

- (d) The maintenance and repair of any nonconforming boathouse which extends beyond the ordinary high water mark shall comply with Wis. Stats. §30.121.

28.104 TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT.

(1) Statement of Purpose.

The TOD District is intended to support investment in and use of public transit. It does this by fostering development that intensifies land use and economic value around transit stations and by promoting a mix of uses that will enhance the livability of station areas.

The district is also intended to:

- (a) Provide increased mobility choices.
- (b) Improve pedestrian connections, traffic and parking conditions;
- (c) Reduce parking requirements by encouraging shared parking and alternative modes of transportation.
- (d) Foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.

(2) Applicability.

The TOD District is an overlay district that may be applied around an identified transit stop or station, as determined by a station area plan. Boundaries shall be as shown on the zoning map.

(3) Relationship to Other Regulations.

Properties located within a TOD overlay district are subject to the provisions of the primary zoning district and the TOD overlay district. Where the provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall apply.

(4) Prohibited Uses.

The following uses are prohibited in the TOD district:

- (a) Auto body shop
- (b) Auto service station, convenience market
- (c) Auto repair station
- (d) Auto sales or rental
- (e) Car wash
- (f) Storage facility, personal indoor storage

(5) Minimum Intensity and Frontage Use.

The following standards shall apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. These standards may be modified or waived based on an adopted station area plan that establishes more specific requirements.

- (a) New buildings shall be a minimum of two (2) stories in height.
- (b) Floor area ratio (FAR) for nonresidential and/or mixed-use buildings shall be a minimum of 1.0. Public gathering spaces, outdoor seating areas and areas for public art may be counted towards building square footage in calculating the minimum FAR. Individual phases of a

phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section.

- (c) Where residential uses are proposed, minimum density is fifteen (15) units per acre. Density will be calculated based on the total area of the development site devoted to residential use, including residential units in mixed-use buildings.
 - 1. A new building with less than the required FAR or residential density may be allowed on a developed zoning lot where an existing building will remain, provided that:
 - a. Total lot coverage and FAR for the zoning lot are not reduced; and
 - b. The new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.
- (d) A minimum of fifty percent (50%) of ground floor frontage along primary streets shall be designed for retail use, with a floor-to-ceiling height of at least ten (10) feet and with sixty percent (60%) façade transparency between two (2) and eight (8) feet from ground level.
- (e) All parking structures shall be lined with other allowed uses at ground floor level along a minimum of seventy-five percent (75%) of the primary street frontage.

(6) Multiple Use Requirements.

Development proposals on sites of one (1) or more acres shall include at least three of the following use categories. A minimum of 10% of the proposed gross floor area of the development shall be devoted to each of the use categories that are proposed:

- A. Residential uses
- B. Office uses
- C. Commercial uses (including retail, service, restaurants and lodging)
- D. Manufacturing and employment uses
- E. Civic and institutional uses (educational, public, etc.)

(7) Public Space Requirement.

Development proposals on sites of ten (10) or more acres must set aside a minimum of five percent (5%) of the project site as open space, which may be designed as a square, plaza, terrace or green, with a variety of landscaped and paved surfaces, public art, and seating areas. This requirement may be waived in cases where a master development plan already specifies the location and design of open space on the site.

(8) Parking Standards.

No minimum off-street parking is required, except where parking minimums are specified in a station area plan. Parking maximums established in Subchapter 28J shall apply, except where more specific requirements are established in a station area plan.

(9) Exemptions.

Where an existing building or its accessory parking does not conform to the TOD overlay district requirements or serves an existing nonconforming use, the building may be expanded without fully meeting the requirements of this section as long as the expansion does not increase the nonconformity.