittal packet shall contain the following items, prior to its acceptance by the Zoning Administrator and placing the item on the Plan Commission agenda for SIP review.
  - (1) A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Village of Oregon Land Use Plan Map.
  - (2) A map of the subject property for which the PD is proposed:
    - Showing all lands within 300 feet of the boundaries of the subject property.
    - Referenced to a list of the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Dane County (as provided by the Village of Oregon);
    - Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - Map and all its parts clearly reproducible with a photocopier.

- Map size of 11" by 17" and map scale not less than one inch equals 800 feet.
- All lot dimensions of the subject property provided.
- Graphic scale and north arrow provided.
- (3) A *general written description* of proposed SIP, including:
  - Specific project themes and images.
  - The specific mix of dwelling unit types and/or land uses.
  - Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio.
  - The specific treatment of natural features.
  - The specific relationship to nearby properties and public streets.
  - A Statement of Rationale as to why PD zoning is proposed identifying perceived barriers in the form of requirements of standard zoning districts and opportunities for community betterment through the proposed PD zoning.
  - A complete list of zoning standards which will not be met by the proposed SIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed SIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- (4) A *Specific Implementation Plan Drawing* at a minimum scale of 1"=100' (and reduced to 11" x 17") of the proposed project showing at least the following information in sufficient detail: (*See following page*)
  - A SIP site plan conforming to all requirements of Section 17-908(3). If the proposed PD is a group or large development (per Section 17-220) also provide a proposed preliminary plat or conceptual plat.
  - Location of recreational and open space areas and facilities specifically describing those that are to be reserved or dedicated for public acquisition and use.
  - Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Village Board.
  - Notations relating the written information (3), above to specific areas on the GDP Drawing.
- (5) A *landscaping plan* for subject property, specifying the location, species, and installed size of all trees and shrubs. Include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
- (6) A series of *building elevations* for the entire exterior of all buildings in the PD, including detailed notes as to the materials and colors proposed.
- (7) A *general signage plan* including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group or large development signage themes which are proposed to vary from Village standards or common practices.

- (8)** *A general outline of the intended organizational structure* for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
- (9)** *A written description* which demonstrates the full consistency of the proposed SIP with the approved GDP.
- (10)** *A written description* of any and all variations between the requirements of the applicable PD/GDP zoning district and the proposed SIP development
- (11)** *Proof of financing capability* pertaining to construction and maintenance and operation of public works elements of the proposed development.

**VIII. Final Application Packet Information for Applicant Use**

**PD Step 4: Specific Implementation Plan (SIP)**

The process for review and approval of the PD shall be identical to that for conditional use permits per Section 17-905 of the Zoning Ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. All portions of an approved PD/SIP not fully developed within five years of final Village Board approval shall expire, and no additional PD-based development shall be permitted. The Village Board may extend this five years period by up to five additional years via a majority vote following a public hearing.

- Receipt of 5 full scale copies in blue/line or black/line of complete final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of complete final application packet by Zoning Administrator** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Certification of complete Final Application Packet and required copies to the Zoning Administrator by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Property Owners (within 300 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Notified Neighboring Township Clerks (within 1,000 feet)** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice sent to official newspaper by Village Clerk** Date: \_\_\_\_\_ By: \_\_\_\_\_
- Class 2 legal notice published on \_\_\_\_\_ and \_\_\_\_\_** Date: \_\_\_\_\_ By: \_\_\_\_\_