

CHAPTER 17

ZONING



**Adopted by the Common Council on May 12, 2009
(Ordinance #1295)**

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SECTION 1 INTRODUCTION

1.01 AUTHORITY, ADOPTION

This Code is adopted under the authority granted to the City of Muskego by Sections §62.23, §62.231, §62.234 and §281.31 of the Wisconsin Statutes and amendments thereto and any other applicable laws or regulations.

Therefore, the Common Council of the City of Muskego do ordain as follows:

1.02 TITLE

This Code shall be known as, referred to, or cited as, "ZONING CODE, CITY OF MUSKEGO, WISCONSIN."

1.03 PURPOSE AND INTENT

The purpose of this Code is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the City of Muskego, Wisconsin. Among other purposes, such provisions are intended, in accordance with a comprehensive plan, to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light, air and solar access; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. These regulations are made with reasonable consideration, among other things of the character of the districts and their peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

1.04 ABROGATION / GREATER RESTRICTION

It is not intended for this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, codes, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, where this Code imposes greater restrictions, the provisions of this Code shall govern.

1.05 INTERPRETATION

In their interpretation and application, the provisions of this Code shall be held to be a minimum requirement and shall be liberally construed in favor of the City and shall not be deemed a repeal of any other power granted by the Wisconsin Statutes.

1.06 SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

1.07 DISCLAIMERS OF LIABILITY

(1) WETLANDS, DRAINAGE WAYS, AND SOILS.

The City of Muskego does not guarantee, warrant, or represent that only those areas delineated as wetlands or drainage ways from tests and / or mapping required by this Code will be subject to periodic inundation, nor does the City of Muskego guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests and / or mapping required by this Code are the only unsuited soils within the jurisdiction of this Code. The City hereby asserts that there is no liability on the part of the City of Muskego, Common Council, Plan Commission, its agents, contractors, and employees for flooding problems or structural damages that may occur as a result of reliance upon, and conformance with, this Code.

1.08 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits.

1.09 REPEAL OF CONFLICTING

- (1) The Chapter 39 “Traditional Neighborhood Development” of the City of Muskego, Wisconsin adopted on the 20th day of December 2001 and amendments thereto are hereby repealed.
- (2) All other ordinances or parts of ordinances in conflict with the provisions of this Code are hereby repealed.

SECTION 2 ADMINISTRATION AND ENFORCEMENT

2.01 ZONING ADMINISTRATOR DESIGNATED

(1) COMMUNITY DEVELOPMENT DIRECTOR DESIGNATED

The Community Development Director is hereby designated as the administrative and enforcement officer for the provisions of this ordinance. For such duties he may be provided with the assistance of such additional persons as he may designate.

A. Term, Appointment, and Duties. The Community Development Director shall be appointed by the Mayor, subject to confirmation by the Common Council, for an indefinite term subject to removal. The Community Development Director shall have the following powers and duties:

1. Shall be the administrator of the Community Development Department, and shall be responsible for the functions as outlined in the job description as approved by the Common Council, and amended from time to time.
2. Preparation of annual budget for the Community Development Department.
3. Advise applicants of the provisions of this ordinance; assist them in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
4. Promulgate policies and procedures as necessary to administer and enforce this Code.
5. Issue the necessary Zoning Use Permit and Occupancy Permits required by the provisions of this ordinance, provided its provisions and those other codes and ordinances have been complied with.
6. Keep records of all official actions such as: All permits issued, inspections made, work approved, maintain documentation of certified lowest floor and regional flood elevations for floodplain development, and maintain records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
7. Investigate, prepare reports, and report violations of this ordinance to the appropriate municipal zoning agency and the municipal attorney for prosecution.
8. In case of any finding of a violation of a provision of this Code, notify in writing, the actual violator where known, owner of the property on which the violation has taken place and the Common Council, indicating the nature of the violation and the action necessary to correct it. Following such notice, issue citations for violations of this Code.

9. Carry out such additional responsibilities as are hereinafter set forth by the provisions of this ordinance.
 10. Shall perform such other duties as from time to time may be prescribed by the Mayor, Common Council, or Plan Commission, or their ad-hoc committees.
- B. Authority: In the enforcement of said ordinance, the Community Development Director shall have the power and authority for the following:
1. At any reasonable time and for any proper purpose to enter upon any public or private premises as provided by law and make inspection thereof.
 2. Upon reasonable cause or question as to proper compliance, to revoke as provided by law any Zoning Use Permits or occupancy permit, and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this ordinance, such revocation to be in effect until reinstated by the Community Development Director or the Board of Appeals; or take any other action as directed by the Common Council to insure compliance with or to prevent violation of its provisions.
 3. In the name of the City and with authorization of the Common Council commence any legal proceedings necessary to enforce the provisions of this ordinance, including the collection of forfeitures provided for herein.
- C. Enforcement Procedures
1. Non-emergency matters. In the case of violations of this chapter that do not constitute an emergency or require immediate attention, the Director shall give notice of the nature of the violation to the property owner or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have from 0 up to 30 days (Strictly up to Community Development Director) to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by mail unless the document is returned, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.
 2. Emergency matters. In the case of violations of this chapter that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the City may use the enforcement powers available under this chapter without prior notice, but the Director shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner and to applicants for any relevant permits.

2.02 BUILDING PERMITS REQUIRED

- (1) Required: No structure six (6) inches or more above the surface of the ground, nor any structure classified as a building, nor any swimming pool, shall be erected, structurally altered, or relocated within the City of Muskego until a building permit has been issued by the Building Inspector certifying that such building as proposed, would be in compliance with the provisions of this ordinance and with the Building Code of the City.
- (2) Procedure: An application for a Building Permit shall be made in conformity with the requirements of the Building Code of the City of Muskego and policies and procedures promulgated by the Community Development Department in the administration and enforcement thereof.

2.03 ZONING USE PERMITS AND OCCUPANCY PERMITS

- (1) Required: No vacant land shall be occupied or used except for agricultural purposes, and no building shall be hereafter erected, structurally altered, relocated, used or occupied until a Zoning Use Permit and/or Occupancy Permit have been issued certifying that any such building, use, or occupancy complies with the provisions of this ordinance. Like permits shall be obtained before any change is made in the type of use, before any legal non-conforming use is resumed, changed, extended, or granted conditional use status, for any new fence, retaining wall, driveway (Including gravel and impervious surface additions, patios, etc.), structures not requiring official building permits from the Building Department but still required to follow zoning requirements herein, and miscellaneous screening devices (Determination of what screening device needs a permit is solely up to the Community Development Department. Examples include Carports, tents, etc.). Items such as fences, retaining walls, driveways, and miscellaneous screening devices must follow the basic location and architectural requirements set forth within the applicable Muskego Ordinances.
- (2) Procedure:
 - A. Applications for a Zoning Use Permit shall be made to the Community Development Director prior to or at the same time as the application to the Building Inspector for a Building Permit and Occupancy Permit, or prior to the commencement of any use not involving a Building Permit.
 - B. A Zoning Use Permit Application shall be prepared and filed with the Community Development Director for a Zoning Permit. An application for Building and Occupancy Permits shall be prepared in duplicate and filed with the Building Inspector. Said applications to be filed with the department shall be filled out completely and all required data must be submitted with application.
 - C. Within forty-eight (48) hours after the notification of the completion of the erection, alteration or relocation of the building or of intent to commence a use, the Community Development Director and/or Building Inspector shall make an inspection of the premises and any building thereon and if the building and the intended use thereof, and the proposed use of the

premises comply with the requirements of this ordinance an Occupancy Permit shall be issued.

- D. Applications for a Zoning Permit for a fence, retaining wall, driveway (Including gravel and impervious surface additions, patios, etc.), structures not requiring official building permits from the Building Department but still required to follow zoning requirements herein, and miscellaneous screening devices shall be made to the Community Development Director with the following submittal requirements:

1.

http://rds.yahoo.com/S=96062883/K=fence/v=2/SID=e/l=IVI/*-

http://www.masterfence.com/Wood_Fence_2a.JPGThe proposed http://rds.yahoo.com/S=96062883/K=retaining+wall/v=2/SID=e/l=IVI/*-

http://www.stoneforestlandscapes.com/images/retaining_wall1.jpgged should be clearly illustrated on a Plat of Survey for the property. All illustrations must be drawn to scale.

2. A description or picture of the proposed must accompany all submittals.
3. A narrative letter-stating if the proposed is temporary or permanent (Applicable to screening device zoning permits). Where temporary, the narrative must note of when the structure will be removed. Note: A permanent screening device is subject to Plan Commission approval where the device does not meet the location and/or architectural requirements described herein.

(3) EXPIRATION.

- A. For all new single-family and two-family construction, Zoning Use Permits shall expire twenty-four (24) months after issuance if the dwelling exterior has not been completed. Said permit shall also expire if within twenty-four (24) months of the date of application no Occupancy Permit has been issued. Where such Zoning Use Permits have expired, the Community Development Director shall make immediate investigation to ascertain that no use or occupancy has in fact commenced without proper authority. Upon showing of valid cause, the Community Development Director may grant an extension of such permit for a period not to exceed six (6) months.
- B. For all existing buildings, and any alterations thereto, new commercial buildings, accessory buildings, and accessory structures, the Zoning Use Permit shall become void unless operations have commenced within four (4) months from the date the permit is issued, or if the building or work authorized by such permit is suspended at any time after work is commenced, for a period of more than sixty (60) working days. Time periods referenced herein may be extended following the procedures

established in Section 30.08(2)(a). Failure to comply with the agreed upon timetable may result in the revocation of the permit and the issuance of a citation for the offense.

- C. For all new fences, retaining walls, driveways (Including gravel and impervious surface additions), and miscellaneous screening devices, Zoning Permits shall expire twenty-four (24) months after issuance if the permitted item has not been completed.

2.04 OFFICIAL ZONING MAPS ESTABLISHED

(1) DISTRICTS MAPPED.

The City of Muskego is hereby divided into zoning districts as shown upon a map designated as the Zoning Map of the City of Muskego and made part of this Ordinance and all the notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

(2) ZONING MAP CHANGES

The Zoning Map shall be kept current at all times.

(3) REPLACEMENT OF ZONING MAP.

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions the Common Council may by resolution, adopt a new Zoning Map, which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

(4) DETERMINATION OF ZONING DISTRICT BOUNDARIES

District boundaries shall be determined by measurement from and as shown on the Zoning Map, and in case of any question as to the interpretation of such boundary lines the Plan Commission shall interpret the map according to the reasonable intent of this Ordinance.

- A. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section, or sixteenth section lines; or the center lines of streets, highways, railways or alleys.
- B. The shoreland-wetland zoning district includes those implemented on the Official Zoning Map, which includes a majority of the wetlands in the municipality which are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:
 - 1. Within one thousand (1000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle Maps

or other zoning base maps which have been incorporated by reference and made a part of this ordinance.

2. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps as adopted by the City shall be used to determine the extent of floodplain areas.
3. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

(5) ADDITIONAL MAPS ADOPTED

The following maps are hereby adopted and made part of this ordinance and are on file in the office of the Community Development Department:

- A. Floodplain zoning maps as per Chapter 14 of the City of Muskego Municipal Code as amended from time to time.

(6) IDENTIFICATION OF OFFICIAL ORDINANCE AND MAP.

The text of the zoning regulations and the corresponding zoning map shall be kept on file in the offices of the City and any other copies thereof shall be purely informational and shall not have the status of law.

2.05 APPEALS

(1) RIGHT TO APPEAL

Any person aggrieved, or any officer, department, board or bureau of the City affected by a decision of the Community Development Director or of the Plan Commission may appeal such decision to the Board of Appeals as hereinafter established, provided such appeal be taken within a reasonable time, as provided by the rules of said Board of Appeals, and provided such appeal falls within the classification as set forth under the powers of the Appeal Board.

(2) APPEALS RESTRICTED.

Unless a variance from the basic zoning regulations is sought (e.g. a request for a 30 foot building setback where a 50 foot setback is required by the regulations of the applicable zoning district), this section shall not apply to decisions of the Plan Commission relating to the following: Building, Site and Operation Plans; Signs of a temporary or permanent nature; Residential Accessory Structures; Conditional Use requests. In a case where a variance from the basic zoning regulations is sought, the Plan Commission may file a recommendation with the Board of Appeals outlining its opinion and findings as they relate to the issue(s) being appealed.

(3) PROCEDURE.

Refer to Section 3 of this Code.

(4) ADMINISTRATIVE APPEAL.

Any person aggrieved by any decision by the Common Council for the City of Muskego with regards to this ordinance may request such review of such decision in accordance with the procedures as set forth in Chapter 27 of the Municipal Code for the City of Muskego and/or Chapter 68 of the Wisconsin Statutes.

(5) FURTHER APPEAL.

Any person or persons aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality may appeal from a decision of the Board of Appeals within 30 days after the filing of the decision in the office of the Board of Appeals in the manner provided in Section §62.23(7)(e)10 of the Wisconsin Statutes.

2.06 PUBLIC HEARINGS

(1) NOTICE

Notice of the proposed change and hearing thereon shall be given by publication in the official paper once a week for two (2) consecutive weeks the last of which shall be at least one week before the hearing, and in cases of petitions requesting changes in the zoning district classification of any property, granting of conditional uses, or approval of planned development districts, the Community Development Director shall mail notice of the public hearing to the owners of all lands within 300 feet of any part of the land included in such proposed change or conditional use at least ten (10) days before such public hearing. The failure of such notice to reach any property owner provided such failure be not intentional, shall not invalidate any amending ordinance, or grant of conditional use of planned development. Such mailed notice shall not be required where the Common Council determines that the change is of such comprehensive nature that such notice would involve excessive administrative effort and expense and is not necessary for reasonable notification of affected property owners. At least ten (10) days prior written notice of changes in the district plan shall also be given to the Clerk of any municipality whose boundaries are within 1,000 feet of the land to be affected by the proposed change. Failure to give such notice shall not invalidate any such change.

(2) INFORMATION

Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held, and shall include, in the case of map changes a description of the area involved and in the case of text changes a description of the proposed change, in sufficient detail for general public identification. Reference shall also be made to the fact that detailed descriptions are available for public inspection at the Community Development Department.

(3) PETITIONS NOT INVOLVING ZONING CHANGE

Where such hearing is required by the provisions of this ordinance as a result of a request for other than a zoning change or appearance before the Board of Appeals, such request shall be presented to the Community Development Department in writing, and shall be accompanied by a map or description clearly identifying the property involved and by a fee payable to the City, as from time to time established by Resolution of the Common Council, to defray the cost of notification and holding of a public hearing.

(4) INFORMAL HEARINGS

Hearings not specifically required under the provisions of this ordinance may be noticed as deemed appropriate by the body holding the hearing.

2.07 ENFORCEMENT & PENALTIES

(1) ENFORCING OFFICER

The Community Development Director or their designee shall be the enforcing officer of this Code.

(2) PENALTIES

Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall be subject to a forfeiture of not less than \$10.00 and not to exceed the sum of \$200.00 for each offense, together with the costs of the action, and in default of the payment thereof, shall be imprisoned in the County Jail of Waukesha County, for a period not to exceed 6 months, or until such forfeiture and the subsequent costs have been paid. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.

(3) DECLARED NUISANCES

Any building erected, structurally altered, or placed on a lot, or any use carried on in violation of the provisions of this ordinance is hereby declared to be a nuisance per se, and the City may apply to any Court of competent jurisdiction to retain or abate such nuisance.

(4) ENFORCEMENT BY INJUNCTION

Compliance with the provisions of this Ordinance may also be enforced by injunction order at the suit of the City or one or more owners of real estate situated within an area affected by the regulations of this ordinance.

2.08 FEES

For the purpose of defraying the cost of inspection and administrative processing, the City may charge fees as established from time to time by resolution of the Common Council.

2.09 SEVERABILITY

The several sections, subsections, and paragraphs of this Ordinance are hereby declared to be severable. If any section, subsection, paragraph, or subparagraph of this ordinance shall be declared by a decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance, or of the section of which the invalid portion or paragraph may be a part.

SECTION 3 COMMISSIONS AND BOARDS

3.01 PLAN COMMISSION

(1) ESTABLISHMENT

There is hereby established a Plan Commission for the City of Muskego, Wisconsin, pursuant to Section §62.23 of the Wisconsin Statutes.

(2) MEMBERSHIP

A. Composition. The Plan Commission shall consist of seven (7) members as outlined herein and each member must be a resident of the City:

1. The Mayor.
2. A member of the Parks and Recreation Board.
3. An Alderman appointed by the Council.
4. Four (4) citizen members of recognized experience and qualifications.

B. Appointment:

1. Aldermanic Member. The Aldermanic member of the Plan Commission shall be elected annually at the Common Council reorganization meeting by a two-thirds (2/3) vote of the Common Council.
2. Park and Recreation Board Member. The Park and Recreation Board representative shall be approved by the Park and Recreation Board as outlined in Chapter 1.05(6) of the Municipal Code.
3. Citizen Members. Citizen members shall be appointed by the Mayor and confirmed by a majority vote of the Common Council.
4. Presiding Officer and Chairman. The presiding officer and Chairman shall be the Mayor. In the absence of the Mayor, the Aldermanic representative shall be the presiding officer. In the absence of the Mayor and Aldermanic representative, the citizen member with the longest tenure shall be the presiding officer.
5. Official Oaths. All members, according to Section §19.01 of Wisconsin Statutes, shall take the official oaths within ten (10) days of receiving notice of their appointments.

C. Terms.

1. Aldermanic Member. The Alderman member of the Plan Commission shall serve for one (1) year, unless the position becomes vacant, in which case the Common Council shall elect a new representative as outlined in 3.01(2)(B)1 above.
2. Park and Recreation Board Member. The Park and Recreation Board member shall serve for one (1) year, unless his office becomes vacant, in which case the Park and Recreation Board shall elect a new representative.
3. Citizen Members. Terms for the citizen members shall be staggered and each term shall be for a three (3) year period.
4. Secretary. The Community Development Director shall be the secretary of the Plan Commission. In the absence of the Community Development Director, other Planning Staff employed by the City of Muskego may fill said role.
5. Recording Secretary. The Community Development Director shall select the recording secretary in accordance with policies and procedures established by the Common Council from time to time.

(3) ORGANIZATION

The Plan Commission shall organize and adopt rules for its own government according to the provisions of this Ordinance.

- A. Meetings. The Plan Commission shall set its own meeting schedule. Special Meetings may be held at the call of the Chairman.
- B. Standing and Special Sub-Committees. The Chairman may appoint standing and special sub-committees.
- C. Quorum. Quorum shall be four (4) members, and all actions shall require approval of a majority of the members present.
- D. Proxy Voting. Voting by proxy shall not be permitted.
- E. Minutes. Minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made. A copy of the minutes shall be filed with the City Clerk in accordance with policies as may be adopted by the Common Council from time to time.

(4) POWERS

The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and duties and promote municipal planning. Such powers shall include, but not be limited to, the following:

- A. Employment of Experts. To employ experts and Staff and to pay for their services, supplies, equipment, and other such expenses as may be necessary and proper, not to exceed the appropriations and regulations as may be made by the Common Council from time to time.

- B. Reports and Recommendations. To make reports and recommendations relating to the planning and development of the municipality to public officials, agencies, utilities, and other organizations and citizens.
- C. Request Available Information. To request available information from any public official to be furnished within a reasonable time.

(5) DUTIES AND REFERRALS

The Plan Commission shall have the following functions and duties:

- A. Prepare and Recommend a Comprehensive Plan. To make and adopt a Comprehensive Plan for the physical development of the municipality, in accordance with Section §62.23 and §66.1001 of the Wisconsin Statutes.
- B. Prepare and Recommend an Official Map. To make and recommend an Official Map to the Common Council according to Section § 62.23 of Wisconsin Statutes.
- C. Prepare and Recommend a Zoning District Plan and Regulations. To prepare and recommend a zoning district plan and regulations to the Common Council according to Section §62.23 of the Wisconsin Statutes.
- D. Prepare and Recommend Land Division Regulations. To prepare and recommend land division regulations to the Common Council according to Chapter 236 of the Wisconsin Statutes.
- E. Hear and Determine Appropriateness of Building Site and Operation Plan Applications. The granting of petitioner for Building Site and Operation Plan approval shall be the sole responsibility of the Plan Commission and will not require the approval of the Common Council.
- F. Changes to Adopted Plans. Make and/or recommend changes to adopted plans and to recommend said changes or amendments to the Common Council concerning the Official Map and Official Map Ordinance, Zoning and Land Division Ordinance, and other Ordinances as deemed related.
- G. Matters Referred to the Plan Commission. To consider and report or recommend on all matters referred to them including, but not limited to, Conditional Use Permits.
- H. Exceptions to the Land Division and Platting Provisions of Chapter 18.40 "Land Division Ordinance" of the City of Muskego Municipal Code. The granting of exceptions to land division and platting related aspects of Chapter 18 "Land Division Ordinance" of the City of Muskego Municipal Code shall be the sole charge of the Plan Commission.
- I. Determination of Use. The Plan Commission shall make a determination for all uses that are not specifically classified as permitted by right, as accessory to a permitted primary use, or permitted by Conditional Use Grant.
- J. Conditional Use Grant Recommendations. The Plan Commission shall hear petitions for Conditional Use Grants and make the determinations.
- K. Conditional Use Grant Terminations. The Plan Commission shall only provide recommendations for termination of conditional uses to the Common Council.

- L. Hold Public Hearings and Informational Meetings. To hold public hearings and informational meeting on matters referred to the Plan Commission.

(6) REFERRALS

The Common Council or other public body or officer of the City, having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:

- A. Public Buildings. Location and architectural design of any public building.
- B. Statues and Memorials. Location of any statue or other memorial.
- D. Streets, Alleys, or Other Public Way, Park, Playground, Airport, or other Memorial / Public Grounds. Location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking area, or other memorial or public grounds.
- E. Other. Location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children.
- D. Public Utilities. Location, extension, abandonment, or authorization for any public utility whether publicly or privately owned.
- E. Annexations, Incorporations, or Consolidations. All annexations, incorporations, or consolidations affecting the City.
- F. Division of Land. All division of lands within the City's extraterritorial platting jurisdiction.
- G. Changes and Amendments. All proposed or requested changes and amendments to the City's Comprehensive Plan and adopted components thereof, Official Map, Zoning Ordinance, Subdivision, Land Division Ordinances, and Comprehensive Planning.

(7) ADDITIONAL POWERS AND DUTIES

The Plan Commission shall have all additional powers and duties granted or assigned by the Common Council or by City ordinances. All the powers and duties granted or assigned by the Wisconsin Statutes to Plan Commissions and any amendments thereto are hereby granted or assigned to the Plan Commission and such statutes are hereby adopted by reference.

(8) ACTIONS OF PLAN COMMISSION PROHIBITED

The Plan Commission shall not:

- A. Grant variances to the terms of this ordinance in place of action by the Zoning Board of Appeals.
- B. Amend the text of this Code, or zoning map, in place of action by the Common Council.

(9) COMPENSATION

The members of the Plan Commission shall receive such compensation as the Common Council shall from time to time designate.

(10) FEES FOR PLAN COMMISSION MEETINGS OR HEARINGS

Fees associated with Plan Commission petitions shall be paid by the petitioner prior to the item being added to the agenda. The sum shall set forth in the City of Muskego "Fee Schedule," and amended from time to time by the Common Council.

3.02 ZONING BOARD OF APPEALS

(1) ESTABLISHMENT

There is hereby established a Zoning Board of Appeals in the City of Muskego in accordance with Section §62.23(7)(e) of Wisconsin State Statutes for hearing appeals and applications, and granting variations and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

(2) MEMBERSHIP

- A. Composition. The Zoning Board of Appeals shall consist of five (5) members appointed by the Mayor and confirmed by the Common Council per Sections §62.23(7)(e)2. Wisconsin Statutes.
- B. Terms. Terms of the Zoning Board of Appeals shall be staggered three (3) year periods. Alternate members shall serve staggered terms of three (3) years.
- C. Chairman. The Mayor shall designate the Chairman of the Zoning Board of Appeals. The Chair shall preside at all meetings of the Board, except that in the event of their absence or disability, the Vice-Chair shall preside. In the absence of both the Chair and the Vice-Chair, the longest standing Board Member shall preside.
- D. Alternate Members. The Mayor may appoint, for staggered terms of 3 years, 2 alternate members of such board, in addition to the 5 members above provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent. The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent.
- E. The Planner shall attend all meetings of the Board of Appeals for providing the City's case. In the event of the absence of the Planner, the Community Development Director or other Staff as may be provided by the Common Council shall substitute.
- F. Official Oaths. Official Oaths shall be taken by all members of the Board of Appeals according to Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- G. Vacancies. Vacancies of the Board of Appeals shall be filled for the remaining term in the same manner as appointments for a full term.

(3) ORGANIZATION

The Board of Appeals shall organize and adopt rules of procedure for its own government according to the provisions of this Ordinance.

- A. Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.
- B. Minutes. Minutes of the proceedings of the Board of Appeals and a record of all actions shall be kept by the Recording Secretary, showing the vote of each member upon every question, the reasons for the Board of Appeals' determination, and its findings of facts. These records shall be immediately filed in the office of the Board of Appeals and shall be a public record.
- C. Recording Secretary. A Recording Secretary is provided by City Administration to record minutes for the Board of Appeals. This position is not a Board appointed employee pursuant to Section §62.23(7)e.2. Wisconsin Statutes.

(4) POWERS OF THE BOARD

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
- B. To hear and decide special exceptions to the terms of this ordinance upon which such Board is required to pass under this ordinance.
- C. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- D. To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation. To permit, in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, 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.
- E. The Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- F. The Board of Appeals may request assistance from other City officers, departments, commissions, and boards.
- G. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in

his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- H. Oaths: The Vice-Chair of the Board of Appeals may administer oaths and compel the attendance of witnesses.
- I. Rules of Procedure: The Board may adopt such rules of procedure as it deems necessary for the conduct of its proceedings.
- J. Variances to the Subdivision, Land Division, and Platting Provisions: The granting of variances to the land division and platting related issues of Chapter 18 "Land Division Ordinance" of the City of Muskego Municipal Code shall be the sole charge of the Plan Commission.

(5) ADMINISTRATIVE APPEALS

- A. General Application Requirements. Appeals from the decision of the Zoning Administrator and/or the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved, or by any officer, department, board, or bureau of the City. Such appeals shall be filed with the Community Development Department within twenty (20) days after the date of written notice of the decision or order of the Zoning Administrator or Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected anytime and shall be filed with the Community Development Department. Such appeals and application shall include that information and data as outlined in the Board of Appeals Rules of Procedure.
- B. Applications Relating to Shoreland Wetland Related Mapping Disputes. See the provisions of Section 8 "Shoreland-Wetland District" of the City of Muskego Municipal Code.

(6) DIMENSIONAL VARIANCES

- A. Purpose. The Board of Appeals, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact according to the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Ordinance.
- B. Application and Notice of Hearing. An application for a variance shall be filed in writing with the Community Development Department. The application shall contain such information as outlined in the Board of Appeals Rules of Procedure. Before decisions on such petitions, the Board of Appeals shall hold a public hearing thereon pursuant to the requirements set forth in the Board of Appeals Rules of Procedure.
- C. Findings of Facts. No variance to the provisions of this Ordinance (except as otherwise provided) shall be granted by the Board of Appeals unless it finds that if the variance is granted it would not be contrary to the public interest; a literal enforcement of the Ordinance provisions would

result in practical difficulties or unnecessary hardship due to special conditions; the spirit of the Ordinance is preserved; public safety and welfare are secured and substantial justice done. In reviewing the application and evidence relating to a variance the Board of Appeals shall consider the findings statements set forth this Section of this Ordinance.

- D. Authorized Variances. Variances from the zoning regulations of this Ordinance shall be the authority of the Board of Appeals only according to the standards established in this Section, and may be granted only in the following instances and in no others. This section shall not apply to decisions of the Plan Commission relating to the following: Building, Site and Operational Plans; Signs of a temporary or permanent nature; Residential Outbuildings; Conditional Use requests. In a case where a variance from the basic zoning regulations is sought, the Plan Commission may file a recommendation with the Board of Appeals outlining its opinion and findings as they relate to the issue(s) being appealed.

(7) PUBLIC HEARINGS

- A. General. The Board of Appeals shall hold a public hearing upon each variance within a reasonable time of the date of filing. Giving notice of the date, time, place of such hearing, and the matter to be presented at the hearing by publication in the City of a Class 1 notice under Chapter 985 of the Wisconsin Statutes. Notice of the public hearing shall be given to the Zoning Administrator or Building Inspector and mailed to all parties-in-interest at least ten (10) days before the hearing. Parties-in-interest shall be defined as the petitioner, the clerk of any municipality within one hundred (100) feet of any lands included in the petition, and the owners of all lands included in the petition and all lands lying within three hundred (300) feet of lands included in the petition. The Community Development Department shall set the date for the public hearing(s). At the hearing the appellant or applicant may appear in person, by agent, or by attorney.
- B. Conduct of Public Hearing. The Vice-Chair of the Board of Appeals shall place all witnesses under oath. The Board of Appeals shall hear all relevant evidence presented for and against the application. The Chairman of the Board of Appeals may rule on exceptions to evidence and permit examination of witnesses.

(8) FINDINGS

The Board of Appeals shall grant no variance to the provisions of this Ordinance unless it finds that the following facts and conditions exist when applicable and so indicates in the minutes of its proceedings.

- A. 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 permit a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- B. Exceptional Circumstances. There must 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 or recurrent nature as to suggest that the Zoning Ordinance should be changed.

- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely based on economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of the variance.
- D. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- F. Additional Requirements in Shoreland-Wetland Districts. See the provisions of Section 8 "Shoreland-Wetland District" of the City of Muskego Municipal Code.

(9) DECISION

The Board of Appeals shall render its decision in writing within fifteen (15) days after the completion of the hearing thereon.

- A. Required Vote. The concurring vote of the majority of a quorum (A quorum being 4 or more members) of the Board of Appeals shall be necessary to grant a variance, exception, or substitution.
- B. Finding Of Fact. Every Finding of Fact shall be signed by the Chair or Vice-Chair and attested to by the Board Secretary as evidence of the action of the Board. The original Finding of Fact letter shall be sent to the Appellant. Copies of each Finding of Fact letter shall be filed with the Board's record of the case, the property file, and the Administrative Officer by the Recording Secretary
- C. Conditions. Conditions may be placed upon any Zoning Permit ordered or authorized by the Board of Appeals.
- D. Expiration of a Variance. All work associated with an approved variance request must be completed within eighteen (18) months from the date of the variance approval, unless otherwise approved by the Zoning Board of Appeals. For the purpose of this code section, "all work completed" means that all final inspections must be approved and occupancy must be granted. (Ord. #1371 – 04-18-2013)

(10) RESUBMITTAL

No appeal that has been dismissed or denied shall be considered again within one year except: on a motion to reconsider the vote made by a member voting with the majority within thirty (30) days of the date of the decision, or on a request for a re-hearing.

(11) RE-HEARING

No request to grant a re-hearing shall be entertained unless substantial new evidence is submitted which could not reasonably have been presented at the

previous hearing. In all cases, the request for a re-hearing shall be in writing listing the reasons for the request, and shall be duly verified and accompanied by the necessary data and diagrams. The party requesting the re-hearing shall be notified to appear before the Board on a date to be set by the Board, of which the requestor shall be notified. If a motion to grant a re-hearing receives the affirmative votes of four or more members of the Board, the case shall be put on the calendar for a re-hearing. Re-hearings shall be subject to the same requirements as the original hearing.

(12) REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Board of Appeals may present to the 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 thirty (30) days after the filing of the decision in the Planning Office of the Board of Appeals, which is the Community Development Department of the City of Muskego.

(13) COMPENSATION

The members of the Board of Appeals shall serve without compensation.

SECTION 4 REQUIRED PLANS

4.01 PURPOSE AND INTENT

In order that the physical environment of the City be developed in a way that will provide the maximum degree of aesthetic satisfaction through architectural and natural beauty and harmony and thereby provide most satisfyingly for the well being and contentment of its inhabitants as well as for greater economic stability through preservation and enhancement of property values, it is deemed necessary to exercise regulation over the architectural appearance and construction of buildings erected, remodeled or in any way placed within the City. Such regulations are herein known as Building, Site, and Operation (BSO) Plans.

The Building Site and Operation Plan is not intended to impose a pattern of regimented conformity to any specific architectural style or taste established by the governing body, a review board, or the existing residents of any area; but is intended solely to prevent any development which would substantially affect adversely the existing or potential beauty and character of the neighborhood, reduce its desirability, and depreciate surrounding property values.

4.02 BSO EXEMPTIONS : ADMINISTRATIVE REVIEWS

(1) SINGLE FAMILY AND TWO FAMILY USES

Single-family or two-family residential development activity on unplatted lands, or associated with an approved final plat of a subdivision or certified survey map shall be exempt from Plan Commission Building Site and Operational Plan approval. All plans for single-family or two-family residential development activity shall be approved administratively in accordance with rules and procedures promulgated by the Community Development Department and the Community Development Department.

(2) SIGNS

Where in the determination of the Community Development Director or their designee, a proposed change to an approved sign is deemed non-substantial, said changes may, in the sole determination of the Community Development Director, be exempted from Plan Commission Building Site and Operational Plan approval.

4.03 BUILDING SITE AND OPERATION PLAN REQUIRED

(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 Ordinance. 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 Building, Site and Operational Plans (herein referred to as

BSO Plans) by the City staff before the building, occupancy, and zoning permits can be issued.

(2) APPLICATION PROCEDURE

- A. Initiation of Request for BSO Plan Approval: Procedures 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 petitioner is encouraged, but not required, to first meet with the Community Development Director and other applicable City Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Petitioner on technical requirements and procedures, and a timetable for project review may be discussed.

(3) APPLICATION REQUIREMENTS

Petitioner shall submit a complete BSO Plan application, accompanied by all fees and deposits, which from time to time may be adopted by the Common Council and in effect at the time of submittal. A complete application shall be comprised of all of the following:

- A. Written Description of the intended use describing in reasonable detail the:
 1. Full name and contact information of the petitioner and / or agent, and property owner, if different;
 2. Full name and contact information of petitioner's engineers / surveyors / architects, and other design professionals used in BSO Plan preparation;
 3. Existing zoning district(s) and proposed zoning district(s) if different;
 4. Current land uses present on the subject property;
 5. Proposed land uses for the subject property
 6. Land use designation(s) as depicted on the adopted Comprehensive Plan;
 7. Description of existing environmental features as defined by Section this Code;
 8. Projected number of residents, employees, and / or daily customers;
 9. Proposed amount of dwelling units, floor area, Open Space area, and landscape surface area, expressed in square feet and acreage to the nearest one-hundredth of an acre;
 10. Resulting site density, Floor Area Ratio as calculated using the criteria established in this Code; Open Space Ratio, and Landscape Surface Area Ratio, as defined in this Code;
 11. Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings,
 12. Traffic generation;
 13. Operational considerations relating to potential nuisance creation pertaining to the appropriate design of 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.
14. Material Safety Data Sheets (MSDS) for all materials anticipated to be used or stored on site;
 15. Exterior building and fencing materials;
 16. Possible future expansion and related implications for (a) to (m), above, and:
 17. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- B. Property Site Plan drawing which includes:
1. A title block which provides all contact information for the petitioner and / or agent, and property owner if different;
 2. Full name and contact information of petitioner's engineers / surveyors / architects, and other design professionals used in BSO Plan preparation;
 3. The date of the original plan and the latest date of revision to the plan;
 4. A north arrow and a graphic scale. Said scale shall be in engineering scales, and shall not be smaller than one inch equals 100 feet unless otherwise approved by the Community Development Director or his designee prior to submittal;
 5. A legal description of the subject property;
 6. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 7. 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;
 8. All required building setback and offset lines;
 9. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, walls,
 10. All existing and proposed utility and drainage systems, connections and fixtures;
 11. All requirements of the Muskego Fire Code;
 12. The location and dimension of all access points onto public streets including cross-section drawings of the entry throat;
 13. 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 Code;
 14. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;

15. The location of all outdoor storage and refuse disposal areas and the design of all screening devices;
 16. The location, type, height, size and lighting of all signage on the subject property;
 17. 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 18 of this Code;
 18. The location and type of any permanently protected green space areas;
 19. The location of existing and proposed drainage facilities; and
 20. In the legend, data for the subject property:
 - a. Lot Area measured in square feet and acres to the nearest one-hundredth of an acre;
 - b. Floor Area measured in square feet using the criteria of Section 5 of this Ordinance;
 - c. Floor Area Ratio as defined in Section 5 and as calculated using the criteria of this Code;
 - d. Open Space Area as defined in Section 5 and as calculated using the criteria of this Code;
 - e. Open Space Ratio as defined in Section 5 and as calculated using the criteria of this Code;
 - f. Building Height as defined in Section 5 and as calculated using the criteria of this Code.
- C. A Detailed Landscaping Plan of the subject property, at the same scale as the site plan showing:
1. The name and address of the property owner, the landscape architect or designer who prepared the plan.
 2. The name of the proposed project.
 3. The plan preparation date and the date of any revisions thereto.
 4. A graphic scale and a north arrow.
 5. A legal description of the property.
 6. A plat of survey, or a sketch drawn to scale approved by the Community Development Director or his designee.
 7. The location, caliper (size), and common name of all existing deciduous trees six (6) inches or larger in diameter at breast height (d.b.h.), all existing coniferous trees 10 feet or greater in height, and the boundaries of any existing woodlots.
 8. Identification of all trees inventoried as required by this Code which are to be moved or destroyed.
 9. The location of all proposed plantings.
 10. A planting schedule showing all symbols intended to represent plantings, quantities of plant materials, and common and botanical names of plant materials, size and caliper of plant materials, root specifications, and special planting instructions.

11. Typical Sections and details of fences, tie walls, planting boxes, retaining walls, berms, and other landscape improvements.
 12. Typical Sections of landscape islands and planter beds identifying materials to be used.
 13. Details of planting beds and foundation plantings.
 14. Delineation of sodded areas, seeded areas, and wilderness areas indicating square footage, materials to be used, and seed mixtures.
 15. Where landscape or man-made materials are used to provide required screening or buffers from adjacent properties or public rights-of-way, a cross-section shall be provided drawn to a recognized engineering scale illustrating the prospective of the site from the neighboring property and property line elevation.
 16. All other design elements found in the adopted City of Muskego General Design Guide.
- D. A Grading and Erosion Control Plan to be approved by the Engineering / Building Inspection Director and / or Public Works Committee pursuant to Chapters 29 and 34 of the Municipal Code. Said plans are not subject to Plan Commission review but are required to be submitted concurrent with BSO Plan applications in order for the submittal to be complete.
- E. Elevation Drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance.
- F. Color Renderings and Perspective Renderings One copy no smaller than 24" x 36" and eighteen (18) 11" x 17" photo-reduced copies of the color renderings of the proposed project and/or photos of similar structures shall be submitted, unless waived by the Community Development Director, or his designee. The Plan Commission reserves the right to require perspective renderings, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. All renderings shall be produced in CAD, acrylic, tempera, or watercolor. Marker or colored pencil produced renderings generally are not acceptable unless the Community Development Department determines that sufficient detail is conveyed. All renderings shall become the property of the City and will not be returned.
- G. Photo Simulations and 3-D virtual visualizations of the proposed project and/or photos of similar structures may be voluntarily submitted and may be required by the Plan Commission, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
- H. A Plat of Survey shall be required for all projects. The survey shall be prepared by a Registered Land Surveyor and shall depict property lines, and existing and proposed buildings, structures, and paved areas. The Engineering / Building Inspection Director may waive this requirement where the application includes a Certified Survey Map or Preliminary Plat prepared in accordance with Chapter 236 of Wisconsin Statutes, or where otherwise authorized by the policies of the Public Works Committee
- I. A Detailed Site Analysis per the following:

1. Purpose: The detailed site analysis required by this Section 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.
2. When Required: A detailed site analysis shall be performed in conjunction with required land division documents or Building, Site and Operational Plan for any and all properties containing:
 - a. Permanently protected natural resource areas defined as required protected areas under State or Federal regulations,
 - b. All environmental corridor components and areas identified by the adopted Comprehensive Plan and / or by the Southeast Wisconsin Regional Planning Commission.
 - c. Environmental features identified in the adopted Conservation Plan.
3. 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 and environmental corridor components, as defined by the provisions of this Section, and as located by an on-site property survey. The detailed site analysis shall meet the following requirements:
 - a. Scale: A minimum scale of one-inch equals 200 feet shall be used unless otherwise approved by the Community Development Director or his designee prior to submittal;
 - b. Topography: Topographic information is not required for any property that does not contain steep slopes. For such properties, topographic information with a minimum contour interval of two feet is required.
 - c. Specific Natural Resources Areas: All areas subject to the provisions of this Code 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: 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, BSO Plans, and Preliminary Plat of Subdivision (if applicable) or Certified Survey Map (if applicable).
 - i. Site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. 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.
- ii. Mitigation Areas: All mitigation areas shall be depicted on the detailed site analysis map with notations provided which describe the mitigation techniques employed.
 4. Required Procedure for Submission and Review of Detailed Site Analysis
 - a. Required Timing of Submission: The detailed site analysis map shall be submitted to the Community Development Director or his designee for review concurrent with the submission of the BSO 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 the concept plan indicate the approval of natural resource feature locations.
 - b. Review by City: The Community Development Director or his designees shall review the submitted detailed site analysis map for general compliance with this Ordinance. Such review may include data sources including but not limited to the following examples:
 - i. The Official Zoning Map;
 - ii. Applicable USGS 7.5 minute topographic maps for the City of Muskego and its environs or other USGS Quads and sources of topographic information;
 - iii. Orthophotos of the subject property;
 - iv. Applicable FEMA and related floodplain maps;
 - v. Applicable Federal and State Wetland Inventory Maps;
 - vi. The City of Muskego Comprehensive Plan;
 - vii. Official Street System Map;
 - viii. Site visits.
 - c. Modification of Detailed Site Analysis Map: If necessary, as determined by Plan Commission, revised detailed site analysis maps shall be prepared and submitted for review until a version is deemed acceptable.
 5. Integration of Detailed Site Analysis Information with Required Development and/or Land Division Documents: 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 recorded as a deed restriction which permanently runs with the

land. Said areas shall be clearly depicted on any and all site plans required as a precondition for application for any development permit which occurs subsequent to BSO Plan approval (such as a Building Permit) and on any proposed Final Plat of Subdivision or Certified Survey Map.

- J. A Developers Deposit in an amount required by adopted policies of the Finance Committee, as may be amended from time to time. The purpose of the Developers Deposit is to provide a surety to address all charges required to be paid by a petitioner under Section 3.085 of the Municipal Code. The requirement for submittal of a Developers Deposit for specific projects may be modified or waived by action of the Finance Committee.
- K. A Surety in a form approved by the Finance Committee. Said surety shall be provided to secure the replacement of all trees with calipers exceeding 6 inches, whose canopies are located adjacent to disturbed areas, which die within a period of five years following site disruption, and to secure the restoration of all mitigation areas identified on the Detailed Site Analysis.

(4) REVIEW BY PLAN COMMISSION

- A. The Plan Commission, in its consideration of the submitted BSO Plan 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. Beyond protection of the public health, safety and welfare, and morals, this Section shall enable the Plan Commission to consider factors related to community aesthetics, urban design, and architectural consistency within the community. The Plan Commission, in reviewing the application may require such additional measures and/or modifications to any or all elements of the site plan as described in the application submittal required per Section 4.03(3) 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 BSO Plan until a revision 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 Community Development Director or his designee. 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 pursuant to the procedures described herein.
- B. In reviewing said application the Plan Commission shall make findings on each of the following criteria to determine whether the submitted BSO Plan shall be approved, approved with modification, or denied:
 - 1. The public health and safety is not endangered;
 - a. All standards of the Zoning Ordinance and other applicable City, State and Federal regulations are met;
 - 2. Adequate Public Facilities are provided;

- a. Adequate control of stormwater and erosion are addressed through submittals to be reviewed and approved by the Engineering / Building Inspection Director and / or Public Works Committee pursuant to Chapters 29 and 34 of the Municipal Code;
 - b. The disruption of existing topography, drainage patterns, and vegetative cover is minimized insofar as is practical;
3. Appropriate traffic control and parking are provided;
- a. Appropriate landscaping and open space areas are provided;
 - b. The appearance of structures maintains a consistency of design, materials, colors, which comply with the general architectural guidelines adopted by the Plan Commission as Detail Plan components of the Comprehensive Plan.

4. Architectural Control;

In order that the physical environment of the City is developed in a way that will provide the maximum degree of aesthetic satisfaction; through architectural and natural beauty, harmony with adjacent facilities, and thereby provide the most appealing development for the well being, and contentment of its inhabitants. In addition, to promote greater economic stability through preservation and enhancement of property values, it is deemed necessary to exercise regulation over the architectural appearance and construction of buildings erected, remodeled, or in any way placed within the City. Such regulations are not intended to impose a pattern of regimented conformity to any specific architectural style or taste established by the Plan Commission, review board, or the existing residents of any area; but is intended solely to prevent any development which would substantially adversely affect the existing or potential beauty and value to the community, the characteristics of the neighborhood—potentially reducing its desirability and depreciating surrounding property values.

To implement and design criteria for the purposes stated above, to promote Four Sided Architecture and Quality in Design Standards, the following standards are established:

- a. No building shall be permitted a design or exterior appearance which is unorthodox or abnormal character in relation to the surrounding properties as to be unsightly or offensive to generally accepted tastes of the community and professional judgment of the Planning Commission and its Staff.
- b. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drab.
- c. No building shall be permitted where any exterior surface is not constructed or faced with a finished material which is esthetically compatible with the exterior surface of adjacent buildings and presents an attractive appearance to the public and to surrounding properties.

- d. No building shall be permitted to be sighted on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area or which would unreasonably affect adversely the beauty and general enjoyment of existing residences on adjoining properties.
- e. No building or addition to any building shall be permitted to be sited on the property in a manner, which would interfere with the peaceful enjoyment and natural light of adjacent buildings.
- f. All buildings and the proposed materials, shape, and colors should follow the adopted City General Design Guide.

(5) INITIATION OF LAND DEVELOPMENT ACTIVITY

Except with the written permission of the Community Development Director and the Building Inspector or their designees, absolutely no land use or development activity, shall occur on the subject property prior to the approval of the required BSO Plan or BSO Plan Amendment. 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) COMPLIANCE IN PERPETUITY (Ord. #1351 – 03-22-2012)

Any BSO Plan granted through the authority of this Section, or site/façade improvement (based on an approved grant or loan program carried out by the Community Development Authority, Planning Commission, or Common Council) shall be perpetually binding upon the development and all aspects of the approval given shall be followed. Further, BSO Plan or site/façade improvement referenced above, shall be perpetually binding to the extent that:

- A. All buildings and structures shall be maintained in a tasteful, safe and appropriate manner as they were originally approved for.
- B. All landscaping shall be periodically groomed and/or replaced when necessary.
- C. All drives, parking and pedestrian areas shall be kept in a safe and passable condition. This includes the maintaining of the appropriate pavement markings and the refinishing of the asphalt or concrete when it should become deteriorated.
- D. All natural areas and environmental areas identified for protection shall be maintained in manner which preserves their aesthetic and natural function
- E. All repairs and maintenance shall be executed in a timely manner.

(8) PLAN COMMISSION APPROVAL FOLLOW THRU INSPECTION

The Community Development Director or designee shall make a final inspection of all new buildings, building sites, additions and alterations of properties that have received Plan Commission approvals in order to assure all approvals from Planning Commission have been accomplished. The inspection shall be made at the same time final inspections are requested as part of building permits or, in the case building permits aren't required for the improvements, the inspection shall be made upon the developer notifying the Plan Department that the improvements have been accomplished. If all approvals have been followed, a

certificate of occupancy will be allowed. If further improvements are required, the certificate of occupancy will be withheld until such time the improvements are completed. A certificate of occupancy may be issued subject to certain items being completed within a given amount of time, however, if the items are not completed within the given timeframe, the certificate of occupancy can be revoked as per Section 30.07(5)a of the Municipal Building Code. Revocation of the certificate of occupancy requires all business use of the property to cease immediately until such time a new certificate of occupancy is given.

(8) MODIFICATIONS TO APPROVED PLANS

Where modification to an approved BSO Plan is requested, the Community Development Director or his designee is authorized, upon review of the proposal, to make a determination that the modification is either a non-substantial change or a substantial change to the approved BSO Plan. Where it is determined that the modification is non-substantial, the Community Development Director or his designee may approve the modification. Where it is determined that the modification is a substantial change to the approved BSO Plan, said Plan shall be revised and review by the Plan Commission pursuant to the procedures of this Section above, so as to clearly and completely depict any and all proposed modifications to the previously approved BSO Plan, prior to the initiation of said modifications.

(9) EXPIRATION

Plan commission approvals granted for building, site and operation plans, signs, second garage structures, temporary structures and sketch land divisions in which the petitioner has not commenced construction activity or preparation of the land, or has not submitted a Certified Survey Map or Preliminary Plat within the past 24 months of the date of approval, said approval will expire and reapplication will be required. A reapplication shall be limited solely to reasonable compliance with current design, locational, and operational requirements. A reapplication shall not involve the basic permissibility of the use where such use is permitted by right at the time of reapplication. The Plan Commission may grant one six-month extension if requested 30 days prior to the pending expiration date provided that the applicant demonstrates a valid cause.

(10) REVIEW FEES

A minimum review fee, as from time to time established by Resolution of the Common Council, shall be charged for all applications to the Plan Commission where a fee has not been otherwise established by the zoning ordinance. The review fee shall be applicable for, but not limited to the following: Sign Approvals, Landscape Plan Reviews, Kennel Permit Renewals, and Fireworks Stand Permits. Fees for other applications to the Plan Commission for, but not limited to Building Site and Operation Plan Review, Truck Parking Review, Second Garage Structure Requests, and Legal Lot Determinations shall be, as from time to time, established by Resolution of the Common Council.

SECTION 5 GENERAL PROVISIONS

5.01 USES REGULATED

(1) USES RESTRICTED

No structure or land shall be used and no structure shall be hereafter erected, structurally altered, or relocated except for a use as permitted and in compliance with the regulations hereinafter established for the district in which it is located.

(2) USES CLASSIFIED

For the purpose of this ordinance all uses shall be classified according to the following categories:

- A. Permitted Uses by Right: Principal uses the permissibility of which is a predetermined right anywhere in the district which located subject only to the regulations established governing such use.
- B. Permitted Accessory Uses: Uses incidental, customary to, and commonly associated with a permitted principal use.
- C. Permitted Uses by Conditional Grant: Uses, the nature, character, or circumstances of which are so unique, or so dependent upon the specific contemporary conditions, that predetermination of permissibility by right, or the detailing the ordinance of the specific standards, regulations, or conditions necessary or appropriate to such permissibility are not practical; but which may be permitted in the districts where listed subject to certain conditions and requirements as hereinafter specified.

(3) UNCLASSIFIED USES

Any use not specifically listed as a permitted use shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of questions as to the classification of a use, the question shall be submitted to the Plan Commission for determination.

(4) ADDITIONAL REQUIREMENTS

Any use, in any district, which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, may be required to be corrected or improved by such measures as are directed by the Common Council consistent with reasonable technological and economic practicality.

5.02 BUILDING LOCATION

(1) LOCATION RESTRICTED

No building shall be hereafter erected, structurally altered or relocated on a lot except in conformity with the following locational regulations as hereinafter specified for the district in which it is located.

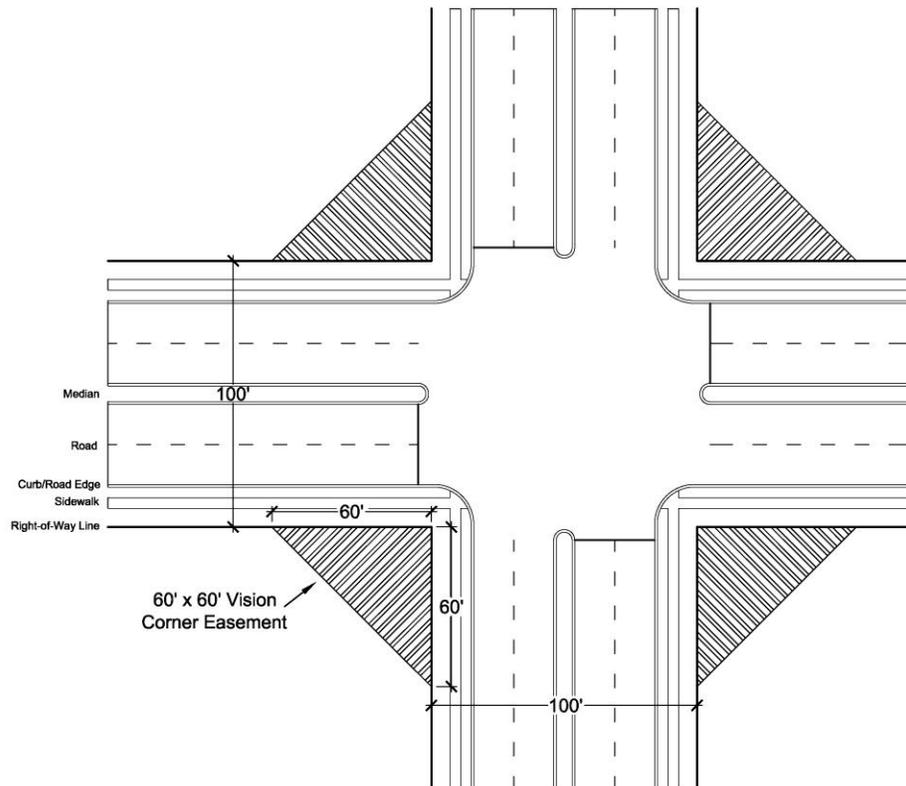
(2) SETBACKS

The proximity of a building to a public street or way is regulated by setback provisions as follows:

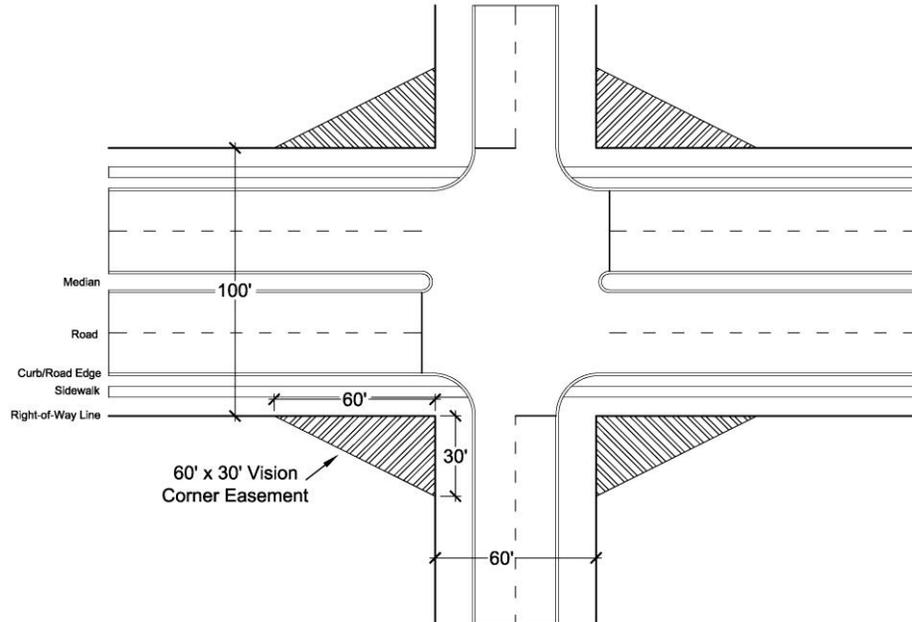
- A. Base Setback Lines are hereby established parallel to the center line of all public streets and ways as follows:
1. On all principle traffic arteries as designated by the City of Muskego Arterial Street System Plan and as set forth in the Comprehensive Land Use Plan, the base setback line shall be located a distance from the center line of the right-of-way equal to one-half the width of the right-of-way as referred to above.
 2. On all other streets, which shall be designated as "local streets" the Base Setback Line shall be located 30 feet from the center line of such street or 60 feet from the center point of a cul-de-sac unless specifically designated otherwise by action of the Common Council.
 3. In the case of frontage streets along principal traffic arteries the Base Setback Line shall be located on the property line as established by the frontage street.
- B. No building shall hereafter be erected, structurally altered, or relocated so that it is closer to the Base Setback Line than the setback distance hereinafter specified by the regulations of the district in which it is located with the following exceptions applicable only where the setback requirements affecting all properties are identical and provided that in no case shall any building be permitted forward of the Base Setback:
(Ord. #1371 – 04-18-2013)
1. Where the nearest existing principal on one side of said building is within 500 feet and has less than the required setback, the average between such existing setbacks and the required setback shall apply.
 2. Where the nearest principal building on both sides of said building are within 500 feet of said building but not closer than 300 feet to each other and have less than the required setback, the average of such existing setbacks and the required setback, the average between such existing setbacks shall apply.
 3. Where the nearest principal buildings on both sides of said building are within 300 feet of each other and have less than the required setback, the average between such existing setbacks shall apply.
 4. In the case of a proposed addition to an existing building which has less than the required setback, such existing building may be considered the "nearest existing building" in order to apply the aforesaid exceptions in determining required setback for the proposed addition.
- C. The setback as required by B above shall be measured from the nearest enclosed or roofed portion of a building, provided, however, that the first two (2) feet of an overhanging eave and gutter shall not be included.
- D. The only structure permitted within such setback area shall be necessary highway and traffic signs, public utility lines and poles, walls and fences, as regulated by this Code, rural mailboxes, signs as permitted under the individual district regulations, or as permitted by Section 16 of this Code,

structures other than buildings as regulated by this Code, temporary structures and underground buildings as regulated by this Code.

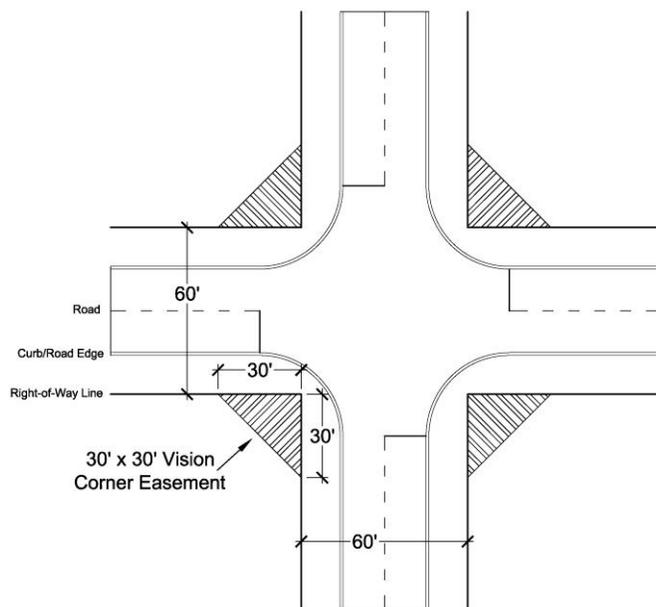
- E. Additions to and replacements of existing structures lying between the Base Setback Line and the existing street right-of-way may be made subject to approval of the Plan Commission and provided the owner will file with the City and record as part of the deed for such property an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this Ordinance at his expense, when necessary for the improvement of the street and will claim no damage for the same.
- F. Vision Setback Lines at the intersections of public streets and of a street with a railroad, where the grade is not separated, are hereby established as follows:
 1. Across each sector between the intersection of a street with a railroad a Vision Setback Line shall be established by a straight line connecting points on the Base Setback Line and the railroad right-of-way line, which points are located 120 feet from the intersection of the Base Setback Line and the railroad right-of-way line.
 2. Across each section between intersecting streets, both of which have a designated width of 100 feet or greater, a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 60 feet from the intersection of said Base Setback Lines.



- 3. Across each section between intersecting streets, one which has a designated width of 100 feet or greater, a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 60 feet from the intersection of said Base Setback Lines for the street with the width of 100 feet or greater and 30 feet from the intersection of said Base Setback Lines for the street with the width of less than 100 feet.



- 4. Across each sector between any other intersecting street a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 30 feet from the intersection of said Base Setback Lines.



- G. In the Vision Setback Area no structure of any kind shall be permitted which exceeds a height of two and one-half (2½) feet above the elevation of the center of the intersection, except for necessary highway and traffic signs, public utility lines, and open fences through which there is clear vision, nor shall any plant material or natural growth be permitted which obscures safe vision of the approaches to the intersection. Vision Setback Area encumbrances may be allowed in certain zoning districts that allow reduced setbacks if determined that the proposed development does not impede safety.
- H. On corner lots, of record as of the date of this Ordinance, the effect of the setback regulations shall not reduce the buildable width of such corner lot to less than 30 feet. Vision Setback Area encumbrances may be allowed in certain zoning districts that allow reduced setbacks if determined that the proposed development does not impede safety.
- I. Vision Setback Area variations may be allowed if found by the Public Works Committee that a proposed development does not impede safety at both the present and future time.

(3) OFFSETS

The proximity of a building to any other lot line than a street line is regulated by offset provisions as follows:

- A. No building shall hereafter be erected, structurally altered, or relocated so that it is closer to any lot line than the offset distance hereinafter specified by the regulations for the district in which it is located except as follows:
 - 1. In the case of any lot of record which has a minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionately to the ratio between the actual minimum average width and the required minimum average width provided, however, that no offset shall in any case be less than 1/2 the required offset.
 - 2. In the case of single family attached, multiple family, commercial, or industrial use structures two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the State Industrial Code relative to such construction are complied with and provided that at both ends of such "row" type buildings the applicable offset requirements shall be complied with. (Ord. #1371 – 04-18-2013)

- (4) How Measured: The offset shall be measured from the roofed or enclosed portion of a building; including overhanging eaves, except that the first two (2) feet of an overhanging eave gutter shall not be included.

- (5) Maintenance and Use of Setback and Offset Areas: Any such required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse, and shall not be used for storage or display of equipment, products, vehicles, or any other material except as may be specifically otherwise permitted under this ordinance. This does not apply to any storage that is

contained within an approved accessory structure or approved screening device. (Ord. #1311 02-04-2010)

- (6) **Building/Structure Separation:** No two buildings (shed, accessory structures, homes, etc.) on a lot shall be erected, structurally altered, or relocated so that any roofed or enclosed portion of a building is located closer than ten (10) feet to another building on the lot, although the separation can be reduced to no less than five (5) feet if building codes are met in relation to firewalls. (Ord. #1326 08-19-2010)
- (7) (Ord. #1290 – 04-23-2009) **Wetland Protection Offset:** No building or structure shall hereafter be erected, structurally altered, or relocated so that it is located closer than the distances listed below to a delineated wetland area. The purpose of this protection offset is to preserve the wetland areas themselves and the environmentally sensitive areas immediately around the wetland areas. These Wetland Protection Offsets are separate and different from any DNR wetland requirements. Any DNR restrictions relating to wetlands and wetland offsets apply in addition to these regulations.
- A. **Wetland Protection Offsets Distances:** The offset distance is fifteen (15) feet from any delineated wetland. All wetland delineations must receive DNR concurrence.
- B. **Protection Offset Restrictions:** No building or structure shall hereafter be erected, structurally altered, or relocated within the Wetland Protection Offsets. This includes, but is not limited to, any building (including sheds and accessory structures), deck, pool, any hard surface (asphalt, concrete, pavers, gravel, etc.), or any other feature deemed a structure or building by Community Development Director or his/her designee. Landscape features (including, but not limited to fences, retaining walls, planting beds, plantings, etc.) are allowed within the Wetland Protection Offset area as long as they do not cross into and/or impact the wetlands. Grading, excavation, and filling are allowed within the Wetland Protection areas as long as they do not cross into and/or impact the wetlands. Per the discretion of the Community Development Director or his/her designee, the only exceptions to these requirements shall be work associated with approved DNR wetland disturbance activities (examples: wetland board walks, wetland crossings).
- (8) **Setbacks/Offsets from Public Lake Access Right-of-Ways:** Any lot that shares a lot line with a public lake access right-of-way will have the setback/offset from the shared lot line treated as a side yard offset rather than front yard setback, based upon the Zoning District in which it is located. (Ord. #1371 – 04-18-2013)

5.03 BUILDING HEIGHT

(1) MAXIMUM HEIGHT RESTRICTED

In any district no building or structure shall be hereafter erected or structurally altered to a height in excess of that hereinafter specified by the regulations for that district, except as may be modified by this Code.

(2) EXCEPTIONS

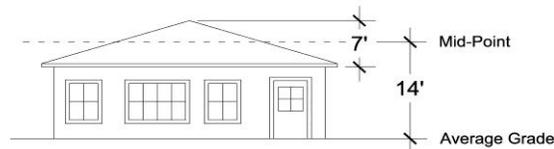
The following shall be excepted from the height regulations of all districts:

- A. Chimney and flues.
- B. Electric, telephone and telegraph and distribution facilities; fire siren towers, and emergency weather sirens.
- C. Subject to the approval of the Plan Commission: Cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, masts, aerials, gymnasiums, and necessary mechanical appurtenances. (Ord. #1311 – 02-04-2010)

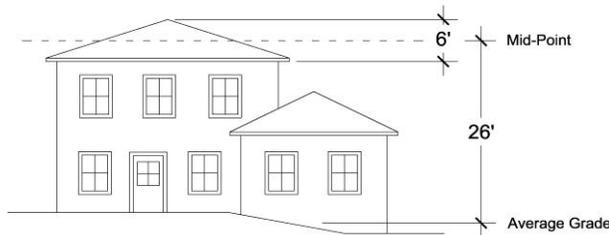
(3) HOW MEASURED

For one and two family principal structures and their accessory structures, and for all commercial and industrial structures, height is measured from the average finished grade at the front building line to the highest point of:

- A. the coping of a flat roof;
- B. the deck line of a false mansard roof, or
- C. the midpoint of the highest gable of a traditional mansard, gambrel, hip, or pitch roof. Mid point is determined by drawing a horizontal (zero degrees) line between the points where the walls intersect the roof deck or an average thereof. Then draw a perpendicular line from the horizontal line to the highest point of the gable. The midpoint of the vertical line shall be the height of the gable roof for the purposes of this ordinance.



Single Story Example



Two-Story Example

- (4) The height of any other structure shall be defined as the total height of the structure measured with a vertical line from the average finished grade at the front line of the structure to the highest point of the structure.

5.04 BUILDING SIZE

(1) MINIMUM REQUIRED

Any building intended in whole or part for residential purposes shall provide a minimum floor area as hereinafter specified by the regulations for the district in which such building is located.

- A. The minimum required floor area is stated in terms of minimum total usable residential floor area per family in a single floor building.
- B. In the case of any residential building in a single family detached district, which has more than a single floor level, the total of all livable floor area which is not over any other livable floor shall be called the Principal Floor Area may be reduced 1.5 square feet for every foot added to the minimum required total floor area.
- C. In the case of any building designed for two (2) or less dwelling units and not having a basement of at least 300 square feet in area, the minimum required floor area shall be increased by 200 square feet.
- D. In any case where the Principal Floor Area is less than 1,000 square feet, an attached garage, breezeway, porch or other enclosed area shall be required so that the total ground area is in no case less than 1,000 square feet.

(2) MAXIMUM PERMITTED F.A.R.

The maximum total floor area of the buildings on a lot shall not exceed that permitted under the floor area ratio (F.A.R.) as hereinafter specified by the regulations for the district in which such building is located.

(3) HOW F.A.R. IS MEASURED

Floor area shall be measured at each level from outside of wall to outside of wall, but for the purpose of determining minimum required floor area shall not include any area having an average height of less than seven (7) feet, basements, attached garages, open porches, attics or storage areas. Attic areas shall not be included in determining permitted F.A.R. Basements shall not be included in determining permitted F.A.R. unless they are exposed and remodeled for habitation uses. For the purposes of minimum and maximum floor area regulations, in the case of floor levels built into a hillside (Exposures), the floor area subject to measurement shall be computed as one-half the remodeled floor area within the exposure.

(4) F.A.R. EXCEPTIONS

- A. The Board of Appeals may grant an exception to permit a building of less than the required minimum floor area where such grant would not be contrary to the spirit or intent of the ordinance, and provided the proposed building would be compatible in character and quality to the general neighborhood, and would not depreciate the property values of the surrounding area, and provided further that in no case shall a reduction greater than 25% be permitted.
- B. Properties within the RL-1, RL-2, and RL-3 Lakeshore Residence Districts are exempt from maximum F.A.R. requirements.
- C. The area contained in a Rustic Structure, granted Conditional Use status by the Plan Commission, shall not be included in the calculation of the maximum FAR for the parcel.

5.05 LOT SIZE

(1) MINIMUMS REQUIRED

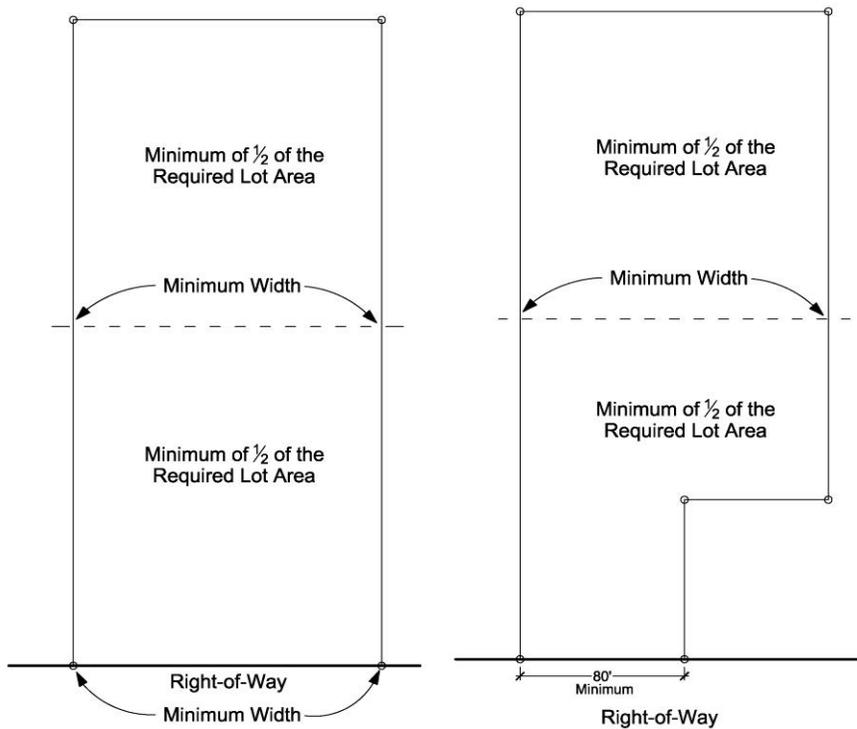
No building shall be erected on a lot of less area or of minimum average width less than hereinafter specified by the regulations of the district in which such building is located, except where said lot is an existing lot of record which was previously divided. (Ord. #1371 – 04-18-2013)

(2) LOT AREA - HOW MEASURED

For the purpose of this ordinance, the lot area shall be measured from the Base Setback Line and shall be exclusive of the area between the Base Setback Line and the existing property line ultimately to be included in the street, but may include land zoned "wetland-floodplain" subject to compliance with this Code.

(3) WIDTH - HOW MEASURED

In determining the minimum average width of a lot such measurement shall be made by a line perpendicular to the line establishing the average depth of the lot, at any point where one-half ($\frac{1}{2}$) the required minimum lot area would fall on each side of such line establishing the minimum average width.



(4) REDUCTION

No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing offsets, setbacks, open space or lot area would be reduced below that required by the regulations for the district in which such lot is located.

5.06 RESIDENTIAL DENSITY

(1) PURPOSE OF CONTROL

The regulatory techniques controlling the distribution of population throughout the community are intended to achieve the desired environmental character as set forth in the General Plan and to achieve a practical economical and functional relationship between the residential use of land and its consequent impact upon traffic circulation, sewage disposal, school facilities, and other service demands.

(2) METHOD OF CONTROL

In single-family detached development the density is established by the minimum required lot size. In single family attached, or multiple family development, no minimum lot size is established; but the allowable density is established by a required ratio of lot area to each dwelling unit. In planned residential development projects the density is established by a special factor giving the number of dwelling units permitted per acre based on the underlying zoning.

(3) HOW COMPUTED

The determination of the number of allowable dwelling units on a given property being developed with single family attached or multiple family units shall be made as follows:

- A. Single Family Attached and Multiple Family - by dividing the net area of the parcel to be so developed by the number of square feet required per dwelling unit.
- B. Planned Development Projects - by applying the percentage factor to the gross area of the project as hereinafter set forth in this Code on the basis of the underlying zoning.

5.07 OPEN SPACE

(1) MINIMUM REQUIRED

No building, covered structure, or impervious surface shall be placed, erected, structurally altered or relocated on a lot so as to reduce the usable open area of such lot to less than the minimum required amount as identified by the underlying zoning district or less than 75% of the total lot size. (Ord. #1311 – 02-04-2010)

(2) HOW MEASURED

To be considered usable, such open area shall be readily accessible and of a size and shape which can be reasonably considered to provide for the amenities and necessities of light, air, play space, drying yard, garden, etc., but shall not include parking areas, drives, and other impervious areas. Pervious hard surfaces such as gravel, pavers, permeable concrete/asphalt, and other surfaces, at the discretion of the Community Development Director, can count as open space. Crop pasture and wooded land may be included in computing such open area. (Ord. #1311 – 02-04-2010)

(3) OVERLAPPING

No part of the open space provided for any building shall be included as part of the open space required for another building, except as hereinafter provided for planned development projects.

(4) EXEMPTIONS

The area contained by a Rustic Structure authorized by Conditional Use Grant shall not be counted against the amount of open area on a parcel.

5.08 BASIC LOCATIONAL REQUIREMENTS

(1) BUILDING MUST BE ON A LOT

Every building hereafter erected, structurally altered, or relocated shall be placed on a lot as herein defined.

(2) ONLY ONE PRINCIPAL RESIDENCE BUILDING ON A LOT

Except as specifically otherwise provided herein for attached single family dwellings, apartment, farms, or planned development projects only one principal residence building shall be permitted on a lot, provided however that the Board of Appeals may grant an exception to permit more than one principal building on a lot where such grant would not be contrary to the spirit or intent of the Ordinance or to the regulations applicable to the specific district, and provided that a sufficient lot area is provided and the buildings so located as to permit individual compliance in the case of future division with the lot size, density, building location, and open space requirements of the district in which located.

5.09 BUILDING CONSTRUCTION

(1) ONE AND TWO FAMILY CONSTRUCTION

One and Two Family Built-on-site Construction: all such construction shall conform to the standards as set forth in Chapter 30 Building Code for the City of Muskego, Wisconsin Administrative Code Chapters COMM 20, 21, 22, 23, 24, & 25 otherwise known as the Uniform Dwelling Code.

(2) ONE AND TWO FAMILY BUILT-OFF-SITE MANUFACTURED HOMES OR DWELLINGS OR MODULAR HOUSING

One and Two Family Built-off-site Manufactured Homes or Dwellings or Modular Housing as defined by COMM 20.07,27 and Section §101.91 Wisconsin Statutes: such structures shall be certified as such under 42 USC Sections 5401 to 5426, which, when placed or remodeled on site:

- A. Shall be set on an enclosed foundation in accordance with Chapter 30, the Building Code for the City of Muskego, and Wisconsin Administrative Code Chapters COMM Chapters 21 through 25 as applicable. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

- B. Shall be permanently installed on a foundation in accordance with manufactures instructions a copy of which shall be provided to Building Inspector at time of application.
- C. Shall be properly/permanently connected to utilities in accordance with all State and local regulations.
- D. Shall have a floor area equal to or greater than that required in the zoning district in which it is to be located.
- E. Shall have all chassis components removed prior to issuance of an occupancy permit.
- F. Shall be a minimum 25' in width and no less than two (2) sections.

(3) COMMERCIAL CONSTRUCTION

Commercial construction shall conform to Chapter 30 Building Code for the City of Muskego, Chapter 32 Fire Code for the City of Muskego, and Wisconsin Administrative Code Chapters COMM 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, and 65, and shall conform to the Wisconsin Enrolled Commercial Building Code Volume 1 and 2.

5.10 ENGINEERING REGULATIONS

(1) Establishment of Grades: Every building hereafter erected, structurally altered or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the established street grades or with the existing street grade where none is established, with particular consideration for proper drainage and safe vehicular access.

(2) Drainage (Ord. #1311 02-04-2010)

- A. Adequate Drainage Required: No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times nor which is subject to periodic flooding, nor so that the lowest floor level is less than 2 feet above the highest anticipated seasonal ground water level. An Occupancy Permit and Use Permit shall not be issued for any lot where the grading plan approved for that lot at the time of its platting has not been accomplished.
- B. Obstruction to Drainage Prohibited: The damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the Plan Commission
- C. Building Restricted Adjacent to Drainage Channels or Watercourses: No building other than a bridge, dam, or revetment subject to the aforesaid approval, shall be erected, structurally altered or relocated within 10 feet of the ordinary high water line of surface water, drainage channel or 20 feet of the ordinary high water line of a natural watercourse.
- D. Elevations Relative to Floodplains: The lowest finished yard grade elevation abutting the principal structure must be at least 2 feet above the floodplain elevation. For accessory structures the lowest finished yard grade elevation abutting said structure must be at or above the floodplain elevation. Any structure located within the floodplain is subject to the requirements of Chapter 14 of the Municipal Code.

(3) Preservation of Topography: (Rep. & Recr. #219)

- A. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 2 feet horizontal to one foot vertical. In no case shall any change in topography be made which would likely result in soil erosion.
- B. Retaining walls may be permitted in accordance with Section 15.05(8)D.
- C. No change in topography shall be made which would adversely affect the adjoining property.
- D. If any change in grade is made, the following provisions shall be required:
 - 1. Adequate drainage to streets, ditches, storm sewers, or other approved areas must be provided directly from the property.
 - 2. Safe disposal of runoff caused by rooftops, pavements, and straightened waterways shall be provided.
- E. Any material conveyed to or from a lot or site for the purpose of changing the topography of said lot or site shall have City approval.

(4) Protection of Solar Access. (Ord. #411 - 6-23-81)

- A. No plantings shall be planted which would shade an existing solar collector on adjoining properties.

5.11 ADEQUATE PUBLIC FACILITIES

(1) AUTHORITY

This Section is adopted pursuant to Section §62.23(7)(a), (b), and (c) Wisconsin Statutes. Said statutes include enabling legislation including, but not limited, to the authority to "...facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements..."

(2) PURPOSE

In order to prevent the improper development of land which might pose a threat to the health, safety, and welfare of the community at large, or the occupants of land in particular areas of the City of Muskego, it is hereby declared that developments shall not be approved unless certain public facilities are available or will be made available at adequate levels to serve said developments. The purpose of this Section is to ensure that, to the maximum extent practical, new developments will be approved only when it can reasonably be expected that Adequate Public Facilities as defined herein, will be available to accommodate such new developments. No portion of this Section shall be interpreted or deemed to affect any rights which have been vested prior to the enactment of this Code.

(3) CERTIFICATE REQUIRED

No Building Site and Operation Plan, Preliminary Plat, Final Plat, Certified Survey Map, or Conditional Use Grant shall be approved unless on the date of such approval there exists a valid and current CAPF applicable to the project for which approval is sought.

(4) EXEMPTIONS

The following shall be exempt from Certification Requirements:

1. Rezoning petitions, provided that the requested rezoning is consistent with the adopted Comprehensive Plan.
2. Final Plats of which a Preliminary Plat has been approved by the Common Council prior to enactment of this Section, provided that said Preliminary Plat approval has not expired.
3. Amendments to approved BSOs and CUGs provided that the Community Development Director or their designee has determined that said amendments will not increase the demand for public facilities covered by this Section.

(5) CERTIFICATION OF ADEQUATE PUBLIC FACILITIES (CAPF) AUTOMATIC CERTIFICATIONS

- A. The Community Development Director or their designee is authorized to issue an Automatic Certificate of Adequate Public Facilities for Applicants which meet the following:
 1. Small and Low Density Developments, where the Community Development Director or their designee has determined that all of the following criteria are met:
 - a. The Average Daily Traffic (ADT) will not increase more than 40.
 - b. Where within an adopted sanitary sewer service area, that sanitary sewer is immediately available to adequately serve the property, or; Where outside of an adopted sanitary sewer service area, that the Waukesha County Department of Land Use has reviewed the proposal and determined that the subject lands are suitable for a private on-site wastewater treatment system pursuant to Chapter COMM 83 of the Wisconsin Administrative Code.
 - c. Where within an adopted Water Capacity Assessment District, that municipal water is immediately available to adequately serve the property, or; Where outside of an adopted Water Capacity Assessment District, that private on-site potable water source is available pursuant to the requirements of Chapter NR 812 of the Wisconsin Administrative Code.
 - d. The development is exempt from Chapter 34 of the Municipal Code, Storm Water Management.
- B. Automatic Certificates shall be exempt from the requirements of this Section of this Code, but may be required to submit Application materials

deemed necessary by the Community Development Director to make an exemption determination.

(6) CAPF APPLICATION PROCEDURE

1. Materials Required. Applicants shall submit the following information to the Community Development Department for review and determination:
 - A. Complete application form provided by the Community Development Department. No form shall be deemed complete unless signed and dated by the Applicant and property owner (if different). Application form can be the initial submittal of the land division or BSO if deemed concise by the Community Development Director.
 - B. Eighteen (18) copies of the Development Plan for the proposed development application for which the CAPF is requested.
 - C. Other information as may be requested in writing by the Community Development Director or their designee in order to assist in reviewing the application for CAPF.
 - D. Fees as adopted by the Common Council from time to time.
2. Summary of Procedure. The following shall be the general review process for an Application for CAPF. The Finance Committee may establish additional policies and procedures as deemed necessary from time to time in order to efficiently administer the application process.
 - A. The Community Development Director or their designee shall review the Application for CAPF in conjunction with the Development Plan. Upon completion of staff review and determination that the Application is complete and in an approvable form, the Application shall be forwarded to the Committees and Commissions having jurisdiction over components of said Application, including but not limited to the Public Utilities Committee, Public Works Committee, and Plan Commission, in accordance with the adopted Developers Procedure Guide, as may be amended from time to time. Development Plans which are eligible for Automatic Certifications pursuant to Section 5.10(5) of this Code shall be processed administratively by the Community Development Director or their designee.
 - B. The Committees and Commissions of jurisdiction shall review the Application and staff recommendations. Said Committees and Commissions shall either recommend approval, recommend conditional approval, recommend denial, or shall refer the matter back to the Community Development Director or their designee for additional information, or to address specific concerns.
 - C. Upon the Application's receipt of recommendation for approval, conditional approval, or denial, the Application and Development Plan shall be forwarded to the Common Council via the minutes of the Committee or Commission.
 - D. Applications forwarded to the Common Council shall not require individual action and shall be approved by Council acceptance

and / or filing of the minutes of the Committee or Commission. Following said approval, the Community Development Director or their designee shall issue the written Certificate of Adequate Public Facilities.

(7) DETERMINING ADEQUATE PUBLIC FACILITIES

The determination of Adequate Public Facilities shall be made in accordance with the following criteria:

- A. Streets. The Development's street system shall connect to segments of the public roadway system. Said street segments shall be capable of handling projected traffic flow on an Average Daily Traffic (ADT) and peak hour basis. The Developer is responsible for providing any Traffic Impact Analysis and related studies to the satisfaction of the Public Works Committee. For purposes of this Section, a street shall be deemed "adequate" where projected traffic flow is not reduced below "C" for arterial and collector streets, and "C-minus" on local and minor streets, and the plans, specifications, and said traffic analysis have been approved by the Public Works Committee prior to or concurrent with the CAPF recommendation.
- B. Wastewater Facilities. The Development's wastewater facilities shall be designed with adequate capacity to accommodate the type and flow from the proposed development, as well as any upstream development which may flow through the site in question. For purposes of this Section:
 1. Developments within the City's adopted Sanitary Sewer Service Area and / or Reserve Capacity Assessment District shall be deemed to have "adequate" wastewater systems when connected to the municipal collection system in accordance with adopted design standards for municipal sanitary sewer systems, and plans and specifications relating thereto are approved by the Public Utilities Committee prior to or concurrent with the CAPF recommendation. Developments within the City's adopted Sanitary Sewer Service Area and / or Reserve Capacity Assessment District may use the provisions of Section 17:5.10(7)(B)2 upon receipt of a waiver from the Public Utilities Committee, as described in Section 17:5.10(11)B of this Code.
 2. Developments located outside of the City's adopted Sanitary Sewer Service Area and / or Reserve Capacity Assessment District shall be deemed to have "adequate" wastewater systems when:
 - a. Single use systems designed in accordance with Chapter COMM 83 of the Wisconsin Administrative Code are approved by the Waukesha County Department of Parks and Land Use.
 - b. Engineering systems for multiple users designed in accordance with Chapter COMM 83 of the Wisconsin Administrative Code are approved by the Waukesha County Department of Parks and Land Use and where the ownership and maintenance duties of said engineered system are conveyed to a private trust or the City of Muskego by separate document, and where plans and

- specifications relating thereto are approved by the Public Utilities Committee prior to or concurrent with the CAPF recommendation.
- C. Potable Water. The Development's potable water supply shall provide sufficient capacity for the proposed level of occupancy. For purposes of this Section:
- a. Developments within the City's adopted Water Capacity Assessment District Area shall be deemed to have "adequate" potable water systems when connected to the municipal distribution system in accordance with adopted design standards for municipal water systems, and plans and specifications relating thereto are approved by the Public Utilities Committee prior to or concurrent with the CAPF recommendation. Developments within the City's adopted Water Capacity Assessment District may use the provisions of Section 17:5.10(7)(B)(3)b upon receipt of a waiver from the Public Utilities Committee, as described in Section 17:5.10(11)C of this Code.
 - b. Developments located outside of the City's adopted Water Capacity Assessment District shall be deemed to have "adequate" potable water systems when:
 - i. Single use systems designed in accordance with Chapter NR812 of the Wisconsin Administrative Code are approved by the Waukesha County Department of Parks and Land Use.
 - ii. Engineering systems for multiple users are designed in accordance with Chapter NR811 of the Wisconsin Administrative Code are approved by the Wisconsin Department of Natural Resources and approved by the City of Muskego Utility Committee, and where the ownership and maintenance duties of said engineered system is conveyed to a private trust or the City of Muskego by separate document, and where plans and specifications relating thereto are approved by the Public Utilities Committee prior to or concurrent with the CAPF recommendation.
4. Drainage Systems and Storm Water Management. The Development's drainage systems and storm water management appurtenances shall be designed to convey runoff in accordance with Chapter 34 of the Municipal Code and Chapter 13 of the Milwaukee Metropolitan Sewerage District regulations. For purposes of this Section:
- a. Developments subject to Chapter 34, Storm Water, meet the requirements established by that Chapter, and plans and specifications relating thereto are approved by the Public Works Committee prior to or concurrent with the CAPF recommendation.
 - b. Developments exempt from Chapter 34, Storm Water have grading and drainage plans approved by the Building

Inspection / Engineering Director or their designee prior to or concurrent with the CAPF recommendation.

(8) GRANT OF CERTIFICATE

Upon recommendation by all Committees and Commissions of jurisdiction, and the Common Council acceptance of their minutes, the Community Development Director or their designee shall issue written findings which:

- A. Determine that Adequate Public Facilities are present, or
- B. That Applicant will take actions to make adequate public facilities present within the time frame established by this Section of Code,

And shall issue the written Certificate of Adequate Public Facilities within ten (10) days of said findings. Said Certificate may be in the form of a resolution and shall include any conditions required by the approvals of the Committees and Commissions of jurisdiction, and may include the Certificate's expiration dates as depicted in this Section of Code. If not mentioned, the expiration dates are the same as the expiration dates of the requested development as found in the Zoning or Land Division Codes.

(9) EXPIRATION

Certificate of Adequate Public Facilities issued pursuant to this Chapter, in which the petitioner has not commenced construction activity or preparation of the land, are valid for the following period of time, commencing the date of the Common Council acceptance and / or filing of minutes of all Committees and Commissions of jurisdiction:

Type of Development	Months Valid:
Building Site and Operation Plan	24 months
Conditional Use Grant	24 months
Preliminary Plat	24 months
Certified Survey Map	6 months
Condominium Plat	6 months
Final Plat	6 months

(10) TIME EXTENSIONS

The Common Council may grant one or more time extensions to any approved CAPF, provided that such time extension coincides with a time extension or reapproval is concurrent with a time extension or reapproval authorized for the Development by Chapter 18, Land Division, and / or this Code.

(11) WAIVER OF CERTIFICATE

In the event an Application does not establish that Adequate Public Facilities will be present pursuant to the 17:5.10(7) of this Code, and Applicant does not propose to provide Adequate Public Facilities, approval of the Application may occur upon the Common Council's expressed findings by Resolution that one or more of the following apply:

- A. Due to the nature of the proposed Development, its occupants and the general citizenry of the City of Muskego will not be endangered, and the

inadequacy of the particular Public Facility will not pose a threat to the health, safety, or general welfare of the citizens of Muskego.

- B. Where the Development is within the adopted Sanitary Sewer Service Area and / or Reserve Capacity Assessment District, and it is not economically feasible to extend Municipal sanitary sewers to serve a development, adequate facilities are provided pursuant to Section 17:5.10 of this Code.
- C. Where the Development is within the adopted Water Capacity Assessment District and it is not economically feasible to extend Municipal water mains to serve a development, adequate facilities are provided pursuant to Section 17:5.10 of this Code.

(12) FEES

The Common Council may establish fees to be charged to Applicants for CAPFs. Said fees shall be established by Resolution from time to time as deemed necessary by the Common Council.

SECTION 6 NON-CONFORMITY

6.01 EXISTING USE PERMITTED

The existing lawful use of a building or premises at the time of the enactment of this ordinance or any amendment applicable thereto which is not in conformity with the provisions established by this ordinance may be continued in the manner and for the purpose then existent subject to the conditions hereinafter stated.

6.02 CLASSIFICATION AND REGULATION

For the purpose of administration such nonconformity shall be classified and regulated as follows:

(1) NON-CONFORMING USES

- A. No such use shall be expanded or enlarged.
- B. Where the structure in which such use is carried on is damaged to the extent of more than 50% of its current assessed value it shall not be restored for use except in conformity with the regulations of the district in which it is located.
- C. Structure repairs and alterations to a structure housing such use shall not, as long as such use continues, exceed 50% of the assessed value of the structure at the time the use became nonconforming.
- D. Upon petition to and approval of the Plan Commission such use may be changed to another use provided the Plan Commission determines that the new use would result in greater or no less degree of conformity and provided further that such new use shall thereafter determine the degree of legal nonconformity.
- E. Where any such use is discontinued for a period of twelve (12) consecutive or for eighteen (18) accumulative months during any three (3) year period, any future use of the structure shall conform to the regulations of the district in which it is located.

(2) NON-CONFORMING STRUCTURES (Ord. #1371 – 04-18-2013)

For the purpose of administration such nonconformity shall be classified and regulated as follows:

- A. No such structure shall be expanded or enlarged except in conformity with the regulations of the district in which it is located, unless said expansions or enlargements do not get any closer than their existing distance from any lot line and shall not exceed 50% of the assessed value.
- B. Where any such use is discontinued for a period of twelve (12) consecutive or for eighteen (18) accumulative months during any three (3) year period, any future use of the structure shall conform to the regulations of the district in which it is located.
- C. In this Subsection pursuant to Wisconsin Statutes Section 62.23(7)(hb) as to repair and maintenance of certain non-conforming structures:

- i. "Development Regulations" means the part of a zoning ordinance enacted under this subsection that applies to elements including setback, height, lot coverage and side yard.
- ii. "Non-Conforming Structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended but that does not conform with one or more of the development regulations in the current zoning ordinance.

This subsection does not prohibit, or limit based on cost, the repair, maintenance, renovation or remodeling of a non-conforming structure.

(3) NON-CONFORMING PARCELS

Where a lot has less land area or width than required for the district in which it is located and was of record at the time of the passage of this Ordinance, such lot may be used for any purpose permitted in such district. The open space requirements in the case of such lot may be reduced without appeal provided the open space area is equal to at least 75% of the actual lot area or within the underlying zoning district requirements. (Ord. #1311 – 02-04-2010)

(4) NON-CONFORMING SIGNS

The existing lawful use of a sign at the time of enactment of this ordinance or any amendment thereto may be considered as a legal non-conforming structure or use, and regulations of Section 6.02 relating to their elimination shall apply. Disrepair and/or dangerous signs shall be removed.

Exceptions to this section are as follows:

- A. Off-Premise Directional signage associated with an existing business.
- B. Abandoned signs as defined by Section 16.06 of this Code.

(5) NONCONFORMITIES IN SHORELAND WETLAND AREAS

- A. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises in any mapped Shoreland Wetland District, and which was lawful before the passage of this ordinance or any amendment thereto.
- B. The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions
- C. The shoreland-wetland provisions of this ordinance authorized by Section §62.231 Wisconsin Statutes shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland-wetland provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject to Section §62.23(7)(h), Wisconsin Statutes, which limits total lifetime structural repairs and alterations to 50% of current fair market value.

- D. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.
- E. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under Sections §61.351 or §62.231, Wisconsin Statutes may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.
- F. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Section §30.121, Wisconsin Statutes.
- G. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(6) RESTORATION OF NON-CONFORMING STRUCTURES

Per State Statute Section 62.23(7)(hc) any non-conforming structure that is damaged or destroyed and meets all of the following criteria can be restored to its same size, location, and use that it had immediately before the damage or destruction occurred. (Ord. #1326 08-19-2010)

- A. The non-conforming structure was damaged or destroyed on or after March 2, 2006.
- B. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

SECTION 7 ZONING DISTRICTS ESTABLISHED

7.01 GENERAL

The Regulations of the various Sections of this Code are made specifically applicable to each individual district as hereinafter set forth in the Individual District sections of this Code.

7.02 FORMAT OF DISTRICT REGULATIONS AND SUMMARY

(1) BASIC DISTRICTS

All property in the City has been placed on the basic districts created for the purpose of establishing the general pattern of intended land use consistent with the General Plan for Comprehensive Development.

(2) PLANNED DEVELOPMENT DISTRICTS

The Planned Development District is intended to allow for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the intent of the normal district regulations of this ordinance.

(3) CONSERVATION PLANNED DEVELOPMENT DISTRICTS

The Conservation Planned Development District is intended to provide development flexibility, conserve a majority of a development site in permanent open space, and provide development incentives to meet conservation goals established by the City of Muskego.

(4) OVERLAY DISTRICTS

Overlay of "floating" districts are also established which provide for the possibility of superimposing upon a basic district certain additional permissive uses and regulatory standards applicable thereto without disturbing the underlying basic district regulations. The basic intent is similar to that upon which conditional use grants are premised and in effect represent the granting of specifically defined special use rights in specifically defined areas.

(5) TRADITIONAL NEIGHBORHOOD DEVELOPMENT OVERLAY DISTRICT

The Traditional Neighborhood Development Chapter is an alternative set of standards for development within the City, and may apply to new developments or redevelopments of at least four (4) acres in total area, under the auspices of an PD - Planned Development District.

(6) WELLHEAD PROTECTION OVERLAY DISTRICT

Wellhead Protection Districts are intended to discourage land use practices and activities, which may threaten or degrade groundwater quality. The City of Muskego's municipal water supply and well fields and private well head protection areas delineated in a Well Head Protection Plan accepted by the City.

(7) ORGANIZATION OF DISTRICT REGULATIONS

For convenience and readability the uses as permitted in each district and the supplementary regulations thereto are presented in a summary tabular form consisting of the following:

- A. A statement of intent interpreting the intended purpose of the specific district classification.
- B. The specific numeric requirements of the provisions of this Code made applicable to the district. In case of an Overlay district the requirements listed apply to the uses permitted by virtue of the overlay and do not alter the application of the underlying district regulations to the use permitted therein.
- C. A list of permitted uses with a reference to related provisions of the Ordinance.

7.03 BASE DISTRICTS CREATED

The following Base Zoning Districts are hereby created:

(1) AGRICULTURAL DISTRICTS

A-1 Agricultural District

(2) SINGLE FAMILY RESIDENTIAL DISTRICTS

RC-1 Rural Country Estate District

RC-2 Rural Country Estate District

RC-3 Rural Country Estate District

RCE Country Estate District

RSE Suburban Estate District

RS-1 Suburban Residence District

RS-2 Suburban Residence District

RS-3 Suburban Residence District

ERS-1 Existing Suburban Residence District

ERS-2 Existing Suburban Residence District

ERS-3 Existing Suburban Residence District

(3) MULTIPLE FAMILY RESIDENTIAL DISTRICTS

RM-1 Multiple Family Residence District

RM-2 Multiple Family Residence District

RM-3 Multiple Family Residence District

ERM-1 Existing Multiple Family Residence District

(4) LAKE RESIDENTIAL DISTRICTS

RL-1 Existing Lakeshore Residence District

RL-2 Existing Lakeshore Residence District

RL-3 Existing Lakeshore Residence District

(5) LAKE COMMERCIAL DISTRICTS

BL-1 Lakeshore Commercial District

BL-2 Lakeshore Commercial District

(6) COMMERCIAL DISTRICTS

RB-1 Existing Residential Business District
B-1 Neighborhood Business District
B-2 Local Service Center
B-3 General Business District
B-4 Highway Business District
BP-1 Business Park and Office Park Support District
BP-2 Office Park District
BP-3 Business Park District

(7) MIXED USE DISTRICTS

HC-1 Historic Crossroads District
DR-1 Downtown Revival District

(8) INDUSTRIAL DISTRICTS

M-1 Light Industrial District
M-2 General Industrial District
M-3 Landfill and Extractive Operations District

(9) INSTITUTIONAL DISTRICT

I-1 Government and Institutional District

(10) PARK AND RECREATION DISTRICT

PI-1 Parks and Recreation District

(11) CONSERVATION DISTRICT

CI-1 Conservation District

(12) SHORELAND WETLAND DISTRICT

SW Shoreland Wetland District

7.04 PLANNED DEVELOPMENT DISTRICTS CREATED

The following Planned Development Districts are hereby created:

(1) PLANNED DEVELOPMENT DISTRICTS

PD-1 – Parkland (NW ¼ of Section 10)
PD-2 – Freedom Square (NW ¼ of Section 10)
PD-3 – Durham Meadows (SW ¼ of Section 2)
PD-4 – Hale Park Meadows (SW ¼ of Section 1)
PD-5 – Pioneer Centre (NE ¼ of Section 16)
PD-6 – Tudor Oaks (SW ¼ of Section 12)
PD-7 – Lake Lore Estates (SW ¼ of Section 12)
PD-8 – Lake Brittany Estates (SE ¼ of Section 12)
PD-9 – Guernsey Meadows (NE ¼ of Section 10)
PD-10 – Kristin Downs (SE ¼ of Section 9)
PD-11 – Lake Meadows (NE ¼ of Section 31)
PD-12 – Woodcrest Heights (SW ¼ of Section 16)
PD-13 – Golden Country Estates (SW ¼ of Section 2)
PD-14 – Bay Breeze (SE ¼ of Section 9)

- PD-15 – Meadow Green West (NE ¼ of Section 16)
- PD-16 – Breann Ridge (SW ¼ of Section 10)
- PD-17 – Overlook Bay (SE¼ of Section 8)
- PD-18 – Lake Forest (SW ¼ of Section 8)
- PD-19 – College Square (NE ¼ of Section 5)
- PD-20 – Woods Road-DeBack (SE ¼ of Section 17)
- PD-21 – Country Brook Estates (SE ¼ of Section 16)
- PD-22 – Stoney Creek (SW ¼ of Section 1)
- PD-23 – Plum Creek (SW ¼ of Section 17)
- PD-24 – Plum Creek East (SW ¼ of Section 17)
- PD-25 – Muskego Centre (SE ¼ of Section 8)
- PD-26 – Deer Creek (SW ¼ of Section 10)
- PD-27 – Regency (SW ¼ of Section 16)
- PD-28 – Miller (SE ¼ of Section 5)
- PD-29 – Park Estates (NE ¼ of Section 18)
- PD-30 – North Cape Farms (SE ¼ of Section 13)
- PD-31 – Champions Village (NE ¼ of Section 25)
- PD-32 – Quietwood Creek (NE ¼ of Section 10)
- PD-33 – Pleasant View (SE¼ of Section 17)
- PD-34 – Dreamland (SW ¼ of Section 2)
- PD-35 – Sarah Estates (NW ¼ of Section 15)
- PD-36 – Big Muskego Estates (SE ¼ of Section 13)
- PD-37 – Candlewood Village (NW ¼ of Section 11)
- PD-38 – Stonebridge (NW ¼ of Section 25)
- PD-39 – Settlement on Woods (NE ¼ of Section 20)
- PD-40 – Lindale (SE ¼ of Section 3)
- PD-41 – Forest Glen (NW ¼ of Section 10)
- PD-42 – Basse (NE ¼ of Section 10)
- PD-43 – Kenwood Place (SE ¼ of Section 5)
- PD-44 – St. Andrews Village (NE ¼ of Section 25)
- PD-45 – Inpro (NE ¼ of Section 17)
- PD-46 – Woodland Creek Estates (NW ¼ of Section 21)

7.05 CONSERVATION PLANNED DEVELOPMENT DISTRICTS CREATED

The following Conservation Planned Development Districts are hereby created:

(1) CONSERVATION PLANNED DEVELOPMENT DISTRICTS

- CPD-1 – Martin Estates Subdivision (NW ¼ of Section 10)
- CPD-2 – Chamberlain Hill Subdivision (NW ¼ of Section 10)
- CPD-3 – Big Muskego Estates II Subdivision (NW ¼ of Section 10)
- CPD-4 – Boxhorn Reserve Subdivision (NW ¼ of Section 10)

CPD-5 – Denoon Country Estates North Subdivision (NW ¼ of Section 10)

7.06 DESIGN OVERLAY DISTRICTS CREATED

The following Design Overlay Districts are hereby created and each district has an adopted design guide document (Separate from this code) adopted under Chapter 41 that governs various design criteria for new and existing developments:

(1) DESIGN GUIDE OVERLAY DISTRICTS

- ODG-1 – Downtown Design District
- ODG-2 – Racine Avenue Gateway Design District
- ODG-3 – Durham Hill Design District
- ODG-4 – Moorland Corridor South Design District
- ODG-5 – Tess Corners Gateway Design District
- ODG-6 – General Design Guide District (Whole City)
- ODG-7 – Business Park Design and Development Standard District

7.07 WELLHEAD PROTECTION DISTRICT CREATED

The following Wellhead Protection Overlay District is hereby created under the restrictions found in Section 15 of this ordinance:

(1) WELLHEAD PROTECTION OVERLAY DISTRICT

- OWP – Wellhead Protection Overlay District

SECTION 8 BASE DISTRICTS ESTABLISHED

8.01 RCE COUNTRY ESTATE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to preserve a rural setting of very low density and high quality for “estate” or “gentlemen’s farm” type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development, in areas both intended and not intended to be served by municipal sewer or water facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	1st floor	Total			Multi per D/U	Principal structure	Accessory structure
120,000 Sq.Ft.	250	120,000	50	40	40	1800	1800	-	15%	80,000	35	*

* See Section 5

(3) Permitted Uses (See 5)

A. PERMITTED USES BY RIGHT

1. Single-family detached dwellings.
2. Public parks and recreation areas, but not including facilities for organized athletics except as a permitted conditional use.
3. Crop, dairy, cattle & tree farming subject to the following:
 - a. The keeping or raising of hogs, fur bearing animals, or goats shall not be permitted.
 - b. The keeping or raising of poultry & domestic livestock, except for hogs & fur bearing animals, the raising of which is absolutely prohibited in this district, shall be permitted as part of a principal agricultural use of the premises on farms of at least 10 acres in area on the basis of not more than 1 head of livestock per acre nor more than 50 fowl per acre, nor more than 2 goats on one farm.
4. Horticulture, but not including commercial greenhouses in excess of 1,000 square feet.
5. Public utility transmission & distribution lines, poles & other accessories provided that when a utility proposes a main intercity transmission facility, they shall give notice to the Plan Commission of such intention & of the date of hearing before the Public Service Commission, & before beginning construction of a specific route shall file with the Plan Commission mapped description of the route of such transmission line.

B. PERMITTED ACCESSORY USES

1. Private garages subject to the provisions of Section 15 subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No private garage in a residence district shall be used for operation of any metal working, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home occupation.
2. One (1) private garden shed subject to the provisions of Section 15 subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.
3. Other accessory structures subject to the provisions of Section 15 and subject to approval of the Plan Commission and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time. No accessory structure in a residential district shall be used for the carrying on of any metal working, woodworking, masonry, carpentry, contracting or repair business except as a permitted accessory use or home occupation.
4. The following signs subject to the general regulations governing signs:
 - a. A sign identifying the property or the name of the owner or occupant not in excess of 6 square feet.
 - b. A "No Hunting", "No Trespassing", or other similar sign and not in excess of 6 square feet in area.
 - c. Signs pertaining to the lease or sale of the property on which located or any building thereon, not in excess of 20 square feet in area per sign and not more than 2 signs on any single parcel.
5. Home occupations and professional offices, when incident to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the following conditions (Home Occupations, when undetermined if they meet the below restrictions, may be allowed by Plan Commission determination and approval as necessary. Plan Commission may allow minor variations to the restrictions below by Conditional Use Grant only. However, the home occupation must demonstrate that it does not negatively affect the residential area):
 - a. Such uses shall not occupy more than 20% of the Assessed Floor Area of the principal structure in which it is located.
 - b. Such use shall not employ more than one person not a resident on the premises.
 - c. No such use shall be permitted which normally necessitates the coming of the customer or client to the premises, or his presence on the premises while the service is being performed, or otherwise generates pedestrian or vehicular traffic incompatible with the rural or residential character of the neighborhood, except for teaching or tutoring academic subjects, or the studios where dancing, music or

- other art instruction is offered to no more than two (2) pupils at one time.
- d. Any off street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.
 - e. Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, top-soil, or peat moss for commercial purposes.
 - f. Such use shall not include the operation of any machinery, tools or other appliances, or the outside storage of materials, or other operational activity which would create a nuisance or be otherwise incompatible to the surrounding residential area.
 - g. A name plate not in excess of 3 square feet in area shall be permitted.
 - h. Home occupations are first and foremost for home office type uses in the principal structure. Any outdoor needs of a home occupation will be highly scrutinized and may require Plan Commission approval so as to regulate exactly what the outdoor activities and uses consist of.
 - i. A home occupation use is allowed in residentially zoned areas. However, the areas are first and foremost for residentially orientated uses. Residents in a neighborhood should not notice that a business is being operated from this property. Home occupation uses that are deemed a nuisance to surrounding neighbors must be corrected or may be revoked.
6. The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises subject to the following:
- a. The keeping or raising of hogs, or fur bearing animals other than rabbits shall not be permitted.
 - b. (Ord. #1386 10-23-2014) The raising of chickens for personal use, on lots less than 120,000 square feet, shall be considered an accessory use in all Single-Family Residential Zoning Districts and shall meet the following requirements below.
 1. Up to a total of four (4) chickens allowed per single-family property. No chickens are allowed on commercial, industrial, or multi-family properties.
 2. No roosters.
 3. No slaughtering on site.
 4. Chickens shall be kept within a secure outdoor enclosure of no more than 50 square feet and said enclosure must be maintained in a clean and sanitary condition. Said enclosure must be cleaned on a regular basis to prevent offensive odors.
 5. Enclosures shall be located no closer than twenty-five (25) feet to neighboring dwellings and a minimum of ten (10) feet from the property line.

6. Chickens may not be kept in the front yard of a property. For the purpose of this code, front yard is defined as between a home and a roadway. Homes that are located on multiple roadways are considered to have multiple front yards.
 7. Chickens may not be kept within 50 feet from the ordinary high water mark (OHWM) of any navigable waterway.
 8. The chickens cannot cause a nuisance, unhealthy condition, or interfere with the normal use of property or enjoyment of life by humans or animals.
 9. A Zoning Permit is required from the Community Development Department before the allowance of chickens per the ordinance herein.
 10. In the event a property owner/tenant does not first get a permit or if the property owner/tenant who has a valid permit does not follow the above requirements of the ordinance, permanent revocation of the allowance of chickens on the property under this ordinance may take place.
 11. By receiving an approved permit, an applicant agrees to allow the City onsite inspections, upon agreed upon times, to review any complaints.
 12. Failure to follow the requirements of this ordinance is subject to citations.
- c. Not more than one head of livestock, and 20 fowl, shall be permitted per 40,000 square feet of lot area nor shall any such livestock or fowl be permitted on a lot less than 120,000 square feet in area unless the requirements are met for chickens per section b. above.
7. Private residential outdoor recreation facilities.
 8. Service buildings and facilities normally incident to the use of a public park or recreation area.
 9. Any other structure or use normally accessory to the principal uses permitted.
 10. All those uses as listed in Chapter 12.03(3), shall be permitted without Plan Commission approval unless traffic congestion is a concern or the residential integrity of the subject and adjacent properties is compromised.

Agricultural produce sales shall be of a seasonal nature, grown by the seller, on agricultural zoned property or agriculturally used property including the principal residence.
 11. Hobby Kennels: On properties in the RCE zoning district, or on properties totaling a minimum of 120,000 sq. ft., one additional dog per acre, above the number of dogs permitted per household per Chapter 13 of the Municipal Code of the City of Muskego, may be permitted upon written notice being given by the Plan Commission to property owners within 100 feet of the property in question, and subject to building, site and operation

plan approval by the Plan Commission per Section 6.11 of the Zoning Ordinance.

12. Mother-in-Law/Family Units: Any portion of a single family residence, intended to be occupied by a resident(s) related through blood, marriage or adoption to a host residence occupant, being no greater than 800 square feet in size, that has an independent wing or area that is self-supporting in terms of livable needs (i.e. unit includes a kitchen, bath, den and bedroom), but is dependent on utility infrastructure of the primary residence. Access to this wing or area may be obtained via one door to the outside and a second non-lockable door or passageway to the main portion of the host residence. Access is permitted to a garage area having no service door.

All such requests are subject to building, site, and operational plan approval of the Plan Commission following written notice being distributed by the Plan Commission to neighboring property owners within 100 feet of the subject property.

13. Vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as not more than 300 square feet, except that a maximum of two rental spaces may be permitted where they are the only spaces provided on said lot.
14. For lakeshore properties: One (1) boat house in addition to the accessory uses permitted, and subject to the approval of the Community Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to following:
 - a. Location: minimum 20 feet from the ordinary high water mark and subject to the side yard offset provisions of the underlying district effective with new construction or relocations after November 15, 2001.
 - b. Height: not greater than 15 feet above the lowest grade.
 - c. Area: no greater than 525 square feet.
15. (Ord. #1326 08-19-2010) Bed and Breakfast: A Bed and Breakfast is an owner managed and occupied residential structure used as a lodging establishment where a room, or rooms, are rented on a nightly basis, and in which only breakfast is included as part of the basic compensation. A Bed and Breakfast facility is allowed in some residential zoning districts provided a conditional use grant is first received from the City's Planning Commission. Bed and Breakfast operation is subject to the following conditions and submittal requirements being met thru the City's Planning Commission:
 - a. A Building, Site, and Operation Plan outlining all pertinent details must be submitted to the Planning Commission (narrative, building elevations, floor plans, site plan, lighting, landscaping, refuse, etc.).
 - b. The facility shall have any applicable State licenses/approvals required for lodging and/or food services, and comply with and

maintain all health, safety, building, and fire codes as may be required or applicable.

- c. A maximum of five (5) bed and breakfast units may be established within a structure.
- d. The bed and breakfast establishment shall provide a minimum of one parking space per bed and breakfast sleeping room and a minimum of two (2) parking spaces for the use of the operator and family of the operator provided, however, the City Plan Commission may determine it sufficient for less parking spaces in extenuating circumstances so long as it is not detrimental to the neighborhood. The parking must follow other parking requirements per this code and may require additional screening depending on the desired location and surrounding land uses. Parking shall not be detrimental to nearby properties due to excess noise, odor, glare or other factors.
- e. Signage is limited per the sole direction of the Planning Commission.
- f. The owner shall reside on site.
- g. Breakfast shall be served on the premises only for guests and employees of the inn. Rooms may not be equipped with cooking facilities. No other meals shall be provided on the premises.
- h. All bed and breakfast units shall be established within the principal or accessory structures on the property.
- i. The principal structure shall have a minimum size of one thousand five hundred (1,500) gross square feet.
- j. No liquor is to be sold or served on the premises unless the operator has first obtained a liquor license from the City.
- k. All bed and breakfast facilities must maintain a guest logbook that must include the names and home address of guests, guest license plate numbers if traveling by automobile, dates of stay, and the room number of each guest. The log must be available for inspection by City public safety staff upon request.
- l. No guest shall stay in the facility for more than fourteen (14) days within any thirty (30) day period.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Public, private, commercial & private non-commercial group outdoor recreational facilities.
2. Public & Private Schools.
3. Churches & religious institutions.
4. Public administrative offices & service buildings.
5. Private lodges & clubs.
6. Commercial development of historic restorations.
7. Nursing & rest homes & homes for all aged, including daycares.
8. Summer theaters & outdoor music amphitheaters.
9. Public utility offices & installations.
10. Existing Duplexes
11. Home Occupation not meeting the above accessory requirement.
12. Separate quarters away from the main building for:

- a. household or farm employees, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families.
- b. Persons related to the residents of the principal structure provided such structure shall not be rented or leased.

Said quarters shall be a minimum of 1,200 square feet.

13. Guest houses on lots of at least 120,000 sq. ft. provided such structure shall not be rented or leased. Such structure shall be a minimum of 1,200 square feet.
14. Rustic Structures.
15. For lakeshore properties: Boating and yacht clubs, marinas and launching sites, Lake resorts and individual cabins or cottages for rental on a limited seasonal basis and not for year round occupancy, Boat liveries.
16. Bed and Breakfasts as regulated by 17:8.01(3) B. 15. (Ord.#1326 08-19-2010)
17. Waiver to a dimensional zoning regulation for a reasonable accommodation for person with disabilities. See Section 14.03(7) for details. (Ord. #1351 - 03-22-2012)

D. LAKEHSORE PROPERTY RESTRICTIONS

1. No lot shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or accession or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, patrons of a permitted commercial use, or of a permitted organizational use.
2. No building shall be permitted closer than 50 feet to the shore line of a lake shore lot except that no offset shall be required for piers or similar use areas and a boat house as permitted above.

8.02 RC-1 COUNTRY RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for high quality detached single family residential development of a semi-rural nature on a large lot, low density basis in areas both intended and not intended to be served by municipal sewer or water facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1st floor	Total	Multi per D/U			Principal structure	Accessory structure
80,000 Sq.Ft.	200	80,000	40	30	30	1600	1600	-	20%	60,000	30	*

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE District.

C. PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE District.

8.03 RC-2 COUNTRY RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for moderately high quality detached single family residential development of a semi-rural nature but at slightly higher density and permitting smaller lots and smaller houses than the RC-1 District in areas both intended and not intended to be served by municipal sewer or water facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Multi per D/U			Principal structure	Accessory structure
						1st floor	Total					
60,000 Sq.Ft.	175	60,000	40	25	25	1400	1400	-	20%	40,000	30	*

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- 1. Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- 1. Any accessory use permitted in the RCE District.

C. PERMITTED USES BY CONDITIONAL GRANT

- 1. Any conditional use permitted in the RCE District.

8.04 RC-3 COUNTRY RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for medium quality detached single family residential development of a semi-rural nature, but at slightly higher density and permitting smaller lots and smaller houses than the RC-2 District in areas both intended and not intended to be served by municipal sewer or water facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Multi per D/U			Principal structure	Accessory structure
						1st floor	Total					
40,000 Sq.Ft.	150	40,000	40	20	20	1200	1200	-	20%	30,000	30	*

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District.

8.05 RSE SUBURBAN ESTATE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for low density, high quality detached single family residential development of a suburban “estate” character in areas both intended and not intended to be served by municipal sewer facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Multi per D/U			Principal structure	Accessory structure
						1st floor	Total					
40,000 Sq.Ft.	150*	40,000*	40	25	25	1800	1800	-	25%	30,000*	30	**

* Double for development without municipal sewer

** See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District.

8.06 RS-1 SUBURBAN RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for high quality detached single family residential development of a suburban character on a moderately large lot, moderately low density basis in areas intended to be served by municipal sewer facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total	Multi per D/U			Principal structure	Accessory structure
30,000 Sq.Ft.	120*	30,000*	40	20	20**	1600	1600	-	25%	20,000*	30	***

* Double for development without municipal sewer

** 50-foot lakeshore offset for parcels abutting a lakeshore

*** See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE District.
- Boathouses as permitted in the RL Districts if the parcel abuts a lakeshore.

C. PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE District.

8.07 RS-2 SUBURBAN RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for a moderately high quality detached single family residential development of a suburban character, but of slightly higher density and permitting smaller lots and smaller houses than the RS-1 District and intended to be served by municipal sewer facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Multi per D/U			Principal structure	Accessory structure
						1st floor	Total					
20,000 Sq.Ft.	110*	20,000*	40	15	20**	1400	1400	-	25%	15,000*	30	***

* Double for development without municipal sewer
 ** 50-foot lakeshore offset for parcels abutting a lakeshore
 *** See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- 1. Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- 1. Any accessory use permitted in the RCE District.
- 2. Boathouses as permitted in the RL Districts if the parcel abuts a lakeshore.

C. PERMITTED USES BY CONDITIONAL GRANT

- 1. Any conditional use permitted in the RCE District.

8.08 RS-3 SUBURBAN RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for a medium quality detached single family residential development of a suburban character, but of slightly higher density and permitting smaller lots and smaller houses than the RS-2 District and intended to be served by municipal sewer facilities.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Multi per D/U			Principal structure	Accessory structure
15,000 Sq.Ft.	100*	15,000*	40	10	15**	1200	1200		-	25%		

* Double for development without municipal sewer
 ** 50-foot lakeshore offset for parcels abutting a lakeshore
 *** See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- 1. Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- 1. Any accessory use permitted in the RCE District.
- 2. Boathouses as permitted in the RL Districts if the parcel abuts a lakeshore.

C. PERMITTED USES BY CONDITIONAL GRANT

- 1. Any conditional use permitted in the RCE District.

8.09 ERS-1 EXISTING SUBURBAN RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for a detached single-family residential development of a suburban character. This district is newly created as a result of the zoning code modifications in 2006. Many parcels of this density and type existed when Muskego’s zoning code was originally implemented. The density, widths, and building location measures listed below are to guide parcels currently zoned this district. The City will not rezone new areas to this zoning district.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total	Multi per D/U			Principal structure	Accessory structure
22,500 Sq.Ft.	90	22,500	40	15	15	1200	1200	-	25%	15,000 SF	30	*

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE District.

C. PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE District.

D. REZONING RESTRICTIONS

- The City will not rezone new areas to this zoning district as the district is in place for the conformity of existing parcels that were developed under the original City of Muskego Zoning Code.

8.10 ERS-2 EXISTING SUBURBAN RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for a detached single-family residential development of a suburban character. This district is newly created as a result of the zoning code modifications in 2006. Many parcels of this density and type existed when Muskego’s zoning code was originally implemented. The density, widths, and building location measures listed below are to guide parcels currently zoned this district. The City will not rezone new areas to this zoning district.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total			Multi per D/U	Principal structure	Accessory structure
15,000 Sq.Ft.	82.5	15,000	40	11.25	15	1200	1200	-	25%	11,250 SF	30	*

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- 1. Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- 1. Any accessory use permitted in the RCE District.

C. PERMITTED USES BY CONDITIONAL GRANT

- 1. Any conditional use permitted in the RCE District.

D. REZONING RESTRICTIONS

- 1. The City will not rezone new areas to this zoning district as the district is in place for the conformity of existing parcels that were developed under the original City of Muskego Zoning Code.

8.11 ERS-3 EXISTING SUBURBAN RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for a detached single-family residential development of a suburban character. This district is newly created as a result of the zoning code modifications in 2006. Many parcels of this density and type existed when Muskego’s zoning code was originally implemented. The density, widths, and building location measures listed below are to guide parcels currently zoned this district. The City will not rezone new areas to this zoning district.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total			Multi per D/U	Principal structure	Accessory structure
11,250 Sq.Ft.	75	11,250	40	7.5	11.25	1200	1200	-	25%	7,500 SF	30	*

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

- 1. Any use as permitted by right in the RCE District.

B. PERMITTED ACCESSORY USES

- 1. Any accessory use permitted in the RCE District.

C. PERMITTED USES BY CONDITIONAL GRANT

- 1. Any conditional use permitted in the RCE District.

D. REZONING RESTRICTIONS

- 1. The City will not rezone new areas to this zoning district as the district is in place for the conformity of existing parcels that were developed under the original City of Muskego Zoning Code.

8.12 RL-1 EXISTING LAKESHORE RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to apply to lakeshore properties with specialized regulations appropriate of their unique character; with particular recognition of the disproportionately high land value of lake frontage, the problems of over intensive exploitation of such frontage resulting from excessive demand, the extreme vulnerability of lakeshore properties to nuisance and to adverse effect on property value, and the problems of pollution and public safety resulting from over use.

This district is newly created as a result of the zoning code modifications in 2006. A few parcels of this density and type existed when Muskego’s zoning code was originally implemented. The density, widths, and building location measures listed below are to guide parcels currently zoned this district. The City will not rezone new parcels to this zoning district or create new parcels of this size. All parcels proposing land divisions within this district must meet the minimum guidelines of the RS-1 zoning district or a residential district with greater regulations.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total			Multi per D/U	Principal structure	Accessory structure
26,666 Sq.Ft.	100	*	25	16.7	16.7	1800	1800	-	Exempt	20,000	30	**

* New land divisions in this zoning district must follow the RSE zoning district regulations

** See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District.
2. Public outdoor recreational facilities subject to approval by the Plan Commission of building, site and operational plans.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District.
2. Any other use normally incident or accessory to the permitted uses subject to approval by the Plan Commission of building, site and operational plans.
3. One (1) boat house in addition to the accessory uses permitted by the underlying district, and subject to the approval of the Community Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to following:
 - a. Location: minimum 20 feet from the ordinary high water mark and subject to the side yard offset provisions of the underlying district effective with new construction or relocations after November 15, 2001.
 - b. Height: not greater than 15 feet above the lowest grade.

- c. Area: no greater than 525 square feet.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District.
2. Boating and yacht clubs, marinas and launching sites.
3. Private commercial and private non-commercial group outdoor recreational facilities.
4. Lake resorts and individual cabins or cottages for rental on a limited seasonal basis and not for year round occupancy.
5. Boat liveries.

D. SINGLE USE

1. No lot in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or accession or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, patrons of a permitted commercial use, or of a permitted organizational use.

E. LAKE SHORE OFFSET

1. No building shall be permitted closer than 50 feet to the shore line of a lake shore lot except that no offset shall be required for piers or similar use areas and a boat house as permitted above.

F. REZONING AND LAND DIVISION RESTRICTIONS

1. The City will not rezone new areas to this zoning district as the district is in place for the conformity of existing parcels that were developed under the original City of Muskego Zoning Code. All parcels proposing land divisions within this district must meet the minimum guidelines of the RS-1 zoning district or a residential district with greater regulations.

8.13 RL-2 EXISTING LAKESHORE RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to apply to lakeshore properties with specialized regulations appropriate of their unique character; with particular recognition of the disproportionately high land value of lake frontage, the problems of over intensive exploitation of such frontage resulting from excessive demand, the extreme vulnerability of lakeshore properties to nuisance and to adverse effect on property value, and the problems of pollution and public safety resulting from over use.

This district is newly created as a result of the zoning code modifications in 2006. Many parcels of this density and type existed when Muskego’s zoning code was originally implemented. The density, widths, and building location measures listed below are to guide parcels currently zoned this district. The City will not rezone new parcels to this zoning district or create new parcels of this size. All parcels proposing land divisions within this district must meet the minimum guidelines of the RS-2 zoning district or a residential district with greater regulations.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total	Multi per D/U			Principal structure	Accessory structure
13,333 Sq.Ft.	73.3	*	25	10	13.3	1400	1400	-	Exempt	10,000	30	**

* New land divisions in this zoning district must follow the RS-2 zoning district regulations

** See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District.
2. Public outdoor recreational facilities subject to approval by the Plan Commission of building, site and operational plans.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District.
2. Any other use normally incident or accessory to the permitted uses subject to approval by the Plan Commission of building, site and operational plans.
3. One (1) boat house in addition to the accessory uses permitted by the underlying district, and subject to the approval of the Community Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to following:
 - a. Location: minimum 20 feet from the ordinary high water mark and subject to the side yard offset provisions of the underlying district effective with new construction or relocations after November 15, 2001.
 - b. Height: not greater than 15 feet above the lowest grade.

c. Area: no greater than 525 square feet.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District.
2. Boating and yacht clubs, marinas and launching sites.
3. Private commercial and private non-commercial group outdoor recreational facilities.
4. Lake resorts and individual cabins or cottages for rental on a limited seasonal basis and not for year round occupancy.
5. Boat liveryes.

D. SINGLE USE

1. No lot in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or accession or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, patrons of a permitted commercial use, or of a permitted organizational use.

E. LAKE SHORE OFFSET

1. No building shall be permitted closer than 50 feet to the shore line of a lake shore lot except that no offset shall be required for piers or similar use areas and a boat house as permitted above.

F. REZONING AND LAND DIVISION RESTRICTIONS

1. The City will not rezone new areas to this zoning district as the district is in place for the conformity of existing parcels that were developed under the original City of Muskego Zoning Code. All parcels proposing land divisions within this district must meet the minimum guidelines of the RS-2 zoning district or a residential district with greater regulations.

8.14 RL-3 EXISTING LAKESHORE RESIDENCE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to apply to lakeshore properties with specialized regulations appropriate of their unique character; with particular recognition of the disproportionately high land value of lake frontage, the problems of over intensive exploitation of such frontage resulting from excessive demand, the extreme vulnerability of lakeshore properties to nuisance and to adverse effect on property value, and the problems of pollution and public safety resulting from over use.

This district is newly created as a result of the zoning code modifications in 2006. Many parcels of this density and type existed when Muskego’s zoning code was originally implemented. The density, widths, and building location measures listed below are to guide parcels currently zoned this district. The City will not rezone new parcels to this zoning district or create new parcels of this size. All parcels proposing land divisions within this district must meet the minimum guidelines of the RS-3 zoning district or a residential district with greater regulations.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total	Multi per D/U			Principal structure	Accessory structure
10,000 Sq.Ft.	66.6	*	25	6.7	10	1200	1200	-	Exempt	6,666	30	**

* New land divisions in this zoning district must follow the RS-3 zoning district regulations

** See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District.
2. Public outdoor recreational facilities subject to approval by the Plan Commission of building, site and operational plans.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District.
2. Any other use normally incident or accessory to the permitted uses subject to approval by the Plan Commission of building, site and operational plans.
3. One (1) boat house in addition to the accessory uses permitted by the underlying district, and subject to the approval of the Community Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to following:
 - a. Location: minimum 20 feet from the ordinary high water mark and subject to the side yard offset provisions of the underlying district effective with new construction or relocations after November 15, 2001.
 - b. Height: not greater than 15 feet above the lowest grade.

- c. Area: no greater than 525 square feet.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District.
2. Boating and yacht clubs, marinas and launching sites.
3. Private commercial and private non-commercial group outdoor recreational facilities.
4. Lake resorts and individual cabins or cottages for rental on a limited seasonal basis and not for year round occupancy.
5. Boat liveries.

D. SINGLE USE

1. No lot in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or accession or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, patrons of a permitted commercial use, or of a permitted organizational use.

E. LAKE SHORE OFFSET

1. No building shall be permitted closer than 50 feet to the shore line of a lake shore lot except that no offset shall be required for piers or similar use areas and a boat house as permitted above.

F. REZONING AND LAND DIVISION RESTRICTIONS

1. The City will not rezone new areas to this zoning district as the district is in place for the conformity of existing parcels that were developed under the original City of Muskego Zoning Code. All parcels proposing land divisions within this district must meet the minimum guidelines of the RS-3 zoning district or a residential district with greater regulations.

8.15 BL-1 LAKESHORE BUSINESS DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for the limited and controlled development of commercial recreational facilities related and appropriate to water bodies. The district also is intended to apply to lakeshore properties with specialized regulations appropriate of their unique character; with particular recognition of the disproportionately high land value of lake frontage, the problems of over intensive exploitation of such frontage resulting from excessive demand, the extreme vulnerability of lakeshore properties to nuisance and to adverse effect on property value, and the problems of pollution and public safety resulting from over use.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total			Multi per D/U	Principal structure	Accessory structure
20,000 Sq.Ft.	110	20,000	40	30	40	1400	1400	-	30%	15,000 SF*	30	**

* Open Space is as per approved BSO Plan for Commercial use

**See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District and RL districts.
2. The following subject to approval by the Plan Commission of the building, site and operational plans.
 - a. Lake shore resorts, picnic grounds, and bathing beaches.
 - b. Boat liveries.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District and RL districts.
2. Concession stands not serving alcoholic beverages, bath-houses, boathouses, outdoor recreational facilities no involving mechanical equipment and similar facilities normally accessory to the permitted overlay use subject to approval by the Plan Commission of the building, site and operational plans.
3. Freestanding, projecting and flat wall signs as permitted in B-1 District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District and RL districts.
2. Restaurants, super clubs, taverns, dance pavilions, amusement rides, water skiing facilities, power boat rentals or sight seeing cruises, and similar facilities related to but not as usual as the permitted accessory uses in B above.

3. Residential as part of the commercial use.

8.16 BL-2 LAKESHORE BUSINESS DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for the limited and controlled development of commercial recreational facilities related and appropriate to water bodies. The district also is intended to apply to lakeshore properties with specialized regulations appropriate of their unique character; with particular recognition of the disproportionately high land value of lake frontage, the problems of over intensive exploitation of such frontage resulting from excessive demand, the extreme vulnerability of lakeshore properties to nuisance and to adverse effect on property value, and the problems of pollution and public safety resulting from over use.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1 st floor	Total			Multi per D/U	Principal structure	Accessory structure
15,000 Sq.Ft.	100	15,000	40	20	30	1200	1200	-	30%	10,000 SF*	30	**

* Open Space is as per approved BSO Plan for Commercial use

**See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District and RL districts.
2. The following subject to approval by the Plan Commission of the building, site and operational plans.
 - a. Lake shore resorts, picnic grounds, and bathing beaches.
 - b. Boat liveries.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District and RL districts.
2. Concession stands not serving alcoholic beverages, bath-houses, boathouses, outdoor recreational facilities no involving mechanical equipment and similar facilities normally accessory to the permitted overlay use subject to approval by the Plan Commission of the building, site and operational plans.
3. Freestanding, projecting and flat wall signs as permitted in B-1 District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District and RL districts.
2. Restaurants, super clubs, taverns, dance pavilions, amusement rides, water skiing facilities, power boat rentals or sight seeing cruises, and similar

facilities related to but not as usual as the permitted accessory uses in B above.

3. Residential as part of the commercial use.

8.17 RM-1 MULTIPLE FAMILY RESIDENCE

(1) STATEMENT OF INTENT

This district is intended to provide for residential development of “walk-up” type buildings housing 2 or more families, where all dwelling units do not have ground level occupancy or private entrance, at relatively low density. This district shall be found where such development would be compatible with surrounding uses, the density would not create service problems, and in areas intended or not intended to be served by municipal sewer.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Multi per D/U			Principal structure	Accessory structure
None	None	5,000	40	20	20	1st floor	Total		-	30%		

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Multiple family dwellings of 2 or more units, but not more than 16 dwellings units per structure subject to approval of building, site and operational plans by the Plan Commission.
2. Public parks and recreation areas but not including facilities for organized athletics except as a permitted conditional use.
3. Public utility transmission and distribution lines, poles, and other accessories provided that when a utility proposes a main intercity transmission facility, they shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning construction of a specific route shall file with the Plan Commission mapped description of the route of such transmission lines.

B. PERMITTED ACCESSORY USES

1. Private garages, carports, and paved parking areas when located on the same lot and not involving the conduct of business, except as conditional uses, provided that no such garage shall be erected prior to the erection of the principal building to which it is accessory.
2. The following signs subject to the general regulations governing signs:
 - a. A sign identifying the property not in excess of 6 square feet in area.
 - b. A name plate, not in excess of 1 square foot, identifying the occupant of a dwelling unit.
 - c. Signs pertaining to the lease or sale of the property on which located or any building thereon, not in excess of 20 square feet in area per sign and not more than 2 signs on any single parcel.

3. Private residential and private non-commercial group outdoor recreational facilities.
 4. Service buildings and facilities normally incident to the use of a public park or recreation area.
 5. Any other structure or use normally accessory to the principal uses permitted.
- C. PERMITTED USES BY CONDITIONAL GRANT
1. Public and private commercial outdoor recreational facilities
 2. Private lodges and clubs
 3. Rustic Structures

8.18 RM-2 MULTIPLE FAMILY RESIDENCE

(1) STATEMENT OF INTENT

This district is intended to provide for multi-family residential development of single family homes of the attached “row” type in groupings compatible to the character of surrounding uses, and/or duplexes which are attractively designed and arranged on the site with appropriate development of the common grounds in terms of amenities and landscaping, and in areas intended or not intended to be served by municipal sewer.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height				
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Min per Residential D/U	Max. Permitted (In Feet)				
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family	Floor Area Ratio	Multi per D/U		Principal structure	Accessory structure			
None	None	10,000	40	15	15	1st floor			Total	-	1000	-	30%	7,000

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Single family attached dwellings, in row buildings of at least 2 but not more than 8 dwelling units per structure and/or duplexes, subject to approval of building, site and operational plans by the Plan Commission.
2. Public parks and recreation areas but not including facilities for organized athletics except as a permitted conditional use.
3. Public utility transmission and distribution lines, poles, and other accessories provided that when a utility proposes a main intercity transmission facility, they shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning construction of a specific route shall file with the Plan Commission mapped description of the route of such transmission lines.

B. PERMITTED ACCESSORY USES

1. Private garages, carports, and paved parking areas when located on the same lot and not involving the conduct of business, except as conditional uses, provided that no such garage shall be erected prior to the erection of the principal building to which it is accessory.
2. The following signs subject to the general regulations governing signs:
 - a. A sign identifying the property not in excess of 6 square feet in area.
 - b. A name plate, not in excess of 1 square foot, identifying the occupant of a dwelling unit.
 - c. Signs pertaining to the lease or sale of the property on which located or any building thereon, not in excess of 20 square feet in area per sign and not more than 2 signs on any single parcel.

3. Private residential and private non-commercial group outdoor recreational facilities.
 4. Service buildings and facilities normally incident to the use of a public park or recreation area.
 5. Any other structure or use normally accessory to the principal uses permitted.
- C. PERMITTED USES BY CONDITIONAL GRANT
1. Public and private commercial outdoor recreational facilities
 2. Private lodges and clubs
 3. Rustic Structures

8.19 RM-3 MULTIPLE FAMILY RESIDENCE

(1) STATEMENT OF INTENT

This district is intended to provide for two-family residential development of duplexes which are attractively designed and arranged on the site with appropriate development of the common grounds in terms of amenities and landscaping, in areas intended or not intended to be served by municipal sewer.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Floor Area Ratio		Principal structure	Accessory structure	
None	None	10,000	40	15	15	1st floor	Total		Multi per D/U			30%

* See Section 5

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Single family attached dwellings, in row buildings of not more than 2 dwelling units per structure and/or duplexes, subject to approval of building, site and operational plans by the Plan Commission.
2. Public parks and recreation areas but not including facilities for organized athletics except as a permitted conditional use.
3. Public utility transmission and distribution lines, poles, and other accessories provided that when a utility proposes a main intercity transmission facility, they shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning construction of a specific route shall file with the Plan Commission mapped description of the route of such transmission lines.

B. PERMITTED ACCESSORY USES

1. Private garages, carports, and paved parking areas when located on the same lot and not involving the conduct of business, except as conditional uses, provided that no such garage shall be erected prior to the erection of the principal building to which it is accessory.
2. The following signs subject to the general regulations governing signs:
 - a. A sign identifying the property not in excess of 6 square feet in area.
 - b. A name plate, not in excess of 1 square foot, identifying the occupant of a dwelling unit.
 - c. Signs pertaining to the lease or sale of the property on which located or any building thereon, not in excess of 20 square feet in area per sign and not more than 2 signs on any single parcel.
3. Private residential and private non-commercial group outdoor recreational facilities.

4. Service buildings and facilities normally incident to the use of a public park or recreation area.
 5. Any other structure or use normally accessory to the principal uses permitted.
- C. PERMITTED USES BY CONDITIONAL GRANT
1. Public and private commercial outdoor recreational facilities
 2. Private lodges and clubs
 3. Rustic Structures

8.20 ERM-1 EXISTING MULTIPLE FAMILY RESIDENCE

(1) STATEMENT OF INTENT

This district is intended to provide for two-family residential development of single family homes of the attached “row” type in groupings compatible to the character of surrounding uses, and/or duplexes which are attractively designed and arranged on the site with appropriate development of the common grounds in terms of amenities and landscaping, and in areas intended or not intended to be served by municipal sewer.

This district is newly created as a result of the zoning code modifications in 2006. A few residential parcels existed with the City’s old OD Duplex Overlay District and the City has now combined those parcels into the ERM-1 zoning district. It is the City’s intention to allow the continuation of existing duplex/multi-family uses via the ERM-1 District, although it is not the intention of the City to rezone areas to the ERM-1 District. Any proposed rezonings allowing multi-family uses should follow the RM zoning districts and the City shall review those proposed rezonings as how they will affect the surrounding character of the neighborhood.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family	Multi per D/U	1st floor			Total	Principal structure
40,000*	220*	20,000	40	15	20	1400	1400	1000	25%	15,000	30	15

* Plan Commission may grant up to a 15% variance where existing buildings are on the lot.

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District.
2. Duplex, with Plan Commission approval of the building, site and operational plan.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE District.
2. Minimum Requirements:
 - a. Two-car garage.
 - b. Off-street parking (4 spaces).
3. Signs as permitted in RCE

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE District.

D. LAKE SHORE SETBACKS/OFFSETS

1. In the special circumstance where the ERM District exists abutting a lake body, the same regulations apply as above, with the following modifications:
 - a. The minimum lot size shall be 26,666 square feet with a minimum width of 146.6 feet.
 - b. The minimum setback is 25 feet.
 - c. The minimum offsets are 10 feet on one side and 13.3 feet on all other sides (Modified if width of lot is less than 146.6 feet).
 - d. No building shall be permitted closer than 50 feet to the shore line of a lake shore lot except that no offset shall be required for piers or similar use areas and a boat house as permitted as per below.
 - e. One (1) boat house in addition to the accessory uses permitted by the underlying district, and subject to the approval of the Community Development Director, or designee, upon payment of fees and receipt of permits as required and amended from time to time, and subject to a location of a minimum of 20 feet from the ordinary high water mark and subject to the side yard offset provisions, with a height not greater than 15 feet above the lowest grade and an area no greater than 525 square feet.
 - f. No lot abutting a lakeshore in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or accession or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public park or way, public utility easement, patrons of a permitted commercial use, or of a permitted organizational use.

8.21 B-1 NEIGHBORHOOD CONVENIENCE DISTRICT

(1) STATEMENT OF INTENT

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

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1st floor	Total			Multi per D/U	Principal structure	Accessory structure
30,000 Sq.Ft.	150	-	40	10	15	-	900	-	40%	16,000	30	15*

* Except signs as regulated under Permitted Accessory Uses

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any uses as permitted by right in the RCE District, with the exception of single-family detached dwellings.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Retail stores and shops offering convenience goods and personal services and not exceeding 1500 square feet of primary floor area.
 - b. Business, professional or public service office not exceeding 1000 square feet of primary floor area.
 - c. Customer service establishments such as restaurants, shoe repair, barber and beauty shops, studios and similar uses not exceeding 1000 square feet of primary floor area.

B. PERMITTED ACCESSORY USES

1. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Garages for storage of vehicles used in conjunction with the operation of the business.
 - b. Off-street parking and loading areas.
 - c. Free standing and projecting signs; subject to the following:
 - (i) Offsets - No sign shall be closer than 3 ft. To any other property line.
 - (ii) Setback - No sign shall be permitted in the road right-of-way nor in the base setback area.

- (iii) Size - A 10 sq. ft. Sign may be permitted at the base setback line on a lot that has 50 ft. Of frontage, and may be increased by one square foot for every 10 ft. Additional lot frontage, up to a maximum of 300 ft. Lot width; and may also be increased one square foot for every two feet additional setback from the base setback line up to a maximum 40 ft. Setback. But, in no case shall the area to be used for calculation be more than 300 ft. Lot width with a 40 ft. Setback.
 - (a) On corner lots, width of the lot shall be determined by using the width of the frontage where the sign is to be located.
 - (iv) Height - Maximum of 20 ft. in height from the ground to the top.
 - (v) Only one freestanding sign per site.
- d. Flat wall signs, subject to the following:
- (i) Size - 3% of the wall area on which the sign is to be located.
 - (ii) Height - No sign shall extend beyond the height or width of the building.
- e. Any other structure or use normally accessory to the principal uses permitted.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permit in the RCE District except second residential structures.
2. Any use permitted by right in the B-2 District.
3. Gasoline service stations.
3. Residential quarters located in the same building as the business.
4. Agricultural uses

8.22 B-2 LOCAL SERVICE CENTER DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices and service establishments serving the daily needs of the surrounding local community area. The size and location of such districts shall be based upon evidence of justifiable community need, of adequate customer potential, of satisfactory relationship to the circulation system and other related facilities, and of potential contribution to the economic welfare of the community. No such district should be less than 100,000 square feet in area.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1st floor	Total			Multi per D/U	Principal structure	Accessory structure
20,000 Sq.Ft.	100	-	40	10	15		900	-	50%	10,000	30	15*

*Except signs as regulated under Permitted Accessory Uses

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any uses as permitted by right in the B-1 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Retail stores and shops.
 - b. Community and customer service establishments such as, but not limited to, the following:
 - (i) Business, professional, public service, banking and savings and loan offices.
 - (ii) Restaurants, taverns and other commercial entertainment facilities.
 - (iii) Laundromats, coin operated dry cleaning establishments and laundry or dry cleaning pick-up stations.
 - (iv) Dental and medical clinics.
 - c. Commercial studios, display galleries and training schools.
 - d. Public utility offices and installations.

B. PERMITTED ACCESSORY USES

1. Any accessory use as permitted in the B-1 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.

- a. Free standing and projecting signs; subject to the following:
 - (i) Offsets - No sign shall be closer than 3 ft. To any other property line.
 - (ii) Setback - No sign shall be permitted in the road right-of-way nor in the base setback area.
 - (iii) Size - A 30 sq. ft. Sign may be permitted at the base setback line on a lot that has 50 ft. Of frontage, and may be increased by one square foot for every 10 ft. Additional lot frontage, up to a maximum of 300 ft. Lot width; and may also be increased one square foot for every two feet additional setback from the base setback line up to a maximum 40 ft. Setback. But, in no case shall the area to be used for calculation be more than 300 ft. Lot width with a 40 ft. Setback.

On corner lots, width of the lot shall be determined by using the width of the frontage where the sign is to be located.
 - (iv) Height - Maximum of 20 ft. In height from the ground to the top.
 - (v) Only one free standing sign per site.
- b. Flat wall signs, subject to the following:
 - (i) Size - 5% of the wall area on which the sign is to be located.
 - (ii) Height - No sign shall extend beyond the height or width of the building.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the B-1 District.
2. Any use permitted by right in the B-3 District.
3. Animal hospitals.
4. Appliance and small machinery repair establishments.
5. Private commercial outdoor recreational facilities on sites of not less than 120,000 square feet.
6. Mini-warehouses.
7. Agricultural uses

8.23 B-3 GENERAL BUSINESS DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a more general retail and wholesale nature, and of the office and service facilities serving a larger community trade area. The size and location of such districts shall be based upon relationship of the community need and economy. No such district should be less than 300,000 square feet in area.

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family	Multi per D/U			Principal structure	Accessory structure	
				1st floor	Total							
20,000 Sq.Ft.	100	-	40	10	15		900	-	60%	10,000	30	15*

* Except signs as regulated under Permitted Accessory Uses.

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any uses as permitted by right in the B-2 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. General merchandising and wholesaling establishments.
 - b. Hotels
 - c. Transportation terminals, not including trucking.
 - d. Commercial parking facilities.

B. PERMITTED ACCESSORY USES

1. Any accessory use as permitted in the B-2 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Free standing, projecting and flat wall signs; as permitted in B-2 District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the B-2 District.
2. Lumber and building supply yards.
3. Experimental, testing and research laboratories.
4. General warehousing.
5. Service and sales establishments for automobiles, including body repair shops and used car lots but not including the storage of junked or wrecked automobiles and parts.

6. Printing and publishing houses and related activities.
5. Agricultural uses

8.24 B-4 HIGHWAY BUSINESS DISTRICT

(1) STATEMENT OF INTENT

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

(2) BASIC REGULATIONS (See Section 5 for general enabling and qualifying language.)

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family	Multi per D/U	1st floor			Total	Principal structure
30,000 Sq.Ft.	150	-	40	10	15	-	900	-	30%	10,000	30	15*

* Except signs as regulated under Permitted Accessory Uses.

(3) Permitted Uses (See Section 5)

A. PERMITTED USES BY RIGHT

1. Any uses as permitted by right in the B-3 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Drive-in establishments providing service to customers without the necessity of their entering the building.
 - b. Hotels and motels
 - c. Outdoor sales areas such as garden shops.
 - d. Building supply stores.
 - e. Transportation terminals not including trucking.

B. PERMITTED ACCESSORY USES

1. Any accessory use as permitted in the B-3 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Free standing, projecting and flat wall signs; as permitted in B-2 District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Service and sales establishments for automobiles including body repair shops and used car lots, but not including the storage of junked or wrecked automobiles and parts.
2. Public, private commercial, and private non-commercial group outdoor recreational facilities.
3. Outdoor theaters, summer theaters and outdoor music amphitheaters.
4. Any conditional use permitted in the B-3 District.

5. Agricultural uses.

8.25 BP-1 BUSINESS AND OFFICE PARK SUPPORT DISTRICT

(1) STATEMENT OF INTENT

This District is intended to provide space for mixed retail, office and commercial uses which are customarily found adjacent to high quality office park and business park developments. This District encompasses high visibility lands typical of office park entryways and community gateways.

(2) BASIC REGULATIONS

Sewered			
(1)Lot Size	(2)Lot Width	(3)Unit Density	(4)Open Space
40,000 sq ft	150 feet	n/a	33%

Unsewered			
(5)Lot Size	(6)Lot Width	(7)Unit Density	(8)Open Space
40,000 sq ft	150	n/a	33%

(9)Building Location			(10)Building Size			(11)Building Height		
Minimum Setback	Minimum Offset		Min. Floor Area			Max. F.A.R.	Principal Structure	Accessory Structure
	One Side	All Other Sides	1 st Floor	Total	Multi Family per D.U.			

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

The following uses subject to approval by the Plan Commission of a Building Site and Operation Plan:

1. Administrative and public service offices.
2. Single or multiple tenant professional offices of an architect, landscape architect, lawyer, doctor, dentist, professional engineer, or other similar recognized profession.
3. Medical clinics and hospitals.
4. Finance, insurance, and real estate offices.
5. Public Utility offices and installations.
6. Hotels.
7. Banquet and meeting facilities
8. Restaurants without drive through facilities and without in-vehicle dining accommodations.
9. Specialized retail or customer service establishments of less than 20,000 square feet in floor area, and of a generally restrictive nature including but not limited to the following:
 - a. Printing.

- b. Delicatessen or coffee shop.
- c. Florist shop.
- d. Gift shop.
- e. Interior Decorator.

B. PERMITTED ACCESSORY USES

- 1. Off-street parking, service and loading facilities.
- 2. Signs as permitted by of this Code.
- 3. Structures and uses ancillary to an approved Permitted Use by Right, and approved by the Plan Commission as part of a Building Site and Operation Plan.

C. PERMITTED USES BY CONDITIONAL GRANT

- 1. Specialized retail or customer service establishments which are in excess of 20,000 square feet of floor area.
- 2. Service and sales establishments for automobiles including body repair shops and used car lots, but not including the storage of junked or wrecked automobiles and parts.
- 3. Day Care facilities.
- 4. Research Laboratories.
- 5. Indoor health and fitness facilities.
- 6. Rustic Structures.
- 7. Agricultural uses

8.26 BP-2 OFFICE PARK DISTRICT

(1) STATEMENT OF INTENT

This District is intended to provide space where high quality office and professional uses are arranged in campus like settings in an attractive and orderly grouping. This District is further intended to prohibit uses, which are high impact with regards to noise, visible emissions, odors, and vibration which are typical of intensive industrial developments.

(2) BASIC REGULATIONS

Sewered			
(A)Lot Size 60,000 sq ft	(B)Lot Width 200 ft	(C)Unit Density n/a	(D)Open Space 40%

Unsewered			
(E)Lot Size 435,600 sq ft	(F)Lot Width 500 ft	(G)Unit Density n/a	(H)Open Space 90%

(I)Building Location			(J)Building Size			(K)Building Height		
Minimum Setback	Minimum Offset		Min. Floor Area		Multi Family per D.U.	Max. F.A.R.	Principal Structure	Accessory Structure
	One Side	All Other Sides	1 st Floor	Total				

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

The following uses subject to approval by the Plan Commission of a Building Site and Operation Plan:

1. Administrative and public service offices.
2. Single or multiple tenant professional offices of an architect, landscape architect, lawyer, doctor, dentist, professional engineer, or other similar recognized profession.
3. Finance, insurance, and real estate offices.
4. Public Utility offices and installations.
5. Hotels.
6. Banquet and meeting facilities
7. Any uses permitted by right in the BP-1 District

B. PERMITTED ACCESSORY USES

1. Off-street parking, service and loading facilities.
2. Signs as permitted by this Code.
3. Structures and uses ancillary to an approved Use Permitted by Right, approval by the Plan Commission of a Building Site and Operation Plan

C. PERMITTED USES BY CONDITIONAL GRANT

1. Day Care facilities.
2. Research Laboratories.
3. Indoor health and fitness facilities.
4. Rustic Structures.
5. Any conditional use permitted in the BP-1 District
6. Agricultural uses.

8.27 BP-3 BUSINESS PARK DISTRICT

(1) STATEMENT OF INTENT

This District is intended to provide space where high quality office and professional uses are commingled with light manufacturing uses, and arranged in campus like settings in an attractive and orderly grouping. This District is further intended to restrict uses which are high impact with regards to noise, visible emissions, odors, and vibration which are typical of intensive industrial developments by implementation of performance standards.

(2) BASIC REGULATIONS

Sewered			
(A)Lot Size 80,000 sq ft	(B)Lot Width 150 ft	(C)Unit Density n/a	(D)Open Space 33%

Unsewered			
(E)Lot Size 435,600 sq ft	(F)Lot Width 500 ft	(G)Unit Density n/a	(H)Open Space 90%

(I)Building Location			(J)Building Size			(K)Building Height		
Minimum Setback	Minimum Offset		Min. Floor Area		Multi Family per D.U.	Max. F.A.R.	Principal Structure	Accessory Structure
	One Side	All Other Sides	1 st Floor	Total				

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

The following uses subject to approval by the Plan Commission of a Building Site and Operation Plan:

1. Administrative and public service offices.
2. Single or multiple tenant professional offices of an architect, landscape architect, lawyer, doctor, dentist, professional engineer, or other similar recognized profession.
3. Finance, insurance, and real estate offices.
4. Public Utility offices and installations.
5. Hotels.
6. Banquet and meeting facilities
7. Single or multiple tenant, non-smoke stack facilities for light manufacturing, assembly, fabrication including indoor storage and warehousing of related materials, warehouse facilities less than 50,000 square feet, excluding activities such as: heavy machining and stamping; foundries; smelting; drop forging; mini-warehousing; hazardous and medical waste disposal where such activity is a primary function of the facility; truck and transportation terminals; motor vehicle assembly; petroleum products refining; raw materials processing; and plating. Manufacturing and assembly activities and facilities

which, upon review by the Plan Commission for detailed Building Site and Operation Plans, may meet the intent of this district are: millwork; machine tools; paper containers; patterns; die casting; light metal fabrication; appliances; printing; lithographing; blueprinting; photocopying; food and milk processing; soft drink bottling; dry cleaning and dyeing; precision instruments; radio, television and electronics assembly no closer than 500 feet to any residential district; mail order houses; sporting goods; apparel; plastic products; shoes or other similar activities and facilities.

B. PERMITTED ACCESSORY USES

The following uses subject to approval by the Plan Commission of a Building Site and Operation Plan:

1. Any accessory uses customarily associated with the permitted use, but excluding those involving outside storage or display, or accessory structures such as garages or sheds.
2. Signs as permitted by this Code.

C. PERMITTED USES BY CONDITIONAL GRANT

The following uses may be permitted by way of Conditional Use Grant as approved by the Plan Commission:

1. Day Care facilities.
2. Research Laboratories.
3. Indoor health and fitness facilities.
4. Warehousing and distribution facilities 50,000 square feet or greater in size, excluding mini warehousing.
5. Industrial supply sales.
6. Wholesalers.
7. Factory direct or seconds stores as an accessory use to the primary manufacturing and/or assembly operation.
8. Technical schools and training centers.
9. Rustic Structures.
10. Agricultural uses.

D. PERFORMANCE STANDARDS (Ord. #1269 – 11-22-07)

1. **Vibration:** no operation or activity of, or related to the facility in question, shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure vibration motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
2. **Lighting:** All outdoor lighting must be designed so as not to produce any intense glare or lighting with the source directly visible beyond the boundary of the subject facility. High pressure sodium vapor, down cast, cut off fixtures are required. No light source(s) or object(s) of illumination shall be in excess

of 12 foot candles, nor create a glare, reflection or radiance so as to be determined a nuisance per Section 10 of the City Of Muskego Municipal Code, nor shall they be detectable, at or beyond a five foot high vertical plane along the property line of the source, at a value greater than .5 foot candles.

3. Odor: No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 400-499, Wis. Adm. Code.
4. Particulate Emissions: No operation or activity shall emit into the ambient air from any direction or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 415, Wis. Adm. Code.
5. Visible Emissions: No operation shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 431, Wis. Adm. Code.
6. Hazardous Pollutants: No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 445, Wis. Adm. Code.
7. Noise: No continuous or intermittent noise from operations based, non-transient noise shall be detectable at or beyond the property line of the source to a level greater than 65 dBA between the hours of 7:00 a.m. to 6:00 p.m., and to a level greater than 55 dBA between the hours of 6:01 p.m. to 6:59 a.m.
8. The storage or use of chemicals either solid, liquid or gas, shall be in compliance with all federal, state and local regulations and subject to the following conditions:
 - a. The storage, utilization or manufacturing of materials or products ranging from incombustible to moderate burning is permitted.
 - b. The storage, utilization or manufacturing of materials or products ranging from free to active burning is permitted provided that said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
 - c. The manufacturing of flammable materials which produce explosive vapors or gases is prohibited.

8.28 M-1 LIGHT INDUSTRIAL DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for the orderly and attractive grouping in appropriately landscaped grounds of any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factor; and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect.

(2) BASIC REGULATIONS

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1st floor	Multi per D/U Total			Principal structure	Accessory structure	
40,000 Sq.Ft.	150	n/a	50	15	15	n/a	n/a	n/a	50%	n/a	30	50

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

1. Any uses as permitted by right in the B-3 District.
2. Non-commercial Horticulture.
3. Agriculture and Related Activities.
4. Commercial Horticulture.
5. Public utility transmission and distribution lines, poles and other accessories.
6. The following subject to approval by the Plan Commission of the specific use, and of the building, site and operational plans.
 - a. Manufacture, assembly, fabrication and processing plants and similar type industrial operations, but not including any of the following:
 - (i) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizers or glue.
 - (ii) Rendering plants, refineries, tanneries, or incinerators.
 - (iii) Stockyards or slaughterhouses
 - (iv) Junk or salvage yards.
 - (v) Drop forges or foundries.
 - (vi) Storage of explosives except as incidental to a permitted use, and storage of gasoline or petroleum in excess of 50,000 gallons.
 - b. Transportation terminals, including trucking.
 - c. General warehousing.
 - d. Experimental, testing, and research laboratories.

- e. Lumber and building supply yards.
- f. Printing and publishing houses and related activities.
- g. Public utility offices and installations.

B. PERMITTED ACCESSORY USES

1. Any accessory use as permitted in the B-3 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Office, storage, power supply and other such uses normally auxiliary to the principal industrial use.
 - b. Garages for storage of vehicles used in conjunction with the operation of the business.
 - c. Off-street parking, service and loading facilities
 - d. Signs.
 - e. Residential quarters for guards or caretakers.
 - f. Any other structure or use normally accessory to the principal uses permitted.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the B-3 District.
2. Automobile body repair shops, but not including the storage of junked or wrecked automobiles and parts.
3. Animal hospitals, kennels, and laboratories using animal products.
3. "Adult oriented establishments," as defined in this ordinance.
4. Agricultural uses.

D. ADEQUATE PUBLIC FACILITIES REQUIRED

No Building Site and Operation Plan, Preliminary Plat, Final Plat, Certified Survey Map, or Conditional Use Grant shall be approved in the M-1 District unless on the date of such approval there exists a valid and current Certificate of Adequate Public Facilities granted, and applicable to the project for which approval is sought.

8.29 M-2 GENERAL INDUSTRIAL DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for the same type of manufacturing and industrial development as in the M-1 District, but in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon Residence Districts.

(2) BASIC REGULATIONS

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Floor Area Ratio		Principal structure	Accessory structure	
						1st floor	Total		Multi per D/U			
40,000 Sq.Ft.	150	n/a	50	15	15	n/a	n/a	n/a	70%	n/a	35	70

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in M-1 District.
2. The following subject to approval by the Plan Commission of building, site and operational plans.
 - a. Automobile body shop, but not including the storage of junked or wrecked automobiles and parts.

B. PERMITTED ACCESSORY USES

1. Any accessory use as permitted in the M-1 District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the M-1 District.
2. Junk or salvage yards.
3. Rendering plants.
4. "Adult oriented establishment," as defined in this ordinance.
5. Agricultural uses.

D. ADEQUATE PUBLIC FACILITIES REQUIRED

No Building Site and Operation Plan, Preliminary Plat, Final Plat, Certified Survey Map, or Conditional Use Grant shall be approved in the M-2 District unless on the date of such approval there exists a valid and current Certificate of Adequate Public Facilities granted, and applicable to the project for which approval is sought.

8.30 M-3 LANDFILL AND EXTRACTIVE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide an environment capable of addressing the unique concerns associated with landfill and extractive operations. Such districts should not normally abut directly upon Residence Districts.

(2) BASIC REGULATIONS

(A.) Lot Size		(B.) Density		(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio		Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1st floor	Multi per D/U Total			Principal structure	Accessory structure	
200,000 Sq.Ft.	300	n/a	75	30*	30*	n/a	n/a	n/a	10%	90%	30	70

* 200 feet adjoining a residence district with min. 15 ft wide by 6 ft high planting screen.

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

1. Non-commercial Horticulture.
2. Agriculture and Related Activities.
3. Commercial Horticulture.
4. Public utility transmission and distribution lines, poles and other accessories.
5. The following subject to approval by the Plan Commission of Building, Site and Operational Plans:
 - a. Nonmetallic mining and associated extractive operations pursuant to Chapter NR135 Wisconsin Administrative Code.
 - b. Sanitary landfill operations pursuant Wisconsin Administrative Code.
 - c. Offices and administrative
 - d. Public utility offices and installations.
 - e. Public safety offices and installations, including training facilities.

B. PERMITTED ACCESSORY USES

The following subject to approval by the Plan Commission of building, site and operational plans.

1. Office, storage, power supply and other such uses normally auxiliary to the principal industrial use.
2. Garages for storage of vehicles used in conjunction with the operation of the business, pursuant to this Code.
3. Off-street parking, service and loading facilities.
4. Signs pursuant to this code.
5. Residential quarters for guards or caretakers.
6. Any other structure or use normally accessory to the principal uses permitted.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Facilities including turbines and other generating equipment associated with cogeneration of electric power.
2. Asphalt plants.
3. Service for automobiles trucks, and heavy equipment related to the principal use, excluding including body repair shops and the storage of junked or wrecked automobiles and parts.
4. Public and private commercial group outdoor recreational facilities pursuant to this Code.
5. Research Laboratories.
6. Agricultural uses.

D. ADEQUATE PUBLIC FACILITIES REQUIRED

No Building Site and Operation Plan, Preliminary Plat, Final Plat, Certified Survey Map, or Conditional Use Grant shall be approved in the M-3 District unless on the date of such approval there exists a valid and current Certificate of Adequate Public Facilities granted pursuant to this Code, and applicable to the project for which approval is sought.

D. ANNUAL REVIEW REQUIRED

An annual review is required in front of the Planning Commission for all newly approved uses after January 1, 2006 within the M-3 zoning District. The annual review will ensure that all approvals are being followed and that complaints are being dealt with appropriately. Additional requirements may be imposed during annual reviews under Planning Commission discretion.

8.31 SW-SHORELAND-WETLAND DISTRICT

(1) STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in sections 62.23 and 62.231 for cities and 87.30 and 144.26, Wis. Stats.

(2) FINDING OF FACT AND PURPOSE

Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- A. Promote the public health, safety, convenience and general welfare;
- B. Maintain the storm and flood water storage capacity of wetlands;
- C. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- D. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- E. Prohibit certain uses detrimental to the shoreland-wetland area; and
- F. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

(3) GENERAL PROVISIONS

- A. **COMPLIANCE:** The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see this ordinance below, for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.
- B. **MUNICIPALITIES AND STATE AGENCIES REGULATED:** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats. Applies.

C. ABROGATION AND GREATER RESTRICTIONS

- 1. This ordinance superseded all the provisions of any municipal zoning ordinance enacted under sections 62.23 or 87.30, Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(4) INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in chapter NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(5) SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(6) SHORELAND-WETLAND ZONING DISTRICT

A. SHORELAND-WETLAND ZONING MAPS

The following maps are hereby adopted and made part of this ordinance and are on file in the office of the Community Development Department:

1. Wisconsin Department of Natural Resources 1995 Wisconsin Wetland Inventory maps (Digital file).
2. Wisconsin Department of Natural Resources Wisconsin Wetland Inventory maps stamped "FINAL" on January 31, 1986.
2. Floodplain zoning maps titled Flood Boundary & Floodway Map and dated December 1, 1982.

B. DISTRICT BOUNDARIES

1. The shoreland-wetland zoning district includes all wetlands in the municipality which are shown on the final Wetland Inventory Map that has been adopted and made a part of this ordinance and which are:
 - a. Within one thousand (1000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.
 - b. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps adopted in this ordinance shall be used to determine the extent of floodplain areas.

2. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.
3. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

C. PERMITTED USES

The following uses are permitted subject to the provisions of chapters 30 and 31, Wis. Stats. and the provisions of other local, state and federal laws, if applicable.

Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

1. Hiking, fishing, trapping hunting, swimming and snowmobiling and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in-a manner that is not injurious to the natural reproduction of such crops;
3. The practice of silviculture, including the planting, thinning and harvesting of timber;
4. The pasturing of livestock;
5. The cultivation of agricultural crops; and
6. The construction and maintenance of duck blinds.

Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

1. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
2. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
3. The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

4. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
5. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
6. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in this ordinance; and
7. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

Uses which are allowed upon the issuance of a Conditional Use permit and which may include wetland alterations only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this ordinance, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in this ordinance;
 - c. The road is designed and constructed with the minimum cross sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
2. The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed 500 square feet in floor area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed
3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

- a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the construction and maintenance section above in this ordinance; and
 - d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
4. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:
- a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - c. Such construction or maintenance is done in a manner designed to the natural functions of the wetland listed in this ordinance.

D. PROHIBITED USES

1. Any use not listed in this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment in accordance with this ordinance.
2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed boathouse below the ordinary high-water mark of any navigable waters are prohibited.

E. NONCONFORMING STRUCTURES AND USES

1. The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions
2. The shoreland-wetland provisions of this ordinance authorized by 62.231 Wis. Stats. shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland-wetland provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject to s.62.23(7)(h), Wis. Stats. which limits total lifetime structural repairs and alterations to 50% of current fair market value.

3. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.
4. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under sections 61.351 or 62.231, Wis. Stats. may be continued although such use does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.
5. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.
6. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses,

(7) ZONING ADMINISTRATOR

The Building Inspector is appointed zoning administrator for the purpose of administering and enforcing this ordinance.

The zoning administrator shall have the following duties and powers:

- A. Advise applicants as to the provisions of this ordinance and assist in preparing permit applications and appeal forms.
- B. Issue permits and inspect properties for compliance with this ordinance.
- C. Keep records of all permits issued, inspections made, work approved and other official actions.
- D. Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
- E. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department.
- F. Investigate and report violations of this ordinance to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney,

(8) ZONING USE PERMITS

A. WHEN REQUIRED

Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development or any change in the use of an existing building or structure is initiated.

B. APPLICATION

An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

1. GENERAL INFORMATION

- a. Name, address, and telephone number of applicant, property owner and contractor, where applicable.
- b. Legal description of the property and a general description of the proposed use or development,
- c. Whether or not a private water supply or sewage system is to be installed

2. SITE DEVELOPMENT PLAN

The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

- a. Dimensions and area of the lot;
- b. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- c. Description of any existing or proposed on-site sewage systems or private water supply systems;
- d. Location of the ordinary high-water mark of any abutting navigable waterways;
- e. Boundaries of all wetlands;
- f. Existing and proposed topographic and drainage features and vegetative cover;
- g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
- h. Location of existing or future access roads; and
- i. Specifications and dimensions for areas of proposed wetland alteration.

(9) EXPIRATION

All permits Issued under the authority of this ordinance shall expire 12 months from the date of issuance.

(10) CERTIFICATES OF COMPLIANCE

Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the following provisions:

- A. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance,
- B. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
- C. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit providing the building or premises and proposed use thereof conform with all the provisions of this ordinance.

- D. The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.
- E. Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoptions certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

(11) CONDITIONAL USE PERMITS

A. APPLICATION

Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Plan Commission following the procedures in sections (15)b, (15)c, and (15)d of this ordinance.

B. CONDITIONS

Upon consideration of the permit application and the standards applicable to the conditional uses designated in this ordinance, the Plan Commission shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance as listed above. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion controls, increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this ordinance.

(12) FEES

The municipal governing body may by resolution, adopt fees for the following:

- A. Zoning permits
- B. Certificates of compliance
- C. Public Hearings
- D. Legal notice publications
- E. Conditional use permits
- F. Rezoning petitions

(13) RECORDING

Where a zoning permit, or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

(14) REVOCATION

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Plan Commission.

(15) BOARD OF APPEALS

The City Mayor shall appoint a Board of Appeals under section 62.23(7)(e), Wis. Stats. consisting of five members subject to confirmation by the municipal governing body. The Board of Appeals shall adopt rules for the conduct of its business as required by section 63.23 (7)(e)3., Wis. Stats.

A. POWERS AND DUTIES

The Board of Appeals:

1. Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
2. Shall hear and decide applications for conditional use permits.
3. May authorize upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:
 - a. That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.
 - b. That the hardship is due to special conditions unique to the property; and is not self-created or based solely on economic gain or loss;
 - c. That such variance is not contrary to the public interest as expressed by the purpose of this ordinance and;
 - d. That such variance not grant or increase any use of property which is prohibited in the zoning district.

B. APPEALS TO THE BOARD

Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision, or determination of the zoning administrator or other administrative officials. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other official whose decision is in question shall transmit to the Board all the papers constituting the record on the matter appealed.

C. PUBLIC HEARINGS

1. Before making a decision on an appeal or application, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a class 2 notice under Ch. 985, Stats. specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may present testimony in person, by agent or by attorney.
2. A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least 10 days prior to all public hearings on issues involving shoreland-wetland zoning.

D. DECISIONS

1. The final disposition of an appeal for a conditional use permit before the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application for a conditional use.
2. A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.

(16) AMENDING SHORELAND-WETLAND ZONING REGS

- A. The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of section 62.23 (7)(d)2., Wis. Stats., NR 117, Wis. Adm. Code, and the items below;
- B. A copy of each proposed map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the municipal planning agency.
- C. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class II notice as required by Section 62.23(7)(d)2., Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.
- D. In order to insure that this ordinance will remain consistent with shoreland protection objectives of section 144.26, Wis. Stats. the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
 1. Storm and flood water storage capacity;
 2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 4. Shoreline protection against erosion;
 5. Fish spawning, breeding, nursery or feeding grounds;
 6. Wildlife habitat; or
 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- E. Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section (16)d, of this ordinance, the Department shall so notify the

municipality of its determination either prior to or during the public hearing held on the proposed amendment.

- F. The appropriate district office of the Department shall be provided with:
1. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within 10 days after the submission of those recommendations to the municipal governing body.
 2. Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.
- G. If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section (16)d, of this ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the Department, as required by section (16)(F)2 of this ordinance. If within the 30 day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by sections 62.231(6) and 61.351(6), Wis. Stats. the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.231(6) or 61.351(6), Wis. Stats. is completed or otherwise terminated.

(17) ENFORCEMENT AND PENALTIES

Any development, building or structure or accessory building or structure constructed, altered added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation, and subject to the penalties and enforcement provisions of the City of Muskego Zoning Ordinance.

Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

(18) DEFINITIONS

- A. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally.

- B. The following terms used in this ordinance mean:

"Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

"Boathouse" as defined in section 30.121(1), Wis. Stats. means a permanent structure used for the storage of watercraft and associated materials and includes all

structures which are totally enclosed, have roofs or walls or any combination of structural parts.

"Class 2 public notice" means publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper or circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

"Conditional use" means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Plan Commission.

"Department" means the Wisconsin Department of Natural Resources.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

"Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

"Environmental control facility" means 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 and 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.

"Fixed houseboat" as defined in section 30.121(1), Wis. Stats. means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

"Navigable waters" means 'Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all 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 the state. Under section 144.26(2)(d), Wis. Stats. notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.221, Wis. Stats. and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if;

- Such lands are not adjacent to a natural navigable stream or river;
- Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- Such Lands are maintained in nonstructural agricultural use. "Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or 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 example, a stream which navigable by skiff or canoe during normal spring high

water is navigable, in fact, under the laws of this state though it may be dry during other seasons.”

"Ordinary high-water mark" means the point on the bank or shore 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 characteristic.

“Planning agency” means the municipal plan commission created under section 62.23(1), Wis. Stats. a board of public land commissioners or a committee of the municipality’s governing body which acts on matters pertaining to planning and zoning.

"Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; 1000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

"Shoreland-wetland district" means the zoning district created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

"Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

“Variance” means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

"Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative or wet conditions.

"Wetland alteration" means any filling, flooding, draining, dredging, ditching, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

8.32 I-1 GOVERNMENT, INSTITUTIONAL AND PUBLIC SERVICE DISTRICT

(1) STATEMENT OF INTENT

This district is intended to specifically define areas where churches, schools, libraries, and other uses of a public or institutional nature shall be permitted subject to such regulatory standards as will insure compatibility with the surrounding uses an area.

(2) BASIC REGULATIONS (

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1st floor	Multi per D/U			Principal structure	Accessory structure	
20,000	100	n/a	40	20	30	n/a	900*	n/a	40%	n/a	35 **	15

* For accessory residence use.

** (Ord. #1311 02-04-2010)

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

1. The following uses subject to approval by the Plan Commission of the building, site, and operational plans:
 - a. Public and private schools.
 - b. Churches and religious institutions.
 - c. Libraries, museums, art galleries, and concert halls.
 - d. Public administrative offices and public service buildings.
 - e. Public utility offices and installations
 - f. Private lodges and clubs
 - g. Public and private non-commercial group outdoor recreational facilities.
 - h. Cemeteries and mausoleums.

B. PERMITTED ACCESSORY USES

1. Any other use normally incident or accessory to the permitted use subject to approval by the Plan Commission of building, site and operational plans.
 - a. Bar, restaurant or other service facilities where accessory to a permitted principal use and intended solely for the convenience of members and guests and not operated as a business nor open to the general public. Where such facilities are accessory but are open to the public and operated as a business they may be permitted only as a conditional use as hereafter specified.
 - b. Any other structure or use normally incident or accessory to the permitted overlay use.
 - c. Freestanding, projecting and flat wall signs as permitted in B-1 District.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Penal, reform, disciplinary, or mental institutions.
2. Military installations.
3. Public service yards.
4. Radio and television transmission and relay towers.
5. Hospitals, nursing and rest homes, and homes for the aged.
6. Bar, restaurant or other service facilities basically accessory to a permitted principal use but open to the public and operated as a business.
7. Agricultural uses.

8.33 PI-1 PARK AND RECREATION LANDS DISTRICT

(1) STATEMENT OF INTENT

The PI-1 Park and Recreation Lands District is intended to provide areas where outdoor recreational needs of the citizens can be met. This district is intended to specifically define areas where park and recreation uses of a public or private nature shall be permitted subject to such regulatory standards as will insure compatibility with the surrounding uses an area. The district should be used for areas designated as parks in the adopted Muskego Park and Open Space Plan or other areas deemed necessary for parks by the Muskego Park Board and Common Council.

(2) BASIC REGULATIONS

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Min per Residential D/U	Max. Permitted (In Feet)		
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family		Floor Area Ratio		Principal structure	Accessory structure	
						1st floor	Total		Multi per D/U			
n/a	n/a	n/a	40	10	15	n/a	n/a	n/a	n/a	n/a	30	15

* For accessory residence use.

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

1. Active and passive parks and recreational facilities
2. Educational facilities, interpretive centers, learning centers
3. Recreational trails
4. Indoor recreational uses

B. PERMITTED ACCESSORY USES

1. Any other use normally incident or accessory to the permitted use subject to approval by the Park Board and/or Common Council and Plan Commission.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Stealth Radio and television transmission and relay towers.
2. Public and private schools.

8.34 CI-1 CONSERVATION LANDS DISTRICT

(1) STATEMENT OF INTENT

The CI-1 Conservation Lands District is intended to provide areas where open space and limited outdoor recreational needs of the citizens can be met. This district is intended to specifically define areas where conservation uses of a public or private nature shall be permitted subject to such regulatory standards as will insure compatibility with the surrounding uses an area. The district should be used for areas designated as conservation priorities in the adopted Muskego Conservation Plan or those areas deemed necessary for preservation by the Muskego Conservation Commission and Common Council.

(2) BASIC REGULATIONS

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height	
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)		Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family 1st floor	Total			Multi per D/U	Principal structure
n/a	n/a	n/a	40	10	15	n/a	n/a	n/a	n/a	30	15

* For accessory residence use.

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

1. Natural resource conservation and preservation uses
2. Passive conservation facilities
3. Educational facilities, interpretive centers, learning centers
4. Recreational trails
5. Indoor conservation uses

B. PERMITTED ACCESSORY USES

1. Any other use normally incident or accessory to the permitted use subject to approval by the Conservation Commission and/or Common Council and Plan Commission.

C. PERMITTED USES BY CONDITIONAL GRANT

1. Stealth radio and television transmission and relay towers.
2. Public and private schools.

8.35 EA EXCLUSIVE AGRICULTURAL DISTRICT

(REPEALED – ORD. #1354 – 04-19-2012)

8.36 A-1 AGRICULTURAL DISTRICT

(1) STATEMENT OF INTENT

This district is intended to provide for agricultural and related uses in rural areas where non-farm residential development is not of significant proportions presently nor anticipated or to be encouraged.

(2) BASIC REGULATIONS

(A.) Lot Size		(B.) Density	(C.) Building Location			(D.) Building Size			(E.) Open Space	(F.) Height		
Minimum Area (In Sq. Ft. Or Acres)	Min. Average Width (In Feet)	Residential Lot Area Per D/U	Min. Set Back (In Feet)	Minimum Offset		Minimum Residential Floor Area (In Sq. Ft.)			Floor Area Ratio	Min per Residential D/U	Max. Permitted (In Feet)	
		Lot Area Per D/U (In Sq. Ft.)		One Side (In Feet)	All other sides (In Feet)	Single Family	Multi per D/U	1st floor			Total	Principal structure
120,000	300	120,000*	75	30	30	1200	1200	900	20%	40,000	35	60

* May be reduced by 1/2 in the case of two family dwellings.

(3) Permitted Uses

A. PERMITTED USES BY RIGHT

1. Any use as permitted by right in the RCE District.
2. All ordinary agricultural uses subject to the following:
 - a. Farms primarily for the keeping or raising of fur bearing animals, hogs or goats shall not be permitted except as conditional uses.
 - b. The transient feeding or fattening of cattle or hogs for market in excess of 2 head per acre shall not be permitted.
 - c. Dairy processing plants.

B. PERMITTED ACCESSORY USES

1. Any accessory use as permitted in the RCE District. Accessory structures for the explicit purposes of "Agriculture and Agricultural Activities" as defined in this Ordinance shall be exempt from the requirements outlined in Section 18.
2. Roadside stands for the sale only of products raised on the premises, operated by the resident farmer and subject to the following:
 - a. Off-street parking for a minimum of 4 vehicles shall be provided.
 - b. No stand shall be permitted in a location where it would create a traffic hazard or nuisance; and where permitted, driveways shall be so located as to minimize possible interference with normal flow of highway traffic.
 - c. No such stand shall be closer than 30 feet to the existing street line or closer than 20 feet to any other lot line.
 - d. Signs advertising produce shall be confined to a single neat display frame and shall not exceed 20 square feet in total area.
 - e. A general sign to advertise the stand, not more than 12 square feet in area shall be permitted.
3. Blacksmith shop or machine shed for the maintenance and repair of farm machinery, equipment and vehicles.

C. PERMITTED USE BY CONDITIONAL GRANT

1. Any conditional use as permitted in the RCE District.

2. Hog, goat or fur farms.
 3. Animal hospitals, kennels, and laboratories using animals or animal products.
 4. Airports.
 5. Pea Vineries.
 6. Experimental, testing and research laboratories related to agriculture or forestry.
 7. Quarrying and grading operations.
 8. Two family dwellings in buildings existing as of the date of this ordinance.
 9. Indoor storage of boats, snowmobiles, recreational house trailers, riding lawnmowers, snowblowers, antique and small complete runnable sports cars, or other storable objects or items owned by individual people that require temporary storage.
 10. Agritourism (Ord. #1399 08-06-2015)
- D. SPECIAL REGULATIONS
1. More than one principle building may be permitted on a lot provided that the buildings are so located as to permit individual compliance, in the case of future division, with the lot size, density, building location, and open space, regulations of the district. Plan Commission approval is required prior to building permits being allowed for additional principle buildings. Land division documents shall be used wherever feasible.

8.37 HC-1 HISTORIC CROSSROADS DISTRICT

(1) STATEMENT OF INTENT

This District is intended to encourage mixed-use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services. The District diversifies and integrates land uses within close proximity to each other, and it provides for the daily retail and customer service needs of the residents.

The District is designed to promote the development of land as a traditional neighborhood under urban conventions that were the norm in the United States until the 1940's, characterized by the following design elements: neighborhoods that are limited in size and oriented toward pedestrian activity; a variety of housing types, jobs, shopping, services, and public facilities; residences, shops, workplaces, and civic buildings interwoven within the neighborhood, all within close proximity; compatibility of buildings and other improvements as determined by their arrangement, bulk, form, character, and landscaping to establish a livable, harmonious, and diverse environment; private buildings that form a consistent, distinct edge and define the border between the public street space and the private block interior; and architecture and landscape that respond to the unique character of the region.

The District is not intended for stand-alone parcels but for a larger grouping of parcels that together promote the characteristics above. The Tess Corners area and Pioneer Drive area are examples of a good use of the Historic Crossroads District.

(2) BULK REGULATIONS

(A) Lot Size		(B) Density	(C) Open Space
Minimum Area	Min. Average Width	Residential Lot Area Per D/U	Minimum per Parcel
		Lot Area Per D/U	
7,200 SF	60'	5,000	2,500 SF

(D) Primary Structure Building Location				
Min. Setback (from ROW)		Max. Setback (from ROW)	Minimum Offset	
			One Side	All Other Sides
10'		Lesser of 25' or average setback of abutting parcels	5'	10'

(E) Primary Structure Building Size				(F) Building Height	
Min. Residential Floor Area			Floor Area Ratio	Maximum Permitted	
Single-Family		Multi-Family (per D/U)		Principal Structure	Accessory Structure
1 st Floor	Total				
-	1,200 SF	1,000 SF	40%	35'	See 17:4.05

(G) Accessory Structure Building Location				
Min. Setback (from ROW)		Max. Setback (from ROW)	Minimum Offset	
			One Side	All Other Sides
25'		N/A	5'	10'

(3) USE REGULATIONS**A. PERMITTED USES BY RIGHT**

1. Single-family detached dwellings.
2. The following subject to approval by the Plan Commission of building, site and operational plans:
 - a. Single-family attached, Duplex, or Townhouse structures.
 - b. Retail stores and shops offering convenience goods and personal services and not exceeding 5,000 square feet of primary floor area:
 - i. Clothing Store
 - ii. Delicatessen, Produce/Meat Market
 - iii. Laundry/Dry Cleaning Services
 - iv. Specialty Foods (Bakeries, Confectionaries, etc.)
 - v. Specialty Store (Books, Music, Toys, Sporting Goods, Stationery, etc.)
 - vi. Variety Store
 - vii. Other uses as determined by the Plan Commission as outlined in Section 5 of this Code.
 - c. Business, professional, or public service offices not exceeding 3,000 square feet of primary floor area:
 - i. Accounting, Auditing, Bookkeeping, and Tax Preparation
 - ii. Architectural, Engineering, Planning & Surveying Services
 - iii. Bank, Bonding & Financial Institution/Facility (No Drive Thru Permitted)
 - iv. Barber/Beauty/Hair Salon & Related Personal Care
 - v. Bed and Breakfast Establishments
 - vi. Business Offices
 - vii. Café, Coffee Shop, Diner, Restaurant
 - viii. Credit Reporting & Collection
 - ix. Desktop Publishing & Graphic Design
 - x. Institutional Office: Public, Private, Educational, & Religious
 - xi. Insurance, Stock Brokerages
 - xii. Legal Services
 - xiii. Lessons (Art, Dance, Music, etc.)
 - xiv. Medical/Dental Offices, including Veterinary
 - xv. Photography Studio
 - xvi. Real estate

xvii. Tax Preparation

xviii. Other uses as determined by the Plan Commission as outlined in Section 5 of this Code.

- d. Dwelling units accessory to commercial uses.
- e. Public administration offices and public service buildings.
- f. Public utility offices and installations.

B. PERMITTED ACCESSORY USES

- 1. Private garages subject to the provisions of this Code subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.
- 2. One (1) private garden shed subject to the provisions of this Code subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.
- 3. Any other structure or use normally accessory to the principal uses permitted.
- 4. Home Occupations when incidental to the principal residential use, as outlined in this Code.

C. PERMITTED USES BY CONDITIONAL GRANT

- 1. The following subject to approval by the Plan Commission of Building Site and Operational Plans:
 - a. Pet Store.
 - b. Retail stores and shops offering convenience goods and personal services and exceeding 5,000 square feet of primary floor area.
 - c. Business, professional, or public service office exceeding 3,000 square feet of primary floor area.
- 2. Agricultural uses.

8.38 DR-1 DOWNTOWN REVIVAL DISTRICT

(1) STATEMENT OF INTENT

This District is intended for the properties found along Janesville Road in Muskego's Downtown from Bay Lane Drive to Racine Avenue. The District was created to allow the revival and redevelopment of these properties in order to create new opportunities for the parcel owners. The parcels in this area have or may be affected by future improvements along Janesville Road and it is the City of Muskego's objective to have a zoning district that allows property owners to have usability of their property in order to assure that the core of Muskego's downtown is revived.

This District is intended to encourage mixed-use, compact development that is sensitive to the environmental characteristics of the land and facilitates the efficient use of services. The District diversifies and integrates land uses within close proximity to each other, and it provides for the daily retail and customer service needs of the residents.

The District is designed to encourage pedestrian-friendly designs, which respect and accommodate the community's dependency on the automobile. Higher standards of design with a renewed emphasis on community image and the cost-effective provision of public services are promoted. Widely accepted development and planning principles suggest that new development should help the downtown and City compete in an increasingly competitive and quality-conscious real estate environment, and provide alternative housing and shopping opportunities in close proximity.

Design standards should closely follow those found in the City's adopted Downtown Design Guide. The Downtown Design Guide is characterized by the following design elements: Traditional town center/modern 'main-street'; Buildings squarely facing the street; Buildings closer to street; Pedestrian scale – walk able, accented storefronts; Variable roof-lines; Transitional massing blending with surrounding architecture; Sense of place/downtown identity; Destination and convenience retail; Shared parking; Convenience.

The District is intended for both stand-alone parcels and larger grouping of parcels as long as the objective is to promote the characteristics above. Commercial uses are encouraged from Bay Lane Drive to Pioneer Drive and residential uses are encouraged from Pioneer Drive to Racine Avenue as per the direction of the Muskego Comprehensive Plan. Rezoning requests for parcels that do not meet the intent of this zoning district should follow existing residential and commercial zoning districts.

(2) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Open Space
Minimum Area	Min. Average Width	Residential Lot Area Per D/U	Minimum per Parcel
		Lot Area Per D/U	
7,200 SF*	60'	5,000	2,500 SF

(D) Primary Structure Building Location				
Min. Setback (from ROW)		Max. Setback (from ROW)	Minimum Offset	
			One Side	All Other Sides
10'		-	5'	10'

(E) Primary Structure Building Size				(F) Building Height	
Min. Residential Floor Area			Floor Area Ratio	Maximum Permitted	
Single-Family		Multi-Family (per D/U)		Principal Structure	Accessory Structure
1 st Floor	Total				
-	1,200 SF	1,000 SF	40%	35'	See 17:4.05

(G) Accessory Structure Building Location				
Min. Setback (from ROW)		Max. Setback (from ROW)	Minimum Offset	
			One Side	All Other Sides
25'		N/A	5'	10'

* This District does not promote new parcels of this size, but allows parcels to be conforming if they meet these guidelines. Newly created parcels in this district should meet the size requirements of the B-2 Zoning District for commercial uses (Minimum Parcel Area = 20,000 SF; Minimum Parcel Width = 100 feet) and the size requirements of the RS-3 Zoning District for residential uses (Minimum Parcel Area = 15,000 SF; Minimum Parcel Width = 100 feet).

(3) USE REGULATIONS

A. PERMITTED USES BY RIGHT

1. Single-family detached dwellings.
2. The following subject to approval by the Plan Commission of building, site and operational plans:
 - a. Single-family attached, Duplex, or Townhouse structures.
 - b. Retail stores and shops.
 - c. Public administration offices and public service buildings.
 - d. Community and customer service establishments such as, but not limited to, the following:
 - i. Business, professional, public service, banking and savings and loan offices.
 - ii. Delicatessen, Produce/Meat Market
 - iii. Clothing Store
 - iv. Restaurants, taverns and other commercial entertainment facilities

- v. Hotels
- vi. Laundry/Dry Cleaning Services.
- vii. Specialty Foods (Bakeries, Confectionaries, etc.)
- viii. Specialty Store (Books, Music, Toys, Sporting Goods, Stationery, etc.)
- ix. Variety Store
- x. Commercial studios, display galleries and training schools.
- xi. Public utility offices and installations
- xii. Accounting, Auditing, Bookkeeping, and Tax Preparation
- xiii. Architectural, Engineering, Planning & Surveying Services
- xiv. Barber/Beauty/Hair Salon & Related Personal Care
- xv. Bed and Breakfast Establishments
- xvi. Café, Coffee Shop, Diner, Restaurant
- xvii. Desktop Publishing & Graphic Design
- xviii. Legal Services
- xix. Lessons (Art, Dance, Music, etc.)
- xx. Medical/Dental Offices, including Veterinary
- xxi. Photography Studio
- xxii. Real estate
- xxiii. Tax Preparation
- xxiv. General Merchandising and wholesaling establishments

B. PERMITTED ACCESSORY USES

1. Private garages subject to the provisions of this Code subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.
2. One (1) private garden shed subject to the provisions of this Code subject to the approval of the Zoning Administrator and upon payment of fees and receipt of permits as required by the Common Council and amended from time to time.
3. Any other structure or use normally accessory to the principal uses permitted.
4. Home Occupations when incidental to the principal residential use, as outlined in this Code.

C. PERMITTED USES BY CONDITIONAL GRANT

1. The following subject to approval by the Plan Commission of Building Site and Operational Plans:
 - a. Dwelling units accessory to commercial uses
 - b. Gasoline and Automobile Service Stations
 - c. Nursing/rest homes, homes for all aged, and daycares. (Ord. #1351 – 03-22-2012)
2. Agricultural uses

SECTION 9 PLANNED DEVELOPMENT DISTRICTS

9.01 PURPOSE AND INTENT

- (1) This district is intended to allow for greater freedom, imagination, and flexibility in the development of land while insuring substantial compliance to the intent of the normal district regulations of this ordinance. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived, and planned as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage the preservation of open land.
- (2) Permitted: The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted in a CPD Conservation Planned Development Overlay District, without the customary division into individual lots, or without specific compliance to the district regulations as applicable to individual lots, subject to the regulations as hereinafter provided in this Section.

9.02 DISTRICT REQUIREMENTS

- (1) Size Allowed: For the purpose of this Ordinance all Planned Development Projects shall be classified as follows and be limited to parent parcels of not less than the size indicated:

	Min. Size of District
Residential	200,000 sq ft
Commercial	200,000 sq ft
Industrial	No minimum
Mixed	200,000 sq ft

(2) BASIC REGULATIONS

A. Lot Size		B. Density	C. Building Location			D. Building Size				E. Open Space	F. Height	
Min. Lot Area	Min. Avg. Lot Width	Lot Area Per D/U	Min. Set Back	One Side offset	All other side offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Max. Ht principal structure	Max. Ht Accessory structure
None	None	*	**	-	***	-	*	*	*	*	*	*

* As required by this Section below.

** Along any boundary street no less than 50 feet unless otherwise modified by Plan Commission.

*** Along any boundary line no less than adjoining district unless otherwise modified by Plan Commission.

G. PERMITTED USES BY RIGHT

1. Any use as permitted in the underlying basic district but subject to the conditional regulation as to the manner in which permitted as provided hereinafter.
2. Traditional Neighborhood Developments as permitted by Section 12 of this Ordinance.

H. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the underlying basic district but subject to the conditional regulation as to the manner in which permitted as provided hereinafter.

I. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the underlying basic district.
2. Any use permitted by right in any district.
3. Any accessory use permitted in any district.

(3) Application of Regulations:

- A. **Uses and Structures.** In addition to the uses permitted in the underlying district any other use may be permitted as hereinafter designated above consistent with the criteria established in the basis for approval below.
- B. Individual uses and structures in a Planned Development Project District need not comply with the specific building location, height, building size, lot size, and open space requirements of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total development plan for such project consistent with the criteria as established in the basis for approval below.
- C. **Applicable Underlying Zoning Districts.** The PD Planned Development Overlay District may be applied to all zoning districts.
- D. **Density:** For specific project density computation, the allowable maximum unit density shall be determined by dividing the gross area of the planned development (Exclusive of existing public right-of-way or public open space easement) by the square feet per family as required by the district intended. In the case of mixed-use developments, a separate density calculation shall be computed for each defined use in the development (Ex. On an 80-acre planned development, 40 acres is intended for RM-1 uses and 40 acres are intended for RS-1 uses; the density computations would be run separately as follows: 1,742,400 square feet / 5,000 square feet per unit for RM-1 and 1,742,400 square feet / 30,000 square feet per unit for RS-1).
- E. **Density Bonus:** The total allowable maximum density in a planned development may increase no more than 10% above the amount of units calculated in Section 9.02(3)D above upon recommendation of the Plan Commission that the increased density is justified in terms of the relationship to open areas, service demand, and the total quality and character of the project. In no case, however, shall the provisions of Section 9.04 be waived.

9.03 APPLICATION PROCEDURE

- (1) Petition: Petition may be made to the Common Council by the owner or agent of property proposed for such development, to amend the zoning map by the overlaying of a PD District in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee, as from time to time established by Resolution of the Common Council, and the following information:
 - A. A statement describing the general character of intended development along with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.
 - B. A general development plan of the project showing the intended use or uses of land, the dimensions and location of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as schools, and playgrounds, parks, landscaping, and other open spaces and architectural drawings and sketches illustrating the design and character of the proposed uses and the physical relationship of the use.
- (2) Referral to Plan Commission: Such petition shall be referred to the Plan Commission and processed as any other petition for zoning change. Upon completion of necessary study and investigation the Plan Commission shall make its recommendation to the Common Council as to the appropriateness and desirability of the proposed zoning change, the suitability of the building, site and development plans, and any additional conditions which it may feel necessary or appropriate.
- (3) Public Hearing: Upon receipt of the Plan Commission's recommendations the Common Council shall cause a public hearing to be held pursuant to Section 2 of this Ordinance.
- (4) Where a proposed development includes uses permitted only as conditional grants pursuant to Section 14, compliance with the procedural and general requirements set forth as the basis for approval under this section shall supplant the requirement for separate processing of a petition for conditional use grant pursuant to Section 14.
- (5) At the time the PD planned unit development is presented to the City Plan Commission for final approval, the developer shall pay to the City the costs incurred by the City for planning and engineering fees, including but not limited to costs for checking plans, field checking and consultations.

9.04 BASIS FOR APPROVAL

- (1) Basis for Approval: The Plan Commission in making its recommendations and the Common Council in making its determination shall give consideration and satisfy themselves as to the following:
 - A. That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay of the PD District, that the project appears economically sound, that adequate financing is

possible, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City.

- B. That the proposed development is consistent in all respects to the spirit and intent of this Ordinance, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood, that the specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of this Ordinance through the application of the PD Planned Development Overlay District.
- C. In the case of proposed residential developments:
1. That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character established for the area by the community Comprehensive Plan, and where the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which could be anticipated under the base zoning.
 2. The population composition of the development will not alter adversely the impact upon school or other municipal service requirements as anticipated under the existing basic zoning and Comprehensive Plan.
 3. That the project will not create traffic or parking demand incompatible with that anticipated under the Comprehensive Plan.
 4. That the total average residential density of the project will be compatible with the Comprehensive Plan, except as may be modified by this Section.
 5. That the aggregate open space of the development will be no less, than would have resulted from the application of open space requirements of the underlying districts.
 6. That adequate guarantee is provided for permanent retention as "open space area" of the residual open land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public.
 7. In the case of an PD Planned Development District, private preservation of the open space area shall be guaranteed and shall be protected against building and development by conveying to the municipality as Section of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the esthetic and recreational benefit of the surrounding residences. Buildings or uses for non-commercial recreational or cultural purposes compatible with the open-space objective may be permitted only

where specifically authorized as Section of the project plan or subsequently with the express approval of the Common Council following approval of building, site and operational plans by the Plan Commission.

8. The care and maintenance of such open space reservations shall be insured either by establishment of appropriate management organization for the project or by agreement with the municipality for establishment of a special service district for the project area where the municipality shall provide the necessary maintenance service and levy the cost thereof as special assessment on the tax bills of properties within the project area. In any case the Common Council shall have the right to carry out and levy an assessment for the cost of any maintenance, which it feels necessary if it is not otherwise taken care of to the satisfaction of the Common Council. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.
 9. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the municipality and made a Section of the conditions of the plan approval.
- D. In the case of proposed PD Planned Development Overlays for commercial developments:
1. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
 2. That the proposed development will be adequately served by off-street parking and truck service facilities.
 3. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an effect upon the general traffic pattern of the area incompatible with that anticipated under the Comprehensive Plan.
 4. That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not creating an effect upon the property values of the surrounding neighborhood incompatible with that anticipated under the Comprehensive Plan
- E. In the case of PD Planned Development Overlays for mixed use developments:
1. That the proposed mixture of uses produces a unified composite which is compatible within itself and which as a total developmental entity is compatible with the surrounding neighborhood and consistent with the general objectives of the Comprehensive Plan.
 2. That the various types of uses conform to the general requirements as herein set forth, applicable to projects of such use character.

3. The allowable maximum residential density may be computed by dividing the gross area of the planned development by the square feet per family as required by the district intended (This is inclusive of the area of the other proposed uses in the development)(Ex. PD on 12 acres of land with 8 acres for multi-family residential and 4 acres for commercial still equals approximately 104 units (12 acres / 5,000 square feet per unit) upon recommendation of the Plan Commission that the increased density is justified in terms of the relationship to the denser area, the commercial area, open areas, service demand, and the total quality and character of the project.
4. The total allowable maximum density may increase no more than 10% above the amount of units calculated above upon recommendation of the Plan Commission that the increased density is justified in terms of the relationship to open areas, service demand, and the total quality and character of the project.

(2) Determination:

- A. The Common Council after due consideration may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions.
- B. The approval of a petition and consequent amending of the zoning map by overlay of the PD District shall be based on and include as conditions thereto the Building, Site and Operational (BSO) Plans for the development as well as all other commitments offered or required with regard to project value, character or other factor pertinent to assuring that the project will be developed basically as presented in the official submittal plans as approved by the Common Council and shall be mapped and recorded as provided for conditional uses under Section 14 of this Ordinance. Such plans, however, need not necessarily be completely detailed at the time of Overlay zoning provided they are of sufficient detail to satisfy the Plan Commission and Common Council as to the general character, scope, and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, the basic pattern of land use, the size and arrangement of lots, and illustrate a "typical" example of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.
- C. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Common Council and if in the opinion of the Common Council upon recommendation of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Common Council shall be required and notice thereof given pursuant to Section 2 of this Ordinance.
- D. The provisions of Section 14 governing termination of the conditional grant shall apply to such group project development.
- E. Application for a Planned Development. In order to fulfill the requirements of the Planned Development provisions, the City Planning

DeSectionment may utilize additional policies and procedures along with required checklists, letters of intent, necessary inspections, follow-ups, bonding requirements, and other legal assurances that the provisions of planned development are carried out systematically and on a uniform basis.

9.05 PLANNED DEVELOPMENT DISTRICTS REPEALED

- (1) The revision of this Zoning Ordinance in 2006 repealed a few past-approved PDs due to no development occurring in those areas. The PDs found in Section 9.06 and below are the districts that continue to operate as approved.

9.06 PLANNED DEVELOPMENT DISTRICTS AND REQUIREMENTS

- (1) Approved Planned Development districts shall be found below in this Section and shall state the development requirements and parameters as approved by the Common Council.
- (2) The actual text description outlining the parameters for each planned development shall be approved with the rezoning ordinance if all are known. Zoning Code text descriptions may be approved at a later time with the final plat and/or developer's agreement by resolution of the Common Council if needed in order to account for all aspects and parameters of an individual planned development (Note: When a rezoning of a PD is approved before the final plat and developer's agreement approvals for a development, the rezoning ordinance will state "That the ordinance is in full force and effect from and after passage and publication subject to approval of the Final Plat, Subdivider's Agreement and the zoning ordinance language that specifically outlines the parameters of the PD"). The language that outlines the specifics of the PD will be passed by resolution of the Common Council concurrent with the final plat and developer's agreement approvals.
- (3) Amendments to existing PD text descriptions shall be approved by ordinance of the Common Council concurrent with the determination of non-substantial change resolutions.

9.07 PD-1 PARKLAND

- (1) The Parkland Planned Development consists of approximately 55 acres containing 117 single-family parcels and 6 outlots. The development is made of three plats, Parkland No's 1, 2, and 3 Subdivisions all generally located NW ¼ of Section 10 and the SW ¼ of Section 3 west of Lannon Drive. The Parkland No. 1 development consists of 45 single-family parcels and two outlots, the Parkland No. 2 development consists of 43 single-family parcels and three outlots, and the Parkland No. 3 development consists of 29 single-family parcels and one outlot. All developments were constructed in one phase each and are serviced by City sewer and water. The six total outlots for the development are for open space preservation and stormwater management.

The planned development was originally created as Section of a larger planned development known as Parkland Plaza. The original planned development reserved future planned development areas as RS-2/PD Suburban Residence District with a Planned Development Overlay District and B-4/PD Highway Business District with a Planned Development Overlay District. The majority of the commercial portion of the original Parkland Plaza PD was dissolved as the commercial entities were closed and razed. The remaining areas are the Freedom Square PD and the Parkland PD. Each facet of the original planned development is incorporated into separate distinct PDs upon final plat, condominium plat, or Building, Site, and Operational Plan approvals.

The Parkland planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having front setbacks be reduced to 25 feet, side offsets reduced to 6 and 8 feet and rear offsets be 20 feet (In the case a parcel has multiple street setbacks the setback on one street corner can be 15 feet with the rear offsets being 8 feet and 20 feet).

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Parkland proposal.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 10/26/1964

Common Council Rezoning Approval: 11/1964

Plan Commission Parkland No.1 Final Plat Approval: 10/20/1970

Common Council Parkland No.1 Final Plat Approval: 12/08/1970 Resolution #256-1970

Plan Commission Parkland No.2 Final Plat Approval: 09/07/1971

Common Council Parkland No.2 Final Plat Approval per Resolution #177-1971

Plan Commission Parkland No.3 Final Plat Approval: 03/07/1972

Common Council Parkland No.3 Final Plat Approval: 03/14/1972 Resolution #029-1972

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	2.1	15-25	6-8	20	700-1200	n/a	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.08 PD-2 FREEDOM SQUARE

- (1) The Freedom Square Planned Development consists of approximately 8 acres on 3 parcels. Freedom Square is a condominium complex that is generally located north of Janesville Road off of Briargate Lane between Lannon Drive and Parkland Drive. The planned development contains a total of 60 units with 2 twelve-family structures, 4 eight-family structures, and 1 four-family structure along with associated drainage facilities, accessory structures, parking, landscaping, and access ways. The development was developed in a number of phases and is all serviced by City sewer and water.

The planned development was originally created as Section of a larger planned development known as Parkland Plaza. The Parkland Plaza was the first PD created in the City of Muskego. The original planned development reserved future planned development areas as RS-2/PD Suburban Residence District with a Planned Development Overlay District and B-4/PD Highway Business District with a Planned Development Overlay District. The majority of the commercial portion of the original Parkland Plaza PD was dissolved as the commercial entities were closed and razed. The remaining areas are the Freedom Square PD and the Parkland PD. Each facet of the original planned development is incorporated into separate distinct PDs upon final plat, condominium plat, or Building, Site, and Operational Plan approvals.

The Freedom Square planned development was originally created under the zoning of B-4/PD Highway Business District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan. The PD

also allowed various structure placements for the residential uses within the flexibility of the underlying code subject to Planning Commission BSO approvals.

The 2010 Comprehensive Plan depicts the area for multi-family residential development consistent with the Freedom Square proposal.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 10/26/1964

Common Council Rezoning Approval: 11/1964

Plan Commission BSO Approval: 12/17/1971

BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	7.5	-	-	-	-	n/a	-	-	30	15

(3) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

(4) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

(5) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

9.09 PD-3 DURHAM MEADOWS

- The Durham Meadows Planned Development contains approximately 50 acres with 236 total living units consisting of 62 parcels for two-family structures (124 units), 1 parcel containing 8 four-family structures (32 units), 7 parcels containing 10 eight-family structures (80 units), and one outlot. The development is located along Durham Drive and Janesville Road just southwest of the Janesville Road / Woodland Place intersection. The development is constructed in multiple phases and is serviced by sewer and water. The Durham Meadows subdivision was originally approved with various CSMs, aSectionment complexes, and condo plats succeeded the final plat creating the now Durham Meadows Planned Development. The multiple family developments were approved with the appropriate access ways and accessory structures. The one outlot in the development is for the preservation of open space.

The planned development was originally created under the zoning of RSA/PD Attached Single-Family Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan. The PD also changed various requirements of the underlying zoning including front setbacks reduced to 25 feet, all side offsets be reduced to 10 feet, and rear offsets to be 30 feet (Reduced to 10 feet for garages). The development is maximized on the amounts of units allowed as all open space and square footage has been used.

Various Developer's Agreements are approved with the Final Plat, CSMs, and Building, Site, and Operation Plans for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- Common Council Rezoning Approval: 05/09/1972 per Ordinance #221
- Plan Commission Rezoning Amendment Approval: 11/21/1995 per Resolution #182-1985
- Common Council Rezoning Amendment Approval: 11/28/1995 per Resolution #226-1992
- Plan Commission Final Plat Approval: 07/18/1972
- Common Council Final Plat Approval: 07/25/1972 per Resolution #155-1972

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	4.72	25	10	10-30	-	-	-	7000 sq. ft.	30	15

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RM-1 district for the multi-family parcels and RM-2 district for the two-family parcels subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RM-1 district for the multi-family parcels and RM-2 district for the two-family parcels subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RM-1 district for the multi-family parcels and RM-2 district subject to zoning substantial change hearings if required.

9.10 PD-4 HALE PARK MEADOWS

(1) The Hale Park Meadows Planned Development consists of approximately 90 acres containing 166 single-family parcels, 14 two-family parcels (Lots 1-5 of Block 1, Lots 1-2 of Block 2, and Lots 1-6 of Block 3) and 6 outlots (Totaling 194 units). The development was made of one plat and is generally located off of the north side of Tess Corners Drive between Woods Road and Janesville Road. The development is constructed in one phase and is serviced by sewer and water. The six outlots for the development are for open space preservation, stormwater management, and dedication to the City for park purposes. The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also allowed a mixed-use development to allow two-family structures on certain parcels. The PD changed various requirements of the underlying zoning including front setbacks reduced to 25 feet, side offsets reduced to 10 feet and rear offsets increased to 30 feet (Reduced to 10 feet for garages). The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Hale Park proposal. A Subdivider's Agreement was approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Common Council Rezoning Approval: 05/09/1972 per Ordinance #222

Plan Commission Final Plat Approval: 07/18/1972

Common Council Final Plat Approval: 09/12/1972 per Resolution #148-1972

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor (Single-Family)	Min. floor area per unit (Two-Family)	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	2.15	25	10	10-30	1000-1400	1000	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district for the single-family parcels subject to zoning substantial change hearings if required.
2. Any use as permitted in the RM-2 district for the two-family parcels subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district for the single-family parcels subject to zoning substantial change hearings if required.

2. Any accessory use permitted in the RM-2 district for the two-family parcels subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district for the single-family parcels subject to zoning substantial change hearings if required.
2. Any conditional use permitted in the RM-2 district for the two-family parcels subject to zoning substantial change hearings if required.

9.11 PD-5 PIONEER CENTRE

- (1) The Pioneer Centre Planned Development contains approximately 9.25 acres with 2 parcels for multi-family residential use located off the east side Pioneer Drive just north of the Pioneer Drive / Racine Avenue intersection. The northern parcel contains a complex that includes two structures with 12 one-bedroom units each (Total of 24 units). The complex was approved with accessory structures, landscaping, and appropriate access and parking. The southern parcel contains a condominium complex that includes 2 two-unit structures, 6 four-unit structures, and 3 six-unit structures (Total of 46 units). The apartment complex was approved with accessory structures, landscaping, and appropriate access and parking. Both developments also have pools explicitly for the use of the tenants (The condominium development was also approved with a commons building). Overall, the planned development contains a total of 70 units in 13 structures. The development is constructed in multiple phases and is serviced by City sewer and water.

The planned development was originally created under the zoning of RSM/PD Multiple-Family Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan. The originally approved PD allowed no more than 70 living units. The PD also allowed various structure placements for the residential uses within the flexibility of the underlying code subject to Planning Commission BSO approvals.

A Developer's Agreement is approved for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 05/2/1972

Common Council Rezoning Approval: 07/11/1972 per Ordinance #226

Plan Commission BSO Approval: 09/19/1972

Plan Commission BSO Approval: 04/03/1973 per Resolution #041-1973

Plan Commission Phase II BSO Approval: 10/21/1975 per Resolution #113-1975

Plan Commission Phase II BSO Approval: 11/18/1975 per Resolution #124-1975

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	7.56	Varies	Varies	Varies	-	-	30%	4000 sq. ft.	30	15

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-1 district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-1 district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-1 district subject to zoning substantial change hearings if required.

9.12 PD-6 TUDOR OAKS

- The Tudor Oaks Planned Development contains approximately 110 acres within 2 parcels for single-family residential and institutional uses located off the south side McShane Drive just east of Durham Drive. The development was originally part of the Mus-Kee-Guac development. Tudor Oaks is constructed in multiple phases and is serviced by sewer and water. The lands consist of one large structure with living units and nursing facilities and have approvals for associated landscaping, access, accessory structures, and parking.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to provide an institutional mixed-use environment for senior citizen living and care. The development is subject to the developers receiving Planning Commission Building, Site, and Operation Plan (BSO) approval for site specifics as long as the PD does not exceed the following:

- No more than 50 single-family home sites south of McShane Road
- No more than 300 apartments and a 60 bed health care facility

A Developer's Agreement is approved for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Common Council Rezoning Approval: 04/24/1973 per Ordinance #250
 Common Council Revised PD Approval: 06/25/1974 per Resolution #116-1974

Common Council PD Agreement Approval: 04/08/1975 per Resolution #099-1975

Plan Commission BSO Approval: 07/02/1974 per Resolution #086-1974

Plan Commission Amended BSO Approval: 01/17/2006 per Resolution #136-2005

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	Max Allowed = 350 units/ 110 acres	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space for development	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	3.18	Varies	Varies	Varies	-	-	25%	75%	-	-

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.13 PD-7 LAKE LORE ESTATES

(1) The Lake Lore Planned Development consists of approximately 33 acres containing 26 single-family parcels and 3 outlots. The development was made of one plat and a plat redivision and is generally located off of the north side of McShane Drive north of the Tudor Oaks development. The development is constructed in one phase and is serviced by sewer and water. The three outlots for the development are for open space preservation, stormwater management, and a well site.

The planned development was originally created under the zoning of RSA/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed various requirements of the underlying zoning including front setbacks, and side/rear offsets (Each lot varies, as such, see covenants).

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Lake Lore proposal. A Subdivider's Agreement was approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Common Council Rezoning Approval: 04/24/1973 per Ordinance #250

Plan Commission Final Plat Approval: 07/06/1976 per Resolution #075-1976

Common Council Final Plat Approval: 08/10/1976 per Resolution #134-1976

Plan Commission Redivision Final Plat Approval: 06/07/1977 per Resolution #075-1977

Common Council Redivision Final Plat Approval: 06/14/1977 per Resolution #138-1977

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	.8	See Covenants			1100-1600	1600+	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.14 PD-8 LAKE BRITTANY ESTATES

- The Lake Brittany Planned Development consists of approximately 82 acres containing 99 single-family parcels and 2 outlots. The development was made of three plats and is generally located off of the north side of McShane Drive between the Muskego border to the east and Cheviot Road to the west. The Lake Brittany Final plat included 76 single-family parcels and two outlots. The Lake Brittany Addition #1 Final plat was a redivision of outlots from the original Lake Brittany development and included 20 single-family parcels and one outlot. The Lake Brittany Addition #2 Final plat was a redivision of an outlot from the Lake Brittany Addition #1 development and included 3 single-family parcels and one outlot. The development is constructed in one phase and is serviced by sewer and water. The outlots for the development are for open space preservation and stormwater management. The planned development was originally created under the zoning of RSA/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the

required density of the City’s Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having front setbacks be 35 feet, side offsets be 10 feet and rear offsets be 20 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Lake Brittany proposal. A Subdivider’s Agreement was approved with the Final Plat for the development by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- Common Council Rezoning Approval: 11/27/1973 per Ordinance #263
- Plan Commission SW Rezoning Approval: 12/06/1988 per Resolution #107-1988
- Common Council SW Rezoning Approval: 05/04/1989 per Ordinance #644
- Plan Commission Final Plat Approval: 06/07/1977 per Resolution #072-1977
- Common Council Final Plat Approval: 06/14/1977 per Resolution #137-1977
- Plan Commission Add. #1 Final Plat Approval: 07/21/1987 per Resolution #100-1987
- Common Council Add. #1 Final Plat Approval: 07/28/1987 per Resolution #153-1987
- Plan Commission Add. #2 Final Plat Approval: 12/05/1989 per Resolution #219-1989
- Common Council Add. #2 Final Plat Approval: 12/12/1989 per Resolution #323-1989

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.21	35	10	20	-	1800-2200	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.15 PD-9 GUERNSEY MEADOWS

(1) The Guernsey Meadows Planned Development consists of approximately 54.5 acres containing 101 single-family parcels. The development was made of two plats, Country Brook Estates and one addition, both generally located off of the south side of Janesville Road between Martin Drive and Bay Lane Drive. The Guernsey Meadows development consists of 70 single-family parcels and 3 outlots and the Guernsey Meadows Addition #1 development consists of 31 single-family parcels and one outlot. All developments were constructed in one phase each and are serviced by City sewer and water. The four total outlots for the development are for open space preservation, City park dedication, and public utilities.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having front setbacks be reduced to 30 feet (25 feet in the case of multiple street setbacks on one side), side offsets reduced to 10 feet and rear offsets increased to 30 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Guernsey Meadows proposal. A Subdivider's Agreement was approved with the Final Plats for each development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Common Council Rezoning Approval: 02/11/1975 per Ordinance #297

Plan Commission Final Plat Approval: 09/02/1975 per Resolution #089-1975

Common Council Final Plat Approval: 09/23/1975 per Resolution #212-1975

Plan Commission Addition #1 Final Plat Approval: 05/17/1977 per Resolution #061-1977

Common Council Addition #1 Final Plat Approval: 01/03/1978 per Resolution #002-1978

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.85	25-30	10	30	1000-1400	1400-1600	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.16 PD-10 KRISTIN DOWNS

- (1) The Kristin Downs Planned Development consists of approximately 49 acres containing 83 single-family parcels and 4 outlots. The development is generally located south of Janesville Road and east of Pioneer Drive. The development was constructed in one phase and is serviced by City sewer and water. The 4 outlots are reserved for open space preservation including stormwater management areas, well house areas, and subdivision recreation areas including tennis courts and a pool.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer’s to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City’s Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having front setbacks be reduced to 30 feet (25 feet in the case of multiple street setbacks on one side), side offsets reduced to 10 feet and rear offsets increased to 30 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Kristin Downs proposal.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 09/03/1974 per Resolution #127-1974

Common Council Rezoning Approval: 06/24/1975 per Ordinance #304

Plan Commission Final Plat Approval: 04/20/1976 per Resolution #032-1976

Common Council Final Plat Approval: 05/11/1976 per Resolution #059-1976

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.7	25-30	10	30	1000-1400	1400-1600	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.17 PD-11 LAKE MEADOWS

(1) The Lake Meadows Planned Development consists of approximately 132.5 acres containing 206 single-family parcels and one outlot. The development is located off of Kelsey Drive just east of Crowbar Drive and stretches south from Kelsey to Lake Denoon. The Final Plat included one outlot that was dedicated to the City for Park purposes and is now zoned for a City Park. The development was constructed in one phase and is serviced by the Norway Sewer Service District and a private water trust.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including reducing all front setbacks to 35 feet, reducing side offsets to 10 feet, and enlarging rear offsets to 30 feet, except for accessory structures which are allowed a 10 foot rear offset. (Ord. #1351 – 03-22-2012)

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Lake Meadows proposed density. A Developer's Agreement was approved with the Final Plat by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 12/05/1978 per Resolution #211-1978

Common Council Rezoning Approval: 12/27/1978 per Ordinance #357

Plan Commission Final Plat Approval: 03/06/1979 per Resolution #022-1979

Common Council Final Plat Approval: 03/27/1979 per Resolution #048-1979

Common Council Dev. Agreement Approval: 04/10/1979 per Resolution #068-1979

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	1.6	35	10	30	1000-1400	1400-1600	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.18 PD-12 WOODCREST HEIGHTS

- (1) The Woodcrest Heights Planned Development originally consisted of approximately 132.5 acres containing 72 single-family parcels and 3 outlots. The development was made of two plats, Woodcrest Heights and Woodcrest Heights Addition #1 generally located on the northwest corner of Racine Avenue and Woods Road. The Woodcrest Heights development consists of 82 lots and one outlot. Twenty-two lots are platted for single-family, 21 lots are platted for two-family, and Lot 18 is platted for future multi-family use (The restrictions dictate that Lot 18 shall be a multi-family site for no more than 48 one or two bedroom units and that the developers reserve the right to divide lot 18 for the purpose of multi-family use). The Woodcrest Heights Addition #1 development has 38 lots all for single-family use. Both developments were constructed in one phase each and are serviced by City sewer and water. The one outlot platted as part of the original Woodcrest Heights Subdivision was dedicated to the City of Muskego at the time of recording.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to transition higher density uses (In the form of multi-family units) from the existing Industrial Park to the north down to single-family uses. The PD also changed a few of the requirements of the underlying zoning including allowing reduced side street setbacks for corner lots to be 25 feet, reducing all side offsets to 15 feet, and enlarging rear offsets to 25 feet.

A Developer's Agreement was approved with the Final Plat by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 06/16/1987 per Resolution #092-1987

Common Council Rezoning Approval: 01/12/1988 per Ordinance #594

Common Council Addition #1 Rezoning Approval: 04/24/1990 per Ordinance #676

Plan Commission Final Plat Approval: 11/03/1987 per Resolution #166-1987

Common Council Final Plat Approval: 01/12/1988 per Resolution #004-1988

Plan Commission Addition #1 Final Plat Approval: 03/20/1990 per Resolution #046-1990

Common Council Addition #1 Final Plat Approval: 04/24/1990 per Resolution #094-1990

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	Varies	40	15	25	Varies by use	Varies by use	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district for the single-family uses subject to zoning substantial change hearings if required.
2. Any use as permitted in the RM-1 district for the multi-family uses subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district for the single-family uses subject to zoning substantial change hearings if required.
2. Any accessory use permitted in the RM-1 district for the multi-family uses subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district for the single-family uses subject to zoning substantial change hearings if required.
2. Any conditional use permitted in the RM-1 district for the multi-family uses subject to zoning substantial change hearings if required.

9.19 PD-13 GOLDEN COUNTRY ESTATES

- (1) The Golden Country Estates Planned Development consists of approximately 26 acres containing 47 single-family parcels. The development was made of one plat and is generally located off of the north side of Janesville Road between Moorland Road and Woodland Place. The development is constructed in one phase and is serviced by sewer and water. The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed various requirements of the underlying zoning including side offsets reduced to 10 feet and rear offsets increased to 25 feet (Setbacks must be 50 feet from any

parcel abutting the Janesville Road right-of-way and corner lots may have a 25 foot front setback on the opposite side of the 40 foot front setback).

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Golden Country proposal. A Subdivider's Agreement was approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Common Council Rezoning Approval: 04/26/1988 per Ordinance #607

Plan Commission Final Plat Approval: 02/02/1988 per Resolution #010-1988

Common Council Final Plat Approval: 04/26/1988 per Resolution #071-1988

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.8	40-50	10	25	820-1400	1400-1700	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.20 PD-14 BAY BREEZE

- The Bay Breeze Planned Development contains approximately 30 acres and a variety of parcels located on the south side of Janesville Road along Little Muskego Lake just east of Pioneer Drive. The development consists of with 11 4-unit condominiums, 5 six-unit condominiums, and 4 larger parcels for single-family use totaling 78 dwelling units. Multiple Certified Survey Maps and condominium plats ultimately creating parcels for multi-family condo use and parcels for single-family use. The condominium complex was approved with accessory structures, landscaping, and appropriate access and parking. The development is constructed in multiple phases and is serviced by City sewer and water.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District and B-2/PD Local Service Center District with a Planned Development Overlay District.

A Developer’s Agreement is approved for the development by the City’s Common Council outlining the individual guarantees. The original development called for 74 units of condominiums to the east and a mixed-use facility to the west with an option of having 10 single-family residential units in place of the mixed-use facility if it was never constructed. The current planned development has the 74 units of multi-family condominiums and has replaced the once proposed mixed-use facility with four parcels of single-family residential. Overall, the Planned Development zoning is put in place to allow the developer’s to use the amount of units disbursed throughout the developed area while preserving a specific density, outlined in the approved Developer’s Agreement. The PD also allowed the mixed uses of single-family and multi-family to co-exist in the same development. Setbacks and offsets of the multi-family uses were established under the original approvals and any new buildings will require approval of the City’s Planning Commission. Setbacks and offsets for the single-family uses follow the zoning restrictions of the RL-3 Lakeshore Residence District.

Overall, the Developer’s Agreement allows the following:

- 74 units of multi-family condominiums to the east and a mixed use facility to the west (10 units of single-family residential in place of mixed-use facility if never constructed).
- No more than one boat slip per multi-family unit and in no case can the amount of boat slips exceed 74 for the multi-family uses of the PD.
- Each private boat slip shall be only available to the owners of the condominium and no condo unit shall own more than one slip.
- No more than 25 boat slips allowed for the originally proposed mixed-use facility and these slips shall not be available for rent but for the sole use of the mixed-use facility (Mixed -family use facility and boat slip clause was amended out of the original Developer’s Agreement and boat slips as necessary for single-family units were allowed).
- Shall the mixed-use facility not be constructed as part of the PD the Developer has the right to construct a maximum of ten single-family homes in its place (Mixed-family use facility was amended out of the original Developer’s Agreement and single-family units were allowed).

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 03/15/1988 per Resolution #032-1988

Common Council Rezoning Approval: 09/27/1988 per Ordinance #622

Common Council Developer’s Agreement Approval: 09/27/1988 per Resolution #216-1988

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	2.6	Varies	Varies	Varies	-	-	25%	75%	30	15

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.21 PD-15 MEADOW GREEN WEST

- (1) The Meadow Green West Planned Development consists of approximately 110 acres containing 176 single-family parcels. The development was made of four plats, Country Brook Estates and three additions all generally located off of the west side of Lannon Drive between Woods Road and Janesville Road. The Meadow Green West development consists of 44 single-family parcels, the Meadow Green West Addition #1 development consists of 39 single-family parcels, the Meadow Green West Addition #2 development consists of 39 single-family parcels, and the Meadow Green West Addition #3 development consists of 54 single-family parcels. All developments were constructed in one phase each and are serviced by City sewer and water.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having front setbacks be reduced to 35 feet and all side and rear offsets be 15 feet for the original phase and 35 foot setbacks and all side and rear offsets be 10 feet for the 1st, 2nd, and 3rd additions.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Country Brook Estates proposal. A Subdivider's Agreement and Letter of Credit were approved with the Final Plat for each development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 04/05/1988 per Resolution #039-1988

Common Council Rezoning Approval: 11/22/1988 per Ordinance #628

Common Council Addition #1 Rezoning Approval: 06/26/1990 per Ordinance #686

Common Council Addition #2 Rezoning Approval: 03/26/1991 per Ordinance #711

Common Council Addition #3 Rezoning Approval: 01/28/1992 per Ordinance #743

Plan Commission Final Plat Approval: 11/15/1988 per Resolution #204-1988

Common Council Final Plat Approval: 11/22/1988 per Resolution #252-1988

Plan Commission Addition #1 Final Plat Approval: 06/19/1990 per Resolution #111-1990

Common Council Addition #1 Final Plat Approval: 06/26/1990 per Resolution #163-1990

Plan Commission Addition #2 Final Plat Approval: 10/02/1990 per Resolution #172-1990

Common Council Addition #2 Final Plat Approval: 03/26/1991 per Resolution #060-1991

Plan Commission Addition #3 Final Plat Approval: 08/20/1991 per Resolution #147-1991

Common Council Addition #3 Final Plat Approval: 01/28/1992 per Resolution #032-1992

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.6	35	15**	15**	900-1400	1400-1700	25%	75%	30	*

*See Section 5

**Reduced to 10 feet for the 1st, 2nd, and 3rd Additions to the Subdivision

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.22 PD-16 BREANN RIDGE

- The Breann Ridge Planned Development contains approximately 5 acres with 6 parcels for multi-family residential use located on Jacobs Court a few blocks south of the Janesville Road / Parkland Drive intersection. The development was originally approved as a final plat allowing 8 units of multi-family on each parcel. The apartment structures are now condominiums (Known as Parkridge Condominiums) and the overall development totals 48 living units (8 units in 6

structures) with associated accessory structures, parking, landscaping, and access ways. The development is constructed in multiple phases and is serviced by City sewer and water.

The planned development was originally created under the zoning of RSM/PD Multiple-Family Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan (A 10% bonus in density was granted as part of the PD rezoning). The PD also allowed various structure placements for the residential uses within the flexibility of the underlying code subject to Planning Commission BSO and Common Council Condominium Plat Approvals.

A Developer's Agreement is approved for the development by the City's Common Council outlining the individual guarantees.

(3) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 04/17/1990 per Resolution #048a-1990

Common Council Rezoning Approval: 11/13/1990 per Ordinance #698

Plan Commission Final Plat Approval: 11/06/1990 per Resolution #188-1990

Common Council Final Plat Approval 11/13/1990 per Resolution #260-1990

BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	9.6	Varies	Varies	Varies	-	-	30%	4000 sq. ft.	30	15

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-1 district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-1 district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-1 district subject to zoning substantial change hearings if required.

9.23 PD-17 OVERLOOK BAY

- The Overlook Bay Planned Development consists of approximately 29 acres on 2 parcels and is generally located on the southwest corner of Janesville Road and

Racine Avenue behind the Muskego Centre planned development. The development is originally divided by Certified Survey Map. The planned development contains a total of 152 units with 19 eight-family structures. The development was approved in two phases with 13 eight-family structures in phase 1 and the remaining 6 eight-family structures in phase 2. The multi-family condominiums are approved along with associated accessory structures, parking, landscaping, and access ways. City sewer and water supports the multi-family condominiums.

The planned development was originally created under the zoning of RSM/PD Multiple-Family Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan. The PD also allowed various structure placements and private access ways for the residential uses within the flexibility of the underlying code subject to Planning Commission Building, Site, and Operational Plan (BSO) approvals.

A Developer's Agreement is approved for the development by the City's Common Council outlining the individual guarantees.

The 2010 Comprehensive Plan depicts the area for multi-family residential development consistent with the Overlook Bay proposal.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 04/03/1990 per Resolution #036-1990

Common Council Rezoning Approval: 11/27/1990 per Ordinance #701

Plan Commission CSM Approval: 08/07/1990 per Resolution #142-1990

Common Council CSM Approval: 12/11/1990 per Resolution #291-1990

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size				(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard s	Rear Yard	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	5.24	-	-	-	-	-	n/a	30%	5000	30	15

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

9.24 PD-18 LAKE FOREST

- (1) The Lake Forest Planned Development consists of approximately 63 acres containing 170 single-family parcels and 8 outlots. The development is generally located from Janesville Road to Hillendale Drive northeast of the Waukesha County Muskego Park property. The development was made of three plats, Lake Forest, Lake Forest Addition #1, and Lake Forest Addition #2. The Lake Forest development consisted of 59 lots and five outlots. The Lake Forest Addition #1 development consisted of 86 lots and 3 outlots and was a redivision of outlot 4 from the original Lake Forest Subdivision. The Lake Forest Addition #2 development consisted of 25 lots and 1 outlot and was a redivision of outlot 8 from the Lake Forest Addition #1 Subdivision.

All developments constructed are serviced by City sewer and water. The eight existing outlots are for stormwater management, open space preservation and Waukesha County Park purposes.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having increased side offsets to all be 15 feet and rear offsets to be 20 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Lake Forest proposal.

A Subdivider's Agreement was approved with the Final Plat for each development by the City's Common Council outlining the individual guarantees.

- (2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Lake Forest Rezoning Approval: 04/03/1990 per Resolution #036-1990

Common Council Lake Forest Rezoning Approval: 1/22/1991 per Ordinance #705

Common Council Lake Forest Additions #1 and #2 Rezoning Approval: 10/22/1991 per Ordinance #726

Plan Commission Final Plat Approval: 10/16/1990 per Resolution #178-1990

Common Council Final Plat Approval: 01/22/1991 per Resolution #011-1991

Plan Commission Addition #1 Final Plat Approval: 09/03/1991 per Resolution #163-1991

Common Council Addition #1 Final Plat Approval: 10/22/1991 per Resolution #271-1991

Plan Commission Addition #2 Final Plat Approval: 07/07/1992 per Resolution #148-1992

Common Council Addition #2 Final Plat Approval: 07/14/1992 per Resolution #183-1992

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size				(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard s	Rear Yard	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.14	40	15	20	1100-1700	1700-2200	n/a	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.25 PD-19 COLLEGE SQUARE

- (1) The College Square Planned Development contains approximately 12.1 acres with 8 parcels for multi-family residential use, 3 parcels for single-family use, and one outlot located off of College Avenue on Regency Court and Hillendale Drive just east of Racine Avenue. The development was originally approved as part of a final plat. The planned development contains a total of 67 units with 8 eight-family structures (64 units) and 3 single-family structures along with associated accessory structures, parking, landscaping, and access ways. The development is constructed in multiple phases and is serviced by City sewer and water. The planned development was originally created under the zoning of RSM/PD Multiple-Family Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan. The PD also allowed various structure placements for the residential uses within the flexibility of the underlying code subject to Planning Commission BSO approvals. A Developer's Agreement is approved for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- Plan Commission Rezoning Approval: 03/19/1991 per Resolution #024-1991
- Common Council Rezoning Approval: 03/12/1991 per Ordinance #710
- Plan Commission Final Plat Approval: 03/19/1991 per Resolution #023-1991
- Common Council Final Plat Approval 03/26/1991 per Resolution #063-1991

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	5.53	Varies	Varies	Varies	-	-	30%	4000 sq. ft.	30	15

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-1 district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-1 district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-1 district subject to zoning substantial change hearings if required.

9.26 PD-20 WOODS ROAD-DEBACK

- The Woods Road-Deback Planned Development consists of approximately 4.85 acres containing 4 two-family parcels. The development was recorded by Certified Survey Map and is generally located along the north side of Woods Road immediately west of Woodside Estates and Woodcrest Heights Subdivisions. The four lots are to contain only two-unit row houses. The development is serviced by City sewer and water.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the multi-family two unit structures on the platted lots. The PD also changed a few of the requirements of the underlying zoning including having front setbacks to be 50 feet and having all side and rear offsets be 15 feet.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- Plan Commission Rezoning Approval: 07/16/1991 per Resolution #130-1991
- Common Council Rezoning Approval: 09/10/1991 per Ordinance #723
- Plan Commission CSM Approval: 10/01/1991 per Resolution #194-1991
- Common Council CSM Approval: 10/08/1991 per Resolution #251-1991

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	Varies	50	15	15	n/a	1800	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.27 PD-21 COUNTRY BROOK ESTATES

- The Country Brook Estates Planned Development consists of approximately 41 acres containing 54 single-family parcels. The development was made of two plats, Country Brook Estates and Country Brook Estates Addition #1 and is generally located off of the north side of Woods Road between Racine Avenue and Lannon Drive. The Country Brook Estates development consists of 23 lots and the Country Brook Estates Addition #1 development has 31 lots. Both developments were constructed in one phase each and are serviced by City sewer and water.

The planned development was originally created under the zoning of RS-1/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having side and rear offsets are 15 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Country Brook Estates proposal. A Subdivider's Agreement and Letter of Credit were approved with the Final Plat for each development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 07/17/1990 per Resolution #125-1990

Common Council Rezoning Approval: 01/14/1992 per Ordinance #736

Plan Commission Final Plat Approval: 08/06/1991 per Resolution #135-1991

Common Council Final Plat Approval: 10/22/1991 per Resolution #266-1991

Plan Commission Addition #1 Final Plat Approval: 02/18/1992 per Resolution #029-1992

Common Council Addition #1 Final Plat Approval: 03/10/1992 per Resolution #061-1992

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.32	40	15	15	1000-1700	1600-1800	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.28 PD-22 STONEY CREEK

- The Stoney Creek Planned Development contains approximately 9.87 acres and consists of a 52-unit retirement community (12 one bedroom units and 40 two bedroom units). The development is generally located off of Tess Corners Drive a quarter mile south of the Tess Corners Drive/ Janesville Road intersection. The development is constructed in one phase and is serviced by sewer and water. Rezoning approval in the form of a multiple family planned development was received from the City’s Common Council to allow the retirement community units be incorporated into one large structure. A Building, Site, and Operation Plan (BSO) outlining the parking, access, building elevations, landscaping, and other improvements for the site was approved by the City’s Planning Commission.

The planned development was originally created under the zoning of RSM/PD Multiple Family Residence District with a Planned Development Overlay District. A Developer’s Agreement and Letter of Credit was approved for the development by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 05/19/1992 per Resolution #111-1992

Common Council Rezoning Approval: 06/09/1992 per Ordinance #754

Plan Commission BSO Approval: 09/04/1990 per Resolution #158-1990

Plan Commission BSO Amendment Approval: 03/06/1993 per Resolution #055-1993

Plan Commission BSO Amendment #2 Approval: 05/05/1998 per Resolution #077-1998

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	5.26	-	-	-	-	-	30%	-	30	15

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-1 district subject to zoning substantial change hearings and BSO amendments if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-1 district subject to zoning substantial change hearings and BSO amendments if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-1 district subject to zoning substantial change hearings and BSO amendments if required.

9.29 PD-23 PLUM CREEK

- The Plum Creek Planned Development consists of approximately 70 acres containing 113 single-family parcels and 5 outlots. The development is serviced by City sewer and water and is generally located between Janesville Road and Woods Road just west of the Muskego Industrial Park. The development was made of two plats, Plum Creek (52 lots) and Plum Creek Addition #1 (61 lots and the 5 outlots). The Plum Creek development is generally located along western Woods Road just southeast of the Plum Creek East Subdivision and the Muskego Industrial Park. City sewer and water service both developments. The five outlots conserve the environmental areas, provide a private park for the development, and provide stormwater management. Outlot 5 was converted by the homeowner’s association and developed into two lots meeting the RS-2 zoning requirements.

The lands were originally approved as RS-2/PD Suburban Residence District with a Planned Development Overlay District but later approved as RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer’s to have reduced lot sizes while preserving the required density of the City’s Comprehensive Plan. The PD also changed a few of the requirements of the

underlying zoning for the single-family parcels including allowing reduced front setbacks to 35 feet, reduced side offsets to 10 feet, and a rear offset of 20 feet. A Developer’s Agreement was approved with the Final Plat by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- Common Council RS-2/PD Rezoning Approval: 11/25/1992 per Ordinance #771
- Plan Commission RS-3/PD Rezoning Approval: 02/20/2001 per Resolution #019-2001
- Common Council RS-3/PD Rezoning Approval: 03/27/2001 per Ordinance #1061
- Plan Commission Final Plat Approval: 11/03/1992 per Resolution #238-1992
- Common Council Final Plat Approval: 11/24/1992 per Resolution #284-1992
- Plan Commission Addition #1 Final Plat Approval: 02/15/1994 per Resolution #033-1994
- Common Council Addition #1 Final Plat Approval: 03/08/1994 per Resolution #053-1994

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.54	35	10	20	1100-1600	1600-1900	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.30 PD-24 PLUM CREEK EAST

- (1) The Plum Creek East Planned Development consists of approximately 33 acres containing 40 lots and 3 outlots. The total development allowed 108 units. The development is serviced by City sewer and water and is generally located south of Janesville Road just west of the Muskego Industrial Park. The lands were originally approved as RS-2/PD Suburban Residence District with a Planned Development Overlay District but later approved as three separate planned

developments consisting of the following:

- 7 lots and 56 units (Lots 1-7 and Outlot 3 of Plum Creek East) were approved as per the past RSM/PD Multiple Family Residence District with a Planned Development Overlay District and were allowed an eight-family unit structure per lot. Building, Site, and Operation Plan Approvals were required in front of the City’s Planning Commission.
- 19 lots and 38 units (Lots 8-22 and Lots 37-40 of Plum Creek East) were approved as per the past RSA/PD Attached Single-Family Residence District with a Planned Development Overlay District.
- 14 units/lots (Lots 23-36 and Ou0tlots 1-2 of Plum Creek East) were approved as per the RS-3/PD Suburban Residence District with a Planned Development Overlay District and were allowed single-family structures upon them.

The planned development was originally put in place to allow the developer’s to have varying lot sizes for the different types of uses (Multi-family, two-family, and single-family). Pedestrian access and easements were also given at the time of final platting of the development. The PD also changed a few of the requirements of the underlying zoning for the single-family parcels including allowing reduced front setbacks to 35 feet, reduced side offsets to 10 feet, and a rear offset of 20 feet.

A Developer’s Agreement was approved with the Final Plat by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission RS-2 to RS-2/PD Rezoning Approval: 10/19/1993 per Resolution #195-1993

Common Council RS-2 to RS-2/PD Rezoning Approval: 02/22/1994 per Ordinance #830

Plan Commission RS-2/PD to RS-3/PD, RSA/PD, & RSM/PD Rezoning Approval: 02/20/2001 per Resolution #020-2001

Common Council RS-2/PD to RS-3/PD, RSA/PD, & RSM/PD Rezoning Approval: 03/27/2001 per Ordinance #1060

Plan Commission Final Plat Approval: 02/01/1994 per Resolution #022-1994

Common Council Final Plat Approval: 02/22/1994 per Resolution #043-1994

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location Single-Family			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	3.27	35	10	20	Varies by use	Varies by use	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district (For the single-family parcels) subject to zoning substantial change hearings if required.
2. Any use as permitted in the RM-1 district (For the multi-family parcels) subject to zoning substantial change hearings if required.
3. Any use as permitted in the RM-2 district (For the two-family parcels) subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district (For the single-family parcels) subject to zoning substantial change hearings if required.
2. Any accessory use permitted in the RM-1 district (For the multi-family parcels) subject to zoning substantial change hearings if required.
3. Any accessory use permitted in the RM-2 district (For the two-family parcels) subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district (For the single-family parcels) subject to zoning substantial change hearings if required.
2. Any conditional use permitted in the RM-1 district (For the multi-family parcels) subject to zoning substantial change hearings if required.
3. Any conditional use permitted in the RM-2 district (For the two-family parcels) subject to zoning substantial change hearings if required.

9.31 PD-25 MUSKEGO CENTRE

- (1) The Muskego Centre Planned Development consists of approximately 22 acres containing 9 parcels. The development is located on the northwest corner of Janesville Road and Racine Avenue and contains a variety of commercial developments governed by Plan Commission approved Building, Site, and Operational Plans (BSO). The PD is constructed in multiple phases and is serviced by City sewer and water.

The planned development was originally created under the zoning of B-2/PD Local Service Center District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use varying building placements, varied commercial uses, and shared access points. All developments within the PD are governed by individual BSO Plans and any changes requested of the underlying zoning may require zoning substantial change hearings.

The 2010 Comprehensive Plan depicts the area for commercial development consistent with the Muskego Centre proposal.

- (2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 04/03/1990 per Resolution #036-1990

Common Council Rezoning Approval: 06/28/1994 per Ordinance #843

Plan Commission CSM #1 Approval: 08/07/1990 per Resolution #142-1990
 Common Council CSM #1 Approval: 12/11/1990 per Resolution #291-1990
 Plan Commission CSM #2 Approval: 07/19/1994 per Resolution #144-1994
 Common Council CSM #2 Approval: 07/26/1994 per Resolution #157-1994
 Plan Commission CSM #3 Approval: 07/19/1994 per Resolution #145-1994
 Common Council CSM #3 Approval: 07/26/1994 per Resolution #158-1990
 Plan Commission CSM #4 Approval: 02/15/2000 per Resolution #032-2000
 Common Council CSM #4 Approval: 02/22/2000 per Resolution #046-2000

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size				(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard s	Rear Yard	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	-	40	10	15	n/a	n/a	n/a	50%	10,000	30	15

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in a commercial zoning district subject to BSO approval and zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in a commercial zoning district subject to BSO approval and zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in a commercial zoning district subject to BSO approval and zoning substantial change hearings if required.

9.32 PD-26 DEER CREEK

- (1) The Deer Creek Planned Development consists of approximately 63 acres containing 72 single-family parcels and 3 outlots. The development was made of two plats, Deer Creek and Deer Creek Addition #1. The Deer Creek development consists of 36 lots with 10 lots on Ricco Court off of Lannon Drive just east of Tower Drive and has the remaining 26 lots on the east and west sides of Parkland Drive along Bridgeport Circle and Bridgeport Way. The Deer Creek Addition #1 development also has 36 lots and is just north of the original Deer Creek Subdivision. The Addition has 3 lots west of Parkland Drive and the rest of the lots to the east of Parkland Drive along Casey Drive and Deer Creek Court. Both developments were constructed in one phase each and are serviced by City sewer and water. The three outlots conserve the delineated wetlands in the area and outlot 1 of Deer Creek subdivision contains the stormwater retention pond for the entire planned development.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer’s to use the reduced lot square footages on a few of the lots while preserving the required density of the City’s Comprehensive Plan. The PD did not change any general requirements of the underlying zoning, so all lots follow the requirements of the City’s RS-2 Suburban Residence District.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Deer Creek proposal. A Subdivider’s Agreement and Letter of Credit were approved with the Final Plat for each development by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Common Council Rezoning Approval: 06/27/1995 per Ordinance #868

Plan Commission Final Plat Approval: 05/16/1995 per Resolution #069-1995

Common Council Final Plat Approval: 06/27/1995 per Resolution #137-1995

Plan Commission Addition #1 Final Plat Approval: 10/07/1997 per Resolution #197-1997

Common Council Addition #1 Final Plat Approval: 10/14/1997 per Resolution #238-1997

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size				(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard (One Side)	Side Yard (All other sides)	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	1.14	40	15	20	1200	n/a	n/a	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.33 PD-27 REGENCY

- The Regency Senior Living Planned Development is located on approximately 21.5 acres of land on the northeast corner of Racine Avenue and Woods Road.

10.5 acres of the development is preserved in an open space easement with pedestrian paths. The development is strictly for senior living as the minimum age of residents at the site is 62 years of age. The development consists of six 8-unit structures, two 32-unit buildings, one 42-unit building, one 96-unit building, and various commons and garage structures. The PD is allowed up to 250 units on site (96 assisted living and 154 independent living). The facility is made up of ample access, parking, and landscaping.

The planned development was originally created under the past zoning of RSM/PD/OIP Multiple Family Residence District with a Planned Development Overlay District and an Institutional Overlay district. The 2010 Comprehensive Plan depicts the area for multiple family developments consistent with the Regency senior living proposal. A conditional use grant is on file allowing the institutional use and immediate amenities. A developer’s Agreement was part of the original approvals.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Common Council Rezoning Approval: 08/11/1995 per Ordinance #872

Plan Commission BSO/CUG: 09/05/1995 per Resolution #133-1995

Plan Commission BSO/CUG Amendment: 06/17/1997 per Resolution #126-1997

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location		(D) Building Size					(E) Open Space	(F) Height
Min. Lot Area	Min. Avg. Lot Width	Allowed 250 units total	Min. Set Back (Ryan Road)	Side Yard Offsets Between structure	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	250	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

(4) PERMITTED USES BY RIGHT

- Any use as permitted by the RM-1 district and existing BSO and CUG subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted by the RM-1 district and existing BSO and CUG subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted by the RM-1 district and existing BSO and CUG subject to zoning substantial change hearings if required.

9.34 PD-28 MILLER

- The Miller Planned Development contains approximately 4.5 acres with 4 parcels for two-family residential use located on the east side of Racine Avenue across from Thornapple Trail. The development was originally approved as a 4 parcel Certified Survey Map. Four apartment structures containing two units each (Total of 8 units) are approved by the City Planning Commission as part of a

Building, Site, and Operation Plan (BSO) with associated accessory structures, parking, landscaping, and access ways. The development is serviced by City sewer and private water.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan. The PD also was allowed for flexibility to the developer with respect to building placement and the upkeep of landscaped areas. The density allowed under the original PD is 20,000 of land area per unit.

A Subdivider's Agreement and cash deposit agreement is approved for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 02/04/1997 per Resolution #019-1997

Common Council Rezoning Approval: 08/26/1997 per Ordinance #921

Plan Commission CSM Approval: 04/01/1997 per Resolution #072-1997

Common Council CSM Approval 08/12/1997 per Resolution #178-1997

Plan Commission BSO Approval: 04/15/1997 per Resolution #077-1997

BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	One Side	All Other Sides	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.78	40	15	20	-	-	30%	7000 sq. ft.	30	15

(3) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(4) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.35 PD-29 PARK ESTATES

- The Park Estates Planned Development consists of approximately 27 acres containing 29 lots and 1 outlot. The total development allowed 24 single-family units and five duplex lots (10 duplex units). The development is serviced by City

sewer and water and is generally located north side of Janesville Road just east of Hillendale Drive. The lands were originally approved as RS-1/PD Suburban Residence District with a Planned Development Overlay District for the single-family lots (Lots 1-12 and 18-29) and RS-2/PD Suburban Residence District with a Planned Development Overlay District for the two-family lots (Outlot 1 and Lots 13-17).

The Planned Development Overlay was put in place to allow reduced lot widths, lot sizes, and to allow the use of duplex lots near the intersection of Janesville Road all in exchange for the preservation of open space while preserving the required density of the City’s Comprehensive Plan. The PD also changed one requirement of the two-family parcels by allowing 15 foot side and rear offsets.

A Developer’s Agreement was approved with the Final Plat by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 03/18/1997 per Resolution #054-1997

Common Council Rezoning Approval: 08/12/1997 per Ordinance #939

Plan Commission Final Plat Approval: 07/15/1997 per Resolution #116-1997

Common Council Final Plat Approval: 08/12/1997 per Resolution #183-1997

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location Single-Family			(D) Building Size (Single-Family)			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.26	40	20	20	2000	2000-2200	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.
- Any use as permitted in the RSA district (For the two-family parcels) subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.
- Any accessory use permitted in the RSA district (For the two-family parcels) subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.
- Any conditional use permitted in the RSA district (For the two-family parcels) subject to zoning substantial change hearings if required.

9.36 PD-30 NORTH CAPE FARMS

- (1) The North Cape Farms Planned Development consists of approximately 25 acres containing 24 single-family parcels and 1 outlot. The development was made of one plat and a certified survey map and is generally located off of the east side of North Cape Road between Durham Drive and Schaefer Road. The subdivision plat included 22 single-family parcels and one outlot while the certified survey map is for two single-family parcels. The development is constructed in one phase and is serviced by City sewer and water. The one outlot for the development is for open space preservation and stormwater management. The planned development was originally created under the zoning of RSE/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the requirements of the underlying zoning including having front setbacks be reduced to 30 feet (25 feet in the case of multiple street setbacks on one side), side offsets reduced to 10 feet and rear offsets reduced to 10 feet (50 feet along North Cape Road). The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Guernsey Meadows proposal. A Subdivider's Agreement was approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- Plan Commission Rezoning Approval: 11/03/1998 per Resolution #185-1998
- Common Council Rezoning Approval: 05/11/1999 per Ordinance #984
- Plan Commission Final Plat Approval: 04/20/1999 per Resolution #025-1999
- Common Council Final Plat Approval: 04/27/1999 per Resolution #078-1999

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.0	25-30	10	10-50	1100-1600	1600-1900	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.37 PD-31 CHAMPIONS VILLAGE

- (1) The Champions Village Planned Development consisted of five plats containing approximately 110 acres with 204 single-family parcels and 7 outlots. The development is located on the northeast corner area of Highway 36 and North Cape Road. The first plat, known as Champions Village of Country Club Villages consisted of 83 single-family parcels and two outlots. The second plat, known as Champions Village Addition #1 of Country Club Villages consisted of 38 single-family parcels and three outlots. The third plat, known as Champions Village Addition #2 of Country Club Villages consisted of 29 single-family parcels and no outlots. The fourth plat, known as Champions Village Addition #3 of Country Club Villages consisted of 37 single-family parcels and no outlots. The fifth plat, known as The Reserve at Champions Village consisted of 17 single-family parcels and two outlots. Each development is constructed in one phase and is serviced by sewer and water. The outlots in the subdivisions are for open space preservation and stormwater maintenance. One outlot in The Reserve of Champions Village is for future development purposes.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed various requirements of the underlying zoning including front setbacks reduced to 30 feet, all side offsets be reduced to 10 feet, and rear offsets increased to 30 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Champions Village proposal. A Subdivider's Agreement was approved with the Final Plat for each development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval (Champions Village and Additions #1 and #2): 01/18/2000 per Resolution #020-2000

Common Council Rezoning Approval (Champions Village and Additions #1 and #2): 02/08/2000 per Ordinance #1013

Common Council Rezoning Approval (Champions Village Addition #3): 01/25/2000 per Ordinance #1011

Plan Commission Rezoning Approval (The Reserve at Champions Village): 07/17/2001 per Resolution #102-2001

Common Council Rezoning Approval (The Reserve at Champions Village): 08/28/2001 per Ordinance #1076

Common Council Addition #1 Final Plat Approval: 08/27/1996 per Resolution #190-1996

Plan Commission Addition #2 Final Plat Approval: 07/06/1999 per Resolution #075-1999

Common Council Addition #2 Final Plat Approval: 07/13/1999 per Resolution #118-1999

Plan Commission Addition #3 Final Plat Approval: 01/04/2000 per Resolution #005-2000

Common Council Addition #3 of Country Club Villages Final Plat Approval: 01/25/2000 per Resolution #021-2000

Common Council Addition #3 Final Plat Re-approval: 03/28/2000 per Resolution #072-2000

Plan Commission The Reserve Final Plat Approval: 07/17/2001 per Resolution #102-2001

Common Council The Reserve Final Plat Approval: 10/09/2001 per Resolution #193-2001

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.85	30	10	30	1200-1900	1900-2400	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.38 PD-32 QUIETWOOD CREEK

- The original Quietwood Creek Planned Development consisted of approximately 140.6 acres containing 142 single-family parcels, 1 parcel for future commercial development (Approx. 28 acres) and 7 outlots (For open space conservation, utility easement, and stormwater management). The development was made of one plat and is generally located between Janesville Road and Woods Road south of the eastern Martin Drive/ Janesville Road intersection. The development is constructed in one phase and is serviced by sewer and water.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer’s to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City’s Comprehensive Plan. The PD also changed various requirements of the underlying zoning including front setbacks reduced to 30 feet and rear offsets increased to 20 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Quietwood Creek proposal. A Subdivider’s Agreement and Letter of Credit was approved with the Final Plat for the development by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 06/20/2000 per Resolution #127-2000

Common Council Rezoning Approval: 07/25/2000 per Ordinance #1033

Plan Commission Final Plat Approval: 06/20/2000 per Resolution #126-2000

Common Council Final Plat Approval: 07/25/2000 per Resolution #157-2000

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	1.26	30	10/15	20	1100-1600	1600-1900	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.39 PD-33 PLEASANT VIEW

- The Pleasant View Condominium Planned Development consists of approximately 11 acres and is generally located along the north side of Woods Road one-half mile west of the Racine Avenue/Woods Road intersection. The development was originally recorded by two Certified Survey Maps consisting of 6 separate parcels and then later an approved condominium plat was received.

The development contains areas for two-family structures and preserves extensive environmental areas on the rear of the lots. The development is generally located along the north side of Woods Road one-half mile west of the Racine Avenue/Woods Road intersection. The overall development contains area for 6 two-family structures. The development is serviced by City sewer and water.

The planned development was originally created under the zoning of RSA/PD Attached Single-Family District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the multi-family two unit structures in various locations on the platted lots. The PD did not change any general requirements of the underlying zoning, so all lots follow the requirements of the City’s RSA Attached Single-Family Residence District.

Due to the existing environmental lands on the north end of the PD, an open space management plan was approved and recorded. Also, a Developer’s Agreement was approved by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 08/15/2000 per Resolution #148-2000

Common Council Rezoning Approval: 09/26/2000 per Ordinance #1041

Plan Commission Condo Plat Approval: 12/18/2001 per Resolution #188-2001

Common Council Condo Plat Approval: 01/22/2002 per Resolution #016-2002

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	Varies	40	15	15	-	-	30%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RM-2 district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RM-2 district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RM-2 district subject to zoning substantial change hearings if required.

9.40 PD-34 DREAMLAND

(1) The Dreamland Planned Development contains approximately 42 acres consisting of a total of six parcels. The PD was split by multiple Certified Survey Maps and is dependent on, if required, City approvals of Building, Site, and Operation Plans (BSO) and substantial change hearings when new commercial entities are proposed. The development is constructed in multiple phases and is serviced by City sewer and water.

The planned development was originally created under the zoning of B-3/PD General Business District with a Planned Development Overlay District. Developer’s Agreements are approved for the development by the City’s Common Council outlining the individual PD guarantees. The Planned Development zoning is put in place to allow developer’s flexibility in building placement, access, and other design requirements. The flexibility allowed by the PD is dependent on City approval as new commercial entities are proposed.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- Plan Commission Rezoning Approval: 07/07/1998 per Resolution #054-1998
- Common Council Rezoning Approval: 01/09/2001 per Ordinance #1052
- Plan Commission Additional Rezoning Approval: 06/05/2001 per Resolution #084-2001
- Common Council Additional Rezoning Approval: 07/24/2001 per Ordinance #1074
- Plan Commission Final CSM Approval: 06/05/2001 per Resolution #082-2001
- Common Council Final CSM Approval: 07/24/2001 per Resolution #135-2001
- Plan Commission Jewel Osco BSO Approval: 02/01/2000 per Resolution #132C-1999
- Plan Commission Jewel-Osco Amended BSO Approval: 06/05/2001 per Resolution #081-2001
- Plan Commission Kohl’s BSO Approval: 06/05/2001 per Resolution #080-2001
- Plan Commission Medical Clinic’s BSO Approval: 10/04/2011 per Resolution #039-2011
- Plan Commission Final CSM #2 Approval: 12/06/2011 per Resolution #049-2011
- Common Council Final CSM #2 Approval: 12/13/2011 per Resolution #181-2011

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	n/a	Varies	Varies	Varies	-	-	60%	10,000	30	15

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the B-3 district subject to zoning substantial change hearings and Plan Commission approvals if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the B-3 district subject to zoning substantial change hearings and Plan Commission approvals if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the B-3 district subject to zoning substantial change hearings and Plan Commission approvals if required.

9.41 PD-35 SARAH ESTATES

- (1) The Sarah Estates Planned Development consists of 26 single-family parcels and 1 outlot on approximately 16.4 acres. The development is located off of the north side of Woods Road between Lannon Drive and Bay Lane Drive. The one outlot is for the stormwater management of the subdivision. The development was constructed in one phase and is serviced by City sewer and water.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use reduced lot sizes and widths on a few of the lots provided that the net density is maintained within the boundaries of the Final Plat without specific compliance to the underlying zoning district regulations that would otherwise be applicable to each lot. The PD did not change any other requirements of the underlying zoning district.

A Subdivider's Agreement and Letter of Credit were approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 02/20/2001 per Resolution #018-2001

Common Council Rezoning Approval: 03/13/2001 per Ordinance #1058

Plan Commission Final Plat Approval: 02/20/2001 per Resolution #018-2001

Common Council Final Plat Approval: 03/13/2001 per Resolution #055-2001

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	One Side	All Other Sides	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	1.6	40	15	20	1000-1850	1850-1900	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.42 PD-36 BIG MUSKEGO ESTATES

- (1) The Big Muskego Estates Planned Development consists of approximately 92 acres containing 54 single-family parcels and 3 outlots. The development was made of one plat and is generally located off of the east side of Durham Road between Hi View Drive and North Cape Road. The development is constructed in one phase and is serviced by City sewer and water. The three outlots for the development are for open space preservation, stormwater management, and a City well site.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer’s to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City’s Comprehensive Plan. The PD did not change any other requirements of the underlying zoning district.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Big Muskego Estates proposal. A Subdivider’s Agreement and Letter of Credit was approved with the Final Plat for the development by the City’s Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 12/18/2001 per Resolution #187-2001

Common Council Rezoning Approval: 01/22/2002 per Ordinance #1090

Plan Commission Final Plat Approval: 05/06/2003 per Resolution #048-2003

Common Council Final Plat Approval: 06/24/2003 per Resolution #150-2003

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	.57	40	15-20	20	1200-1900	1900-2300	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.43 PD-37 CANDLEWOOD VILLAGE

- (1) The Candlewood Village Planned Development contains approximately 48 acres with 5 parcels for commercial use and a few parcels for multi-family residential use all generally located south of the intersection of Moorland Road and Janesville Road. The commercial parcels must receive Planning Commission Building, Site, and Operational Plan (BSO) approval and will be governed by the Moorland South Design Guide adopted by the City. The residential use parcels consist of a condominium development of 51 two-family structures (102 units) and one structure for community use. The condo development received BSO approval from the City's Planning Commission and are to follow specific design guidelines consistent with the Moorland South Design Guide adopted by the City. The development is constructed in multiple phases and is serviced by City sewer and water.

The planned development was originally created under the zoning of B-3/RSA/PD General Business District and Attached Single-Family Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the amount of units disbursed throughout the developed area while preserving the required density of the City's Comprehensive Plan. The PD also allowed various structure placements for the residential uses within the flexibility of the underlying code subject to Planning Commission BSO and Common Council Condominium Plat Approvals.

A Developer's Agreement and Letter of Credit is approved for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 06/18/2002 per Resolution #088-2002

Common Council Rezoning Approval: 07/23/2002 per Ordinance #1109

Plan Commission CSM #1 Approval: 06/18/2002 per Resolution #084-2002

Common Council CSM #1 Approval: 07/23/2002 per Resolution #141-2002

Plan Commission CSM #2 Approval: 06/18/2002 per Resolution #085-2002

Common Council CSM #2 Approval: 07/23/2002 per Resolution #142-2002

Plan Commission CSM #3 Approval: 06/18/2002 per Resolution #086-2002

Common Council CSM #3 Approval: 07/23/2002 per Resolution #143-2002

Plan Commission CSM #4 Approval: 05/20/2003 per Resolution #059-2003

Common Council CSM #4 Approval: 05/27/2003 per Resolution #123-2003

Plan Commission Condo Plat Approval: 05/20/2003 per Resolution #054-2003

Common Council Condo Plat Approval 05/20/2003 per Resolution #124-2003

(3)BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	2.13	Varies	Varies	Varies	-	-	30%	7000 sq. ft.	30	15

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RM-2 district (For the Residential lots) subject to zoning substantial change hearings if required.
2. Any use as permitted in the B-3 district (For the Commercial lots) subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RM-2 district (For the Residential lots) subject to zoning substantial change hearings if required.
2. Any accessory use permitted in the B-3 district (For the Commercial lots) subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RM-2 district (For the Residential lots) subject to zoning substantial change hearings if required.
2. Any conditional use permitted in the B-3 district (For the Commercial lots) subject to zoning substantial change hearings if required.

9.44 PD-38 STONEBRIDGE

- (1) The Stonebridge Planned Development contains approximately 48 acres with 43 single-family parcels and 4 outlots. The development is located north of Highway 36 west of the Champions Village Subdivision. The development is constructed in one phase and is serviced by sewer and water. The outlots in the subdivisions are for open space preservation, stormwater management, and one outlot (Outlot 2) is to be reserved for future development purposes. The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed various requirements of the underlying zoning including front setbacks reduced to

30 feet, all side offsets be reduced to 10 feet, and rear offsets increased to 30 feet.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Stonebridge proposal. A Subdivider's Agreement and Letter of Credit was approved with the Final Plat for each development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 01/07/2003 per Resolution #164-2002

Common Council Rezoning Approval: 01/28/2003 per Ordinance #1127

Plan Commission Final Plat Approval: 10/21/2003 per Resolution #138-2003

Common Council Final Plat Approval: 02/24/2004 per Resolution #037-2004

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
Varies	Varies	.90	30	10	30	-	1800-2200	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.45 PD-39 SETTLEMENT ON WOODS

- The Settlement on Woods Planned Development consists of 59 single-family parcels and 8 outlots. The development is located off of Woods Road just west of the Muskego High School property. The eight outlots are for the protection of wetlands, stormwater management, and future conservation land protection. The development was constructed in one phase and is serviced by City sewer and water.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use the reduced lot square footages on a few of the lots while preserving the required density of the City's Comprehensive Plan. The PD also changed a few of the

requirements of the underlying zoning including reducing all front setbacks to 35 feet, reducing side offsets to 10 and 15 feet and enlarging rear offsets to 30 feet. A Subdivider's Agreement and Letter of Credit were approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 02/18/2003 per Resolution #008-2003

Common Council Rezoning Approval: 02/25/2003 per Ordinance #1131

Plan Commission Final Plat Approval: 02/18/2003 per Resolution #008-2003

Common Council Final Plat Approval: 03/11/2003 per Resolution #045-2003

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	1.1	35	10/15	30	1400-2200	2200-2500	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.46 PD-40 LINDALE

- (1) The Lindale Planned Development consists of approximately 14 acres containing 9 single-family units and 48 multi-family units (Total of 57 dwelling units). The development is generally located along the south side of Martin Drive just north of the Janesville Road and Martin Drive intersection. The development is constructed in two phases consisting of a final plat for the Lindale Estates single-family subdivision (9 single-family parcels and one outlot) and a Condominium Plat / Building, Site, and Operation Plan (BSO) for the Lindale Villas multi-family condominiums (48 units in seven structures consisting of 2 four-unit buildings and 5 eight-unit buildings). City sewer and water service the entire development. The planned development was originally created as part of a larger planned development that was approved in 2003. The larger planned development reserved future planned development areas as RS-2/PD Suburban Residence

District with a Planned Development Overlay District, RSA/PA Attached Single-Family Residence District with a Planned Development Overlay District, and RSM/PA Multiple-Family District with a Planned Development Overlay District. The Lindale PD is one of the areas reserved for future RS-2/PA (Lindale Estates) and RSM/PA (Lindale Villas). Each facet of the original planned development is incorporated into a separate distinct PD upon final plat, condominium plat, or Building, Site, and Operational Plan approvals.

The Planned Development zoning was put in place to allow the developer's to use the calculations of the entire developed area in allowing the proposed 57 units. The PD did not change any general requirements of the underlying zoning and all lots follow the requirements of the City's RS-2 Suburban Residence District.

The 2010 Comprehensive Plan depicts the area for single-family residential and multiple family residential development consistent with the Lindale proposal. A Developer's Agreement and Letter of Credit was approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 06/17/2003 per Resolution #065-2003

Common Council Rezoning Approval: 07/08/2003 per Ordinance #1144

Plan Commission Final Plat Approval: 10/1/2003 per Resolution #137-2003

Common Council Final Plat Approval: 12/09/2003 per Resolution #263-2003

Plan Commission Multi-family BSO Approval: 08/03/2004 per Resolution #048a-2004

(3) BASIC REGULATIONS

(A) Lot Size (Lindale Estates)		(B) Density	(C) Building Location (Lindale Estates)			(D) Building Size (Lindale Estates)			(E) Open Space	(F) Height (Lindale Estates)	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	One Side	All Other Sides and Rear	One Story Minimum	More than One Story Minimum	Floor Area Ratio	Min. open space per 1- family res D/U	Min. Ht principal structure	Min. Ht Accessory structure
20000	110	4.07	40	15	20	1900	2350	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district (For the single-family uses) subject to zoning substantial change hearings if required.
2. Any use as permitted in the RM-1 district (For the multi-family uses) subject to BSO approvals and zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district (For the single-family uses) subject to zoning substantial change hearings if required.

2. Any accessory use permitted in the RM-1 district (For the multi -family uses) subject to BSO approvals and zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district (For the single-family uses) subject to zoning substantial change hearings if required.
2. Any conditional use permitted in the RM-1 district (For the multi -family uses) subject to BSO approvals and zoning substantial change hearings if required.

9.47 PD-41 FOREST GLEN

- (1) The Forest Glen Planned Development consists of approximately 20 acres containing 27 single-family parcels. The development is generally located north of the Janesville Road and Bay Lane Drive intersection. The development is constructed in one phase and is serviced by City sewer and water. The final plat of Forest Glen encompassed five outlots. One outlot was dedicated to the City for future conservation protection, three outlots are for drainage facilities, and one outlot is reserved for future multi-family development.

The planned development was originally created as part of a larger planned development that was approved in 2003. The larger planned development reserved future planned development areas as RS-2/PD Suburban Residence District with a Planned Development Overlay District, RSA/PD Attached Single-Family Residence District with a Planned Development Overlay District, and RSM/PD Multiple-Family District with a Planned Development Overlay District. The Forest Glen PD is the area that was reserved for future RS-2/PD. Each facet of the original planned development is incorporated into a separate distinct PD upon final plat, condominium plat, or Building, Site, and Operational Plan approvals.

The Forest Glen planned development zoning was put in place to allow the developer's to use the reduced lot square footages and widths on a few of the lots while preserving the required density of the City's Comprehensive Plan (The density of the Forest Glen development is derived from the amount of single-family units allowed divided by the sum of the square footages of the 27 single-family parcels and Outlots 2 and 3). The PD did not change any general requirements of the underlying zoning and all lots follow the requirements of the City's RS-2 Suburban Residence District.

The 2010 Comprehensive Plan depicts the area for single-family residential development consistent with the Forest Glen proposal. A Subdivider's Agreement and Letter of Credit was approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

- (2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 06/17/2003 per Resolution #065-2003

Common Council Rezoning Approval: 07/08/2003 per Ordinance #1144

Plan Commission Final Plat Approval: 03/15/2005 per Resolution #040-2005

Common Council Final Plat Approval: 05/24/2005 per Resolution #101-2005

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	One Side	All Other Sides and Rear	One Story Minimum	More than One Story Minimum	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
20000	110	1.42	40	15	20	1900	2350	25%	75%	30	*

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to BSO approvals and zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to BSO approvals and zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to BSO approvals and zoning substantial change hearings if required.

9.48 PD-42 BASSE

- (1) The Basse Planned Development consists of approximately 17.5 acres. The development is located along the north side of Janesville Road between Martin Drive to the east and Bay Lane Drive to the west. The area is currently undeveloped although is platted for future multi-family development as part of a planned development district.

The planned development was originally created as part of a larger planned development that was approved in 2003. The larger planned development reserved future planned development areas as RS-2/PD Suburban Residence District with a Planned Development Overlay District, RSA/PD Attached Single-Family Residence District with a Planned Development Overlay District, and RSM/PD Multiple-Family District with a Planned Development Overlay District. The Basse PD is the area that was reserved for future RSM/PD. Each facet of the original planned development is incorporated into a separate distinct PD upon final plat, condominium plat, or Building, Site, and Operational Plan (BSO) approvals. The Basse PD will be established upon future approvals of a BSO and/or condominium plat.

The 2010 Comprehensive Plan depicts the area for multi-family residential.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 06/17/2003 per Resolution #065-2003

Common Council Rezoning Approval: 07/08/2003 per Ordinance #1144

Plan Commission Forest Glen Final Plat Approval: 03/15/2005 per Resolution #040-2005

Common Council Forest Glen Final Plat Approval: 05/24/2005 per Resolution #101-2005

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	One Side	All Other Sides and Rear	One Story Minimum	More than One Story Minimum	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
-	-	-	-	-	-	-	-	-	-	-	-

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-1 district subject to BSO approvals and zoning substantial change hearings if required.

9.49 PD-43 KENWOOD PLACE

- The Kenwood Place Planned Development consists of 37 single-family parcels and 1 outlot on approximately 26.4 acres. The development is located off of the east side of Hillendale Drive between Tans Drive and Racine Avenue. The one outlot is for the stormwater management of the subdivision. The development was constructed in one phase and is serviced by City sewer and water.

The planned development was originally created under the zoning of RS-3/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use reduced widths on a few of the lots. The PD also changed a few of the requirements of the underlying zoning including having side offsets be 15 feet and rear offsets be 20 feet for all lots; And having reduced front setbacks for Lots 36-37 to be 30 feet.

A Subdivider's Agreement and Letter of Credit were approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 02/03/2004 per Resolution #166-2003

Common Council Rezoning Approval: 02/10/2004 per Ordinance #1160

Plan Commission Final Plat Approval: 06/01/2004 per Resolution #060-2004

Common Council Final Plat Approval: 01/25/2005 per Resolution #024-2005

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	1.4	30-40	15	20	1800-2000	1800-2400	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.50 PD-44 ST. ANDREW'S VILLAGE

- (1) The St. Andrew's Village Condominium Planned Development consists of 48 dwelling units in 24 structures, each being a side-by-side duplex with a variety of options for facades. The development is located on the south side of Ryan Road along the Muskego Lake Country Club. The condo project is to be constructed in three phases with the first phase consisting of 26 units, the second phase of 8 units, and the third phase of 6 units.

The structures all have the option to be one or two stories and the owners will chose the layout at the time of sale. The structures are constructed with strict architectural detailing consistent with the General Design Guide. Each structure will be constructed of running bond brick, cedar trim, hardi-plank siding, and 30 year dimensional shingles, and elements such as soldier courses, stone sills, and tempered glass are used. Each condominium unit is provided with four (4) off street parking spaces and is serviced by private drives maintained by the St. Andrew's Homeowner's Association.

The 2010 Comprehensive Plan depicts the area for single-family attached dwelling unit development consistent with the St. Andrews Village proposal. The adopted Conservation Plan depicts wetlands and a navigable stream on the property to be a medium value management priority and this area is preserved as part of the condo plat. Landscape plans are a part of the Building, Site, and Operation Plan for each condo unit and street tree plans are also included for the development. The condominiums will be served by municipal sanitary sewer and water service and the project is subject to Developers Agreements executed by the City and petitioner to address the construction of public and private improvements.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 05/18/2004 per Resolution #052-2004

Common Council Rezoning Approval: 05/25/2004 per Ordinance #1171

Plan Commission BSO/Condo Plat Approval: 05/18/2004 per Resolution #051-2004

Common Council Condo Plat Approval: 08/10/2004 per Resolution #132-2004

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size				(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	2010 D/U Per Acre	Min. Set Back (Ryan Road)	Side Yard Offsets Between structure	Water-way offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	3.3 – 4.9	20	15	50	n/a	2400	n/a	n/a	n/a	30	n/a

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RM-2 district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RM-2 district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RM-2 district subject to zoning substantial change hearings if required.

9.51 PD-45 INPRO

- The InPro Planned Development consists of approximately 10 acres and is generally located in the Muskego Industrial Park on the north side of Apollo Drive between Mercury Drive and Racine Avenue.

The planned development was originally created under the past zoning of I-1/PD General Industrial District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow a reduced setback of 25 feet to the addition of the existing InPro structure. The PD did not change any other general requirements of the underlying zoning, so all lots follow the requirements of the City's I-1 General Industrial zoning district. A Building, Site and Operation Plan (BSO) was approved by the City's Planning Commission.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 09/07/2004 per Resolution #094-2004

Common Council Rezoning Approval: 09/14/2004 per Ordinance #1179

Plan Commission BSO Approval: 10/19/2004 per Resolution #115-2004

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yards	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
n/a	n/a	n/a	25	15	15	-	-	50%	n/a	30	50

*See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the M-2 district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the M-2 district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the M-2 district subject to zoning substantial change hearings if required.

9.52 PD-46 WOODLAND CREEK ESTATES

- (1) The Woodland Creek Estates Planned Development consists of 76 single-family parcels and 8 outlots on approximately 72 acres. The development is located off of the west side of Racine Avenue just south of the Muskego High School property. The development was constructed in two phases (Woodland Creek Estates (60 parcels) and Woodland Creek Estates Addition #1 (16 parcels)) and is serviced by City sewer and water.

Outlots within the development are reserved for stormwater management, open space preservation, and a sewer utility station. The main outlot in the Woodland Creek Estates Addition #1 phase was dedicated to the City to be part of the Engel Conservation lands found adjacent to the site. The developers also reserved an easement for public access to the conservation site.

The planned development was originally created under the zoning of RS-2/PD Suburban Residence District with a Planned Development Overlay District. The Planned Development zoning was put in place to allow the developer's to use reduced lot sizes to a minimum of 18,000 square feet and 100 feet in width. The PD also changed a few of the requirements of the underlying zoning including having front setbacks be 35 feet and side offsets be 10 feet on one side and 15 feet on all other sides.

A Subdivider's Agreement and Letter of Credit were approved with the Final Plat for the development by the City's Common Council outlining the individual guarantees.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 07/20/2004 per Resolution #062-2004

Plan Commission Rezoning Approval: 05/03/2005 per Resolution #046-2005
 Common Council Rezoning Approval: 07/27/2004 per Ordinance #1174
 Common Council Rezoning Approval: 05/24/2005 per Ordinance #1190
 Plan Commission Final Plat Approvals: 02/21/2006 per Resolution #015-2006 & Resolution #016-2006
 Common Council Final Plat Approvals: 05/09/2006 per Resolution #099-2006

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht principal structure	Min. Ht Accessory structure
18,000	100	1.05	35	10	15	1200-1900	1900-2300	25%	75%	30	*

*See Section 5

(4) PERMITTED USES BY RIGHT

- Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

9.53 PD-47 BELLE CHASSE

- The Belle Chasse Planned Development consists of approximately 128 single-family parcels on approximately 107 acres. The development is located off of the west and east side of Durham Drive just south of McShane Drive. The development is to be constructed in three phases and is serviced by City sewer and water. Outlots within the development are reserved for stormwater management, open space preservation, and a sewer utility station. The planned development is created under the auspices of the RS-2 Suburban Residence Zoning District as a planned development. The Planned Development zoning was put in place to allow the developer's to use reduced lot sizes to a minimum of 18,000 square feet and 100 feet in width. The PD also changed a few of the requirements of the underlying zoning including having setbacks on corner lots be 30 feet on one front setback and 40 feet on the other front setback.

A separate Subdivider's Agreement, Letter of Credit, and Final Plat are approved for each individual phase of the development by the City's Common Council.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

Plan Commission Rezoning Approval: 03/07/2006 per Resolution #003a-2006
 Common Council Rezoning Approval: 05/09/2006 per Ordinance #1213
 Common Council Phase 1 Agreement Approvals: 08/14/2007 per Resolution #166-2007
 Plan Commission Phase 1 Final Plat Approvals: 02/05/2008 per Resolution #003-2008
 Common Council Phase 1 Final Plat Approvals: 02/12/2008 per Resolution #039-2008
 Common Council Phase 2 Agreement Approvals: 08/27/2013 per Resolution #070-2013
 Plan Commission Phase 2 Final Plat Approvals: 10/01/2013 per Resolution #044-2013
 Common Council Phase 2 Final Plat Approvals: 10/08/2013 per Resolution #079-2013
 Common Council Phase 3 Agreement Approvals: 12/07/15 per Resolution #007-2015
 Plan Commission Phase 3 Final Plat Approvals: 12/02/2014 per Resolution #062-2014
 Common Council Phase 3 Final Plat Approvals: 12/07/15 per Resolution #009-2015

(3) BASIC REGULATIONS

(A) Lot Size		(B) Density	(C) Building Location			(D) Building Size			(E) Open Space	(F) Height	
Min. Lot Area	Min. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard	Rear Yard	Min. floor area 1st floor (ranch)	Min. floor area total	Floor Area Ratio	Min. open space per res D/U	Min. Ht Principal structure	Min. Ht Accessory structure
18,000	100	1.7	40*	15/20	20	1900	1900-2300	25%	75%	30	15

*Corner lots have one front setback of 30 feet and the other front setback of 40 feet.

**See Section 5

(4) PERMITTED USES BY RIGHT

1. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

1. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

SECTION 10 CONSERVATION PLANNED DEVELOPMENT DISTRICTS

10.01 PURPOSE AND INTENT

- (1) This district is intended to allow for residential development in clusters and groupings in a rural or semi-rural setting. To this intent it allows reduced parcel sizes while maintaining the densities permitted by the Comprehensive Plan and underlying zoning, except where bonuses may be granted in consideration of special conservation measures. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage the preservation of open land.
- (2) Permitted: The unified and planned development of a site, in single or corporate ownership at the time of development, may be permitted in a CPD Conservation Planned Development Overlay District, without the customary division into individual lots, or without specific compliance to the district regulations as applicable to individual lots, subject to the regulations as hereinafter provided in this Section.
- (3) Note: This section applies to areas requested to be rezoned to a CPD Conservation Planned Development District and those existing CPD Conservation Planned Development Districts.

10.02 DISTRICT REQUIREMENTS

- (1) Size Allowed: For the purpose of this Ordinance all Conservation Planned Development Projects shall require a minimum open space of 50% of the gross acreage (Rights-of-way shall not count towards open space requirements. Stormwater outlots may count towards open space requirements, subject to Planning Commission approval, when they are subject to deed restrictions, easements or open space management plans):

(2) BASIC REGULATIONS

A. Lot Size		B. Density		C. Building Location			D. Building Size				E. Open Space	F. Height	
Min. Lot Area	Min. Avg. Lot Width	Lot Area Per D/U	Min. Set Back	One Side offset	All other side offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Max. Ht principal structure	Max. Ht Accessory structure	
1	1		2	1	1	1	1	n/a	1	3	1	1	

- 1. Per zoning district that developer is basing development plans upon unless modified by Planning Commission to comply with the spirit and intent of this ordinance and finding that a change would not be contrary to the general welfare and economic prosperity to the City and the immediate neighborhood.
- 2. Along any boundary line no less than 50 feet unless otherwise modified by Planning Commission to comply with the spirit and intent of this ordinance and finding that a change would not be contrary to the general welfare and economic prosperity to the City and the immediate neighborhood.
- 3. Open space must be at least 50% of the gross acreage of the development and each private lot must maintain at least 75% open space.

A. PERMITTED USES BY RIGHT

1. Single-family residential related uses (No multi-family residential related uses).
2. Any use as permitted in the underlying basic district.

B. PERMITTED ACCESSORY USES

1. Any accessory use permitted in the underlying basic district

C. PERMITTED USES BY CONDITIONAL GRANT

1. Any conditional use permitted in the underlying basic district.

(3) Application of Regulations:

- A. Uses and Structures: Individual uses and structures in a Conservation Planned Development Project District need not comply with the specific building location, height, building size, lot size, and open space requirements of the underlying basic district provided that the spirit and intent of such requirements are complied with in the total development plan for such project consistent with the criteria as established in subsection (3) below.
- B. Applicable Underlying Zoning Districts. The CPD Conservation Planned Development District may be applied to any district allowing residential uses.
- C. Density and Density Bonuses. The number of residential units for a CPD shall be determined in accordance with the following:
 1. The development yield analysis required by Section 18:31(3)(i) of the Land Division Ordinance shall establish the base development density for the parcel.

The base development density may be increased at Planning Commission and Common Council discretion that the overall layout fits with the proposed theme and spirit of the ordinance, to the allowed number of bonus parcels per Sub. 2 below, if the development demonstrates it is adequately applying some of some of the following guidelines in some way. Reasons for allowing any bonus parcels shall be stipulated in City approving resolutions/ordinances, as bonus lots are not guaranteed.

- i. Providing for access by the general public to trails, parks, or other recreational facilities.
- ii. When practical, reusing existing buildings and structures which incorporate rural or agrarian themes, including but not limited to those sites inventoried by the State Historical Society of Wisconsin.
- iii. Preservation of Environmental features identified in the adopted Conservation Plan and any other significant environmental features found in the platted area. Preservation may include a minimum 50-75 foot setback from the environmental features identified.

- iv. Restores native prairie and provides a management plan for perpetual maintenance.
 - v. Improves water quality through stormwater management standards and practices that exceed the minimum standards of Chapter 34 of the Municipal Code, and, as approved by the City Engineer and the Public Works Committee.
 - vi Restores or enhances the functional classification of wetlands using techniques approved by the USDA-NRCS, Wisconsin Department of Natural Resources, or the Conservation Coordinator. Enhancement techniques may be performed by third parties (i.e. City, DNR, etc.).
 - vii Provides 50% or more of the gross acreage as open space in the development (Rights-of-way shall not count towards open space requirements. Stormwater outlots may not count towards open space requirements, subject to Planning Commission approval, when they are subject to deed restrictions, easements, or open space management plans).
 - viii Provides for preserving larger tracts of agricultural workable land in perpetuity and provides a management plan for perpetual maintenance.
 - ix As opposed to wetlands or other non-buildable areas; Open, buildable land may be counted as more meaningful preservation for purposes of awarding bonus lots.
3. For parcels less than forty (40) acres in area, the maximum bonus permitted is four (4) parcels. For parcels between forty (40) and eighty (80) acres in area, the maximum bonus permitted is five (5) parcels. For parcels eighty (80) acres or greater in area, the maximum bonus permitted is six (6) parcels. All development yield bonuses shall be calculated to the nearest one-hundredth. In cases where the total combined development yield bonus results in a fraction, all such fractions shall be rounded up to the next whole number. All parcels shown in a developer's yield analysis must demonstrate that each parcel could actually be developed on the site proposed. Thus, each yield parcel must show that adequate water, sewer, stormwater management, and buildable area is present and attainable to the Planning Commission.

The base development density for an A-1 Agricultural zoned lot is based upon a rate of at least 120,000 square feet per lot (300 feet in width). The base development density for any other piece of land is based on the existing minimum zoning requirements OR the minimum Comprehensive Plan density requirements, whichever is stricter. All parcels shown in a developer's yield analysis must demonstrate that each parcel could actually be developed on the site proposed. Thus, each yield parcel must show that adequate water, sewer, stormwater management, and buildable area are present and attainable to the Planning Commission.

10.03 APPLICATION PROCEDURE

- (1) Petition: Petition may be made to the Common Council by the owner or agent of property proposed for such development, to amend the zoning map by the overlaying of a CPD District in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee, as from time to time established by Resolution of the Common Council, and the following information:
 - A. A statement describing the general character of intended development along with such other pertinent information as may be necessary to a determination that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.
 - B. A general development plan of the project consisting of a Detailed Site Analysis as required by Section 18:31(3)(i) of the Land Division Ordinance.
- (2) Referral to Plan Commission: Such petition shall be referred to the Plan Commission and processed as any other petition for zoning change. Upon completion of necessary study and investigation the Plan Commission shall make its recommendation to the Common Council as to the appropriateness and desirability of the proposed zoning change, the suitability of the building, site and development plans, and any additional conditions which it may feel necessary or appropriate.
- (3) Public Hearing: Upon receipt of the Plan Commission's recommendations the Common Council shall cause a public hearing to be held pursuant to Section 2 of this Ordinance.
- (4) Where a proposed development includes uses permitted only as conditional grants pursuant to Section 14, compliance with the procedural and general requirements set forth as the basis for approval under this section shall supplant the requirement for separate processing of a petition for conditional use grant pursuant to Section 14.
- (5) At the time the CPD planned unit development is presented to the City Plan Commission for final approval, the developer shall pay to the City the costs incurred by the City for planning and engineering fees, including but not limited to costs for checking plans, field checking and consultations.

10.04 BASIS FOR APPROVAL

- (1) Basis for Approval: The Plan Commission in making its recommendations and the Common Council in making its determination shall give consideration and satisfy themselves as to the following:
 - A. That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay of the CPD District, that the project appears economically sound, that adequate financing is

possible, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City.

- B. That the proposed development is consistent in all respects to the spirit and intent of this Ordinance, is in conformity with the general plans for community development, would not be contrary to the general welfare and economic prosperity of the City or of the immediate neighborhood, that the specific development plans have been prepared with competent professional advice and guidance, and that the benefits and improved design of the resultant development justifies the variation from the normal requirements of this Ordinance through the application of the CPD Conservation Planned Development Overlay District..
- C. That such development will create an attractive residential environment of sustained desirability and economic stability, compatible with the character established for the area by the community Comprehensive Plan, and where the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which could be anticipated under the base zoning.
- D. The population composition of the development will not alter adversely the impact upon school or other municipal service requirements as anticipated under the existing basic zoning and Comprehensive Plan.
- E. That the project will not create traffic or parking demand incompatible with that anticipated under the Comprehensive Plan.
- F. That the total average residential density of the project will be compatible with the Comprehensive Plan, except as may be modified by this Section.
- G. That the aggregate open space of the development will be no less, than would have resulted from the application of open space requirements of the underlying districts.
- H. That adequate guarantee is provided for permanent retention as "open space area" of the residual open land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public.
- I. In the case of a CPD Conservation Planned Development District, preservation of the open space area shall be guaranteed and shall be protected against building and development by one of the methods identified in Section 18:82(5) of the Land Division Ordinance.
- J. The care and maintenance of such open space reservations shall be insured either by establishment of appropriate management organization for the project or by agreement with the municipality for establishment of a special service district for the project area where the municipality shall provide the necessary maintenance service and levy the cost thereof as special assessment on the tax bills of properties within the project area. In any case the Common Council shall have the right to carry out and levy an assessment for the cost of any maintenance, which it feels necessary if it is not otherwise taken care of to the satisfaction of the Common Council. The manner of assuring maintenance and assessing such cost

to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

- K. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the municipality and made a part of the conditions of the plan approval.

(2) Determination:

- A. The Common Council after due consideration may deny the petition, approve the petition as submitted or approve the petition subject to additional conditions.
- B. The approval of a petition and consequent amending of the zoning map by overlay of the CPD District shall be based on and include as conditions thereto the Building, Site and Operational (BSO) Plans for the development as well as all other commitments offered or required with regard to project value, character or other factor pertinent to assuring that the project will be developed basically as presented in the official submittal plans as approved by the Common Council and shall be mapped and recorded as provided for conditional uses under Section 14 of this Ordinance. Such plans, however, need not necessarily be completely detailed at the time of Overlay zoning provided they are of sufficient detail to satisfy the Plan Commission and Common Council as to the general character, scope, and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, the basic pattern of land use, the size and arrangement of lots, and illustrate a "typical" example of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses.
- C. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Common Council and if in the opinion of the Common Council upon recommendation of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Common Council shall be required and notice thereof given pursuant to Section 2 of this Ordinance.
- D. The provisions of Section 14 governing termination of the conditional grant shall apply to such group project development.
- E. Application for a Planned Development. In order to fulfill the requirements of the Planned Development provisions, the City Community Development Department may utilize additional policies and procedures along with required checklists, letters of intent, necessary inspections, follow-ups, bonding requirements, and other legal assurances that the provisions of planned development are carried out systematically and on a uniform basis.

10.05 CONSERVATION PLANNED DEVELOPMENT DISTRICTS & REQUIREMENTS

- (1) Approved Conservation Planned Development districts shall be found below in this Section and shall state the development requirements and parameters as approved by the Common Council.
- (2) The actual text description outlining the parameters for each conservation planned development shall be approved with the rezoning ordinance if all are known. Zoning Code text descriptions may be approved at a later time with the final plat and/or developer's agreement by resolution of the Common Council if needed in order to account for all aspects and parameters of an individual planned development (Note: When a rezoning of a CPD is approved before the final plat and developer's agreement approvals for a development, the rezoning ordinance will state "That the ordinance is in full force and effect from and after passage and publication subject to approval of the Final Plat, Subdivider's Agreement and the zoning ordinance language that specifically outlines the parameters of the CPD"). The language that outlines the specifics of the PD will be passed by resolution of the Common Council concurrent with the final plat and developer's agreement approvals.
- (3) Amendments to existing CPD text descriptions shall be approved by ordinance of the Common Council concurrent with the determination of non-substantial change resolutions.

10.06 CPD-1 MARTIN ESTATES

- (1) The Martin Estates Subdivision is a conservation development consisting of 16 single-family lots and 2 outlots on 50.33 acres of land. The subdivision utilizes the base zoning of RCE/CPD Residential Country Estate District with Conservation Planned Development Overlay District, which generally allows parcels of a maximum 60,000 square feet and a maximum of 150 feet in width (Both of which vary depending on lot layout and subject to Common Council approval). The density for Martin Estates meets the Comprehensive Plan objective of low-density residential consistent with the RCE zoning district. Overall, Martin Estates preserves approximately 50% open space exclusive of the proposed roadways.

Two outlots were proposed as part of the development with one being utilized for stormwater management. The stormwater outlot is owned by the Martin Estate Homeowner's Association. The conservation outlot will be maintained by the City of Muskego as lands within this outlot are identified as priority management areas within the City's adopted Conservation Plan.

The development is of sufficient size to allow three bonus lots subject to Common Council approval and subject to completing one conservation measure per bonus lot requested. Martin Estates requested three bonus lots above the original density that was allowed under the previous zoning (Previous zoning was RCE Residential Country Estate, which allowed 13 lots under the approved yield plan as per Plan Commission Resolution #079-2001 with the possibility of 3 bonus lots). Four measures were actually completed as part of Martin Estate's bonus lots and they are as follows:

- A. Preservation of Environmental features identified in the adopted Conservation Plan.

- B. Restores native prairie and provides a management plan for perpetual maintenance.
- C. Improves water quality by through stormwater management practices, which exceed the minimum standards of Chapter 34 of the Municipal Code, and, as approved by the Engineering/Building Inspection Director and the Public Works Committee.
- D. Providing a 75-foot setback and natural buffer to natural features identified in the Conservation Plan.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- A. Plan Commission Rezoning Approval: 02/05/2002 per Resolution #011-2002
- B. Common Council Rezoning Approval: 02/26/2002 per Ordinance #1092
- C. Plan Commission Final Plat Approval: 02/05/2002 per Resolution #011-2002
- D. Common Council Final Plat Approval: 02/26/2002 per Resolution #034-2002

(3) BASIC REGULATIONS

A. Lot Size		B. Density	C. Building Location			D. Building Size				E. Open Space	F. Height	
Max. Lot Area	Max. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard Offset	Rear offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Max. Ht principal structure	Max. Ht Accessory structure
60,000*	150*	0.32	50	25	25	1200	2500	n/a	25%	75%	30	**

* Subject to Council approval.
 ** See Section 15

(4) PERMITTED USES BY RIGHT

- A. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- A. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- A. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

10.07 CPD-2 CHAMBERLAIN HILL

- (1) The Chamberlain Hill Subdivision is a conservation development consisting of 29 single-family lots and 3 outlots on 29.52 acres of land. The subdivision utilizes the base zoning of RSE/CPD Suburban Estate District with Conservation Planned Development Overlay District, which generally allows parcels of a maximum 20,000 square feet and a maximum of 100 feet in width (Both of which vary depending on lot layout and subject to Common Council approval). The density for Chamberlain Hill meets the Comprehensive Plan objective of low-density residential consistent with the RSE zoning district. Overall, Chamberlain Hill preserves approximately 52.8% open space exclusive of the proposed roadways.

Three outlots were proposed as part of the development with one being utilized for stormwater management and two for conservation land protection. The stormwater outlot is owned by the Chamberlain Hill Homeowner's Association. The larger conservation outlot will be maintained by the City of Muskego as lands within this outlot are identified as priority management areas within the City's adopted Conservation Plan. The other outlot for conservation is maintained by the Chamberlain Hill Homeowner's Association.

The development is of sufficient size to allow bonus lots subject to Common Council approval and subject to completing conservation measures if bonus lots are requested. Chamberlain Hill requested bonus lots above the original density that was allowed under the previous zoning (Previous zoning was RSE Suburban Estate District, which allowed 25 lots under the approved yield plan as per Plan Commission Resolution #044-2002). Three measures were actually completed as part of Chamberlain Hill's bonus lots and they are as follows:

- A. Preservation of Environmental features identified in the adopted Conservation Plan.
- B. Restores native prairie and provides a management plan for perpetual maintenance.
- C. Improves water quality by through stormwater management standards and practices, which exceed the minimum standards of Chapter 34 of the Municipal Code, and, as approved by the Engineering/Building Inspection Director and the Public Works Committee.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- A. Plan Commission Rezoning Approval: 11/05/2002 per Resolution #137-2002
- B. Common Council Rezoning Approval: 08/13/2002 per Ordinance #1112
- C. Plan Commission Final Plat Approval: 11/05/2002 per Resolution #137-2002
- D. Common Council Final Plat Approval: 03/11/2003 per Resolution #044-2003

(3) BASIC REGULATIONS

A. Lot Size		B. Density	C. Building Location			D. Building Size				E. Open Space	F. Height	
Max. Lot Area	Max. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard Offset	Rear offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Max. Ht principal structure	Max. Ht Accessory structure
20,000*	100*	1	40	10/15	20	2000	2200	n/a	25%	75%	30	**

* Subject to Council approval.

** See Section 15

(4) PERMITTED USES BY RIGHT

- A. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- B. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- C. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

10.08 CPD-3 BIG MUSKEGO ESTATES II

- (1) The Big Muskego Estates II Subdivision is a conservation development consisting of 34 single-family lots and 2 outlots on 38 acres of land. The subdivision utilizes the base zoning of RSE/CPD Suburban Estate District with Conservation Planned Development Overlay District, which generally allows parcels of a 20,000 square foot maximum and a maximum of 100 feet in width (Both of which vary depending on lot layout and subject to Common Council approval). The density for Big Muskego Estate II meets the Comprehensive Plan objective of low-density residential consistent with the RSE zoning district. Overall, Big Muskego Estate II preserves approximately 56% open space exclusive of the proposed roadways.

Two outlots were proposed as part of the development with one being utilized for stormwater management. The stormwater outlot is owned by the Big Muskego Estate II Homeowner's Association. The conservation outlot will be maintained by the City of Muskego as lands within this outlot are identified as priority management areas within the City's adopted Conservation Plan.

The development is of sufficient size to allow four bonus lots subject to Common Council approval (Due to using lands from the original Big Muskego Estates Subdivision) and subject to completing one conservation measure per bonus lot requested. Big Muskego Estate II requested four bonus lots above the original density that was allowed under the previous zoning (Previous zoning was RSE Suburban Estate District, which allowed 30 lots under the approved yield plan as per Plan Commission Resolution #103-2002 with the possibility of 4 bonus lots). Four measures were actually completed as part of Big Muskego Estate II's bonus lots and they are as follows:

- A. Preservation of Environmental features identified in the adopted Conservation Plan.
- B. Restores native prairie and provides a management plan for perpetual maintenance.
- C. Improves water quality by through stormwater management standards and practices, which exceed the minimum standards of Chapter 34 of the Municipal Code, and, as approved by the Engineering/Building Inspection Director and the Public Works Committee.
- D. Enhances the functional classification of wetlands using techniques approved by the Wisconsin Department of Natural Resources, the Engineering/Building Inspection Director, and the Public Works Committee.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- A. Plan Commission Rezoning Approval: 11/05/2002 per Resolution #135-2002
- B. Common Council Rezoning Approval: 12/10/2002 per Ordinance #1124
- C. Plan Commission Final Plat Approval: 06/01/2004 per Resolution #059-2004

D. Common Council Final Plat Approval: 09/28/2004 per Resolution #148-2004

(3) BASIC REGULATIONS

A. Lot Size		B. Density	C. Building Location			D. Building Size				E. Open Space	F. Height	
Max. Lot Area	Max. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard Offsets	Rear offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Max. Ht principal structure	Max. Ht Accessory structure
20,000*	100*	.89	35	10/15	15	1200-1900	1900-2300	n/a	25%	75%	30	**

* Subject to Council approval.

** See Section 15

(4) PERMITTED USES BY RIGHT

A. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

A. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

A. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

10.09 CPD-4 BOXHORN RESERVE

- (1) The Boxhorn Reserve Subdivision is a conservation development consisting of 19 single-family lots and 2 outlots on 20.54 acres of land. The subdivision utilizes the base zoning of RSE/CPD Suburban Estate District with Conservation Planned Development Overlay District, which generally allows parcels of a 20,000 square foot maximum size and a maximum of 100 feet in width (Both of which vary depending on lot layout and subject to Common Council approval). The density for Boxhorn Reserve meets the Comprehensive Plan objective of low-density residential consistent with the RSE zoning district. Overall, Boxhorn Reserve preserves approximately 52.8% open space exclusive of the proposed roadways.

Two outlots were proposed as part of the development with one being utilized for stormwater management and the other being dedicated to the City of Muskego for Conservation Purposes. The stormwater outlot is owned by the Boxhorn Reserve Homeowner's Association and is being enhanced with prairie plantings. The conservation outlot will be maintained by the City of Muskego as lands within this outlot are identified as priority management areas within the City's adopted Conservation Plan.

The development is of sufficient size to allow three bonus lots subject to Common Council approval and subject to completing one conservation measure per bonus lot requested. Boxhorn Reserve requested three bonus lots above the original density that was allowed under the previous zoning (Previous zoning was R-2 Country Home District, R-3 Country Home District, and RS-2 Suburban Residence District, which allowed 16 lots under the approved yield plan as per Plan Commission Resolution #052-2002 with the possibility of 3 bonus lots). Four measures were actually completed as part of Boxhorn Reserve's bonus lots and they are as follows:

- A. Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
 - B. Preservation of Environmental features identified in the adopted Conservation Plan.
 - C. Restores native prairie and provides a management plan for perpetual maintenance.
 - D. Improves water quality by through stormwater management standards and practices, which exceed the minimum standards of Chapter 34 of the Municipal Code, and, as approved by the Engineering/Building Inspection Director and the Public Works Committee.
- (2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:
- A. Plan Commission Rezoning Approval: 02/01/2005 per Resolution #013-2005
 - B. Common Council Rezoning Approval: 02/08/2005 per Ordinance #1188
 - C. Plan Commission Final Plat Approval: 02/01/2005 per Resolution #122-2004
 - D. Common Council Final Plat Approval: 03/08/2005 per Resolution #053-2005

(3) BASIC REGULATIONS

A. Lot Size		B. Density	C. Building Location			D. Building Size				E. Open Space	F. Height	
Max. Lot Area	Max. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard Offset	Rear offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Max. Ht principal structure	Max. Ht Accessory structure
20,000*	100	0.5 - .79	30	10	25	1800	1800	n/a	25%	75%	30	**

* Subject to Council approval.

** See Section 15

(4) PERMITTED USES BY RIGHT

- A. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- A. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- A. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

10.10 CPD-5 DENOON COUNTRY ESTATES NORTH

- (1) The Denoon Country Estates North Subdivision is a conservation development consisting of 10 single-family lots and 2 outlots on 23.91 acres of land. The subdivision utilizes the base zoning of RCE/CPD Country Estate District with Conservation Planned Development Overlay District, which generally allows parcels of a 60,000 square foot maximum size and a maximum of 150 feet in width (Both of which vary depending on lot layout and subject to Common Council approval). The density for Loughney Subdivision meets the Comprehensive Plan objective of low-density residential consistent with the RCE zoning district. Overall, Loughney Subdivision preserves approximately 65% open space exclusive of the proposed roadways.

Two outlots were proposed as part of the development with one being utilized for stormwater management and the other being dedicated to the City of Muskego for Conservation Purposes. The stormwater outlot is owned by the Subdivision Homeowner's Association and is being enhanced with prairie plantings. The conservation outlot will also be maintained by the Homeowner's Association and will be managed under a recorded Open Space Management Plan due to having lands identified as medium acquisition priority areas within the City's adopted Conservation Plan.

The development is of sufficient size to allow three bonus lots subject to Common Council approval and subject to completing one conservation measure per bonus lot requested. Denoon Country Estates North requested three bonus lots above the original density that was allowed under the previous zoning (Previous zoning was A Agricultural District, which allowed 7 lots under the approved yield plan as per Plan Commission Resolution #103-2005 with the possibility of 3 bonus lots). Three measures were actually completed as part of the Denoon Country Estates North Subdivision's bonus lots and they are as follows:

- A. Preservation of Environmental features identified in the adopted Conservation Plan.
- B. Restores native prairie and provides a management plan for perpetual maintenance.
- C. Improves water quality by through stormwater management standards and practices, which exceed the minimum standards of Chapter 34 of the Municipal Code, and, as approved by the Engineering/Building Inspection Director and the Public Works Committee.

(2) DATES OF ADOPTION AND ORDINANCE/RESOLUTION NUMBERS:

- A. Plan Commission Rezoning Approval: 09/20/2005 per Resolution #103-2005
- B. Common Council Rezoning Approval: 09/27/2005 per Ordinance #1201
- C. Plan Commission Final Plat Approval: 07/18/2006 per Resolution #022-2006
- D. Common Council Final Plat Approval:

(3) BASIC REGULATIONS

A. Lot Size		B. Density	C. Building Location			D. Building Size				E. Open Space	F. Height	
Max. Lot Area	Max. Avg. Lot Width	D/U Per Acre	Min. Set Back	Side Yard Offset	Rear offset	Min. floor area 1st floor	Min. floor area total	Min. floor area per D/U multi	Floor Area Ratio	Min. open space per res D/U	Max. Ht principal structure	Max. Ht Accessory structure
60,000*	150							n/a	25%	75%	30	**

* Subject to Council approval.

** See Section 15

(4) PERMITTED USES BY RIGHT

- A. Any use as permitted in the RCE district subject to zoning substantial change hearings if required.

(5) PERMITTED ACCESSORY USES

- A. Any accessory use permitted in the RCE district subject to zoning substantial change hearings if required.

(6) PERMITTED USES BY CONDITIONAL GRANT

- A. Any conditional use permitted in the RCE district subject to zoning substantial change hearings if required.

SECTION 11 DESIGN GUIDE OVERLAY DISTRICT

11.01 DESIGN GUIDE OVERLAY DISTRICTS

The zoning code repeal and recreation of 2006 created special overlay zoning districts known as design guide overlay districts. The design guide overlay districts shall be mapped as their originally approved borders. A design guide overlay district does become a part of the zoning ordinance and mapping when it is adopted by the Common Council as part of the City's Comprehensive Planning Ordinance Chapter 41, deeming it necessary to promote the public health, safety, morals and welfare, and further expresses the concepts, rationale and intent employed by the Plan Commission and Planning Staff when applying Chapter 17 of the City of Muskego Zoning Ordinance, deeming it necessary to promote the health, safety, morals and welfare.

11.02 USE

When a property is within a design guide overlay district certain restrictions can apply regarding the development and redevelopment of the property subject to Plan Commission approvals. The adopted documents governing the specified geographic areas are found in the City of Muskego Community Development Department and are subject to amendment from time to time by the City Plan Commission and Common Council.

11.03 PURPOSE

The general purpose of a design guide is to aide the Planning Staff and Plan Commission in planning, design, and redesign of the built environment of the City of Muskego so as to enhance its visual character, and avoid monotony. These standards will also assist in fostering sound, functional, attractive and quality development. The provisions shall be liberally construed in favor of the City and shall be considered as minimum standards.

11.04 ADOPTED DESIGN OVERLAY DISTRICTS

- (1) ODG-1: DOWNTOWN DESIGN DISTRICT
- (2) ODG-2: RACINE AVENUE GATEWAY DESIGN DISTRICT
- (3) ODG-3: DURHAM HILL DESIGN DISTRICT
- (4) ODG-4: MOORLAND CORRIDOR SOUTH DESIGN DISTRICT
- (5) ODG-5: TESS CORNERS GATEWAY DESIGN DISTRICT
- (6) ODG-6: GENERAL DESIGN DISTRICT (Whole City)
- (7) ODG-7: BUSINESS PARK DESIGN DISTRICT

SECTION 12 TRADITIONAL NEIGHBORHOOD DEVELOPMENT

12.01 STATUTORY AUTHORIZATION

This Chapter is adopted pursuant to the authority contained in sections 62.23 and 66.1027 of the Wisconsin Statutes.

12.02 PURPOSE

The purpose of this Chapter is to allow the optional development and redevelopment of land in the City of Muskego consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

- (1) Is compact;
- (2) Is designed for the human scale;
- (3) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
- (4) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- (5) Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
- (6) Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
- (7) Incorporates significant environmental features into the design;
- (8) Is consistent with the City's adopted Comprehensive Plan.

12.03 APPLICABILITY

The Traditional Neighborhood Development Chapter is an alternative set of standards for development within the City for new developments of at least four (4) acres in total area, under the auspices of the PD Planned Development Overlay District.

12.04 FEES

The Common Council may, by resolution, establish fees from time to time for the administration of this Section.

12.05 APPLICATION PROCEDURE AND APPROVAL PROCESS

- (1) Prior to the issuance of any permits for development within a Traditional Neighborhood Development, the following steps shall be completed according to the procedures outlined in this Part:
 - A. The applicant shall have had an initial conference;
 - B. A General Implementation Plan and a zoning map amendment to a Traditional Neighborhood Development District shall be approved by the Common Council pursuant to the standards and procedures of the PD – Planned Development Overlay District of Chapter 17, Zoning;
 - C. A Specific Implementation Plan shall be approved by the Common Council.

(2) INITIAL CONFERENCE

Before submitting an application for a Traditional Neighborhood Development project, the applicant shall schedule an appointment and meet with the Community Development Department Staff to discuss the procedure for approval of a Traditional Neighborhood Development project, including submittal requirements and design standards.

(3) GENERAL IMPLEMENTATION PLAN

Process. Following the initial conference, the applicant shall submit a general implementation plan to the Community Development Department together with an application for a zoning map amendment to an PD – Planned Development Overlay District.

- A. Per Section 2 of the Zoning Code, the Planning Staff shall schedule a public hearing before the Common Council to consider the zoning map amendment request and to consider a recommendation for approval or disapproval of a general implementation plan. At the next regularly scheduled Plan Commission meeting, the Plan Commission shall receive a report from the Planning staff recommending approval, disapproval or approval with specified modifications. Upon completion of necessary study and investigation, the Plan Commission shall recommend to the Common Council to either:
 1. Approve the General Implementation Plan and PD zoning map amendment,

2. Approve the General Implementation Plan and PD zoning map amendment with modifications, or
 3. Deny the General Implementation Plan and PD zoning map amendment.
- B. The Common Council shall receive the recommendation from the Plan Commission and a report from the Community Development Director or municipal staff. Upon due consideration, the Common Council shall either:
1. Approve the General Implementation Plan and zoning map amendment,
 2. Approve the General Implementation Plan and zoning map amendment with modifications, or
 3. Deny the General Implementation Plan and zoning map amendment.
- (4) General Implementation Plan Submittal Requirements.

The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed development. The General Implementation Plan shall include the following:

- A. A general location map of suitable scale, but no less than one inch = 200 feet, which shows the location of the property within the community and adjacent parcels including locations of any public streets, railroads, major streams or rivers and other major features within 1000 feet of the site.
- B. A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as "poorly drained" or "very poorly drained," soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), steep slopes greater than 12%, and brownfields.
- C. A conceptual site plan, at a scale of no less than one inch = 100 feet, which indicates topography in two foot contours for sites with 15 feet or more of local relief, or one foot contours for local sites with less than 15 feet of local relief, consisting of a map with proposed features and existing site features and uses that will remain. These features should include building outlines, location of streets, transit stops, drives and parking areas, pedestrian and bicycle paths, service access areas for receiving material and trash removal, and other impervious surfaces. The location of proposed and existing to remain trees and shrubs should also be included, along with any other significant features.
- D. A conceptual storm water management plan identifying the proposed patterns of major stormwater runoff, locations of stormwater infiltration areas, and other significant stormwater best management practices.
- E. Identification of the architectural style(s) of the Traditional Neighborhood Development and the accompanying site design style(s). The design style of the Traditional Neighborhood

- Development shall be conveyed with drawings or computer simulations of typical proposed building elevations (including dimensions of building height and width, and facade treatment).
- F. A written report that provides general information about the covenants, conservation easements, or agreements that will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives.
 - G. Any other information deemed necessary by the Plan Commission, Common Council, or Community Development Director in order to evaluate plans.
 - H. Eighteen (18) copies of the above information shall be submitted plus one (1) reduced set no larger than 11 inches by 17-inches.
 - I. Digital Map Required. A digital *.DXF file, *.DGN file, or *.DWG file of the certified survey map be submitted to the City prior to City signatures being placed upon the CSM (3-1/2" diskette or CD ROM) and all information transmitted on the diskette or CD ROM shall be tied to and referenced to State Plane Coordinates NGVD 1929 or others approved by the Engineering/Building Inspection Director.

(5) SPECIFIC IMPLEMENTATION PLAN

Specific Implementation Plan Process. The purpose of the Specific Implementation Plan is to establish a detailed development proposal. The Specific Implementation Plan can be proposed, reviewed, and acted upon as whole or in part or phases. Following approval of the General Implementation Plan, the applicant shall submit a Specific Implementation Plan to the Community Development Department.

- A. Within 30-days following receipt of the Specific Implementation Plan, the Plan Commission shall receive a report from the Planning Staff recommending approval, disapproval or approval with specified modifications. The Plan Commission shall determine that the proposed Specific Implementation Plan is in substantial conformance with the approved General Implementation Plan. Upon due consideration, the Plan Commission shall recommend that the Common Council either:
 - 1. Approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan;
 - 2. Approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan with specified modifications; or
 - 3. Deny the Specific Implementation Plan.
- B. Following Plan Commission recommendation, the Common Council shall receive the recommendation from the Plan Commission and the report from the planner or municipal staff. Upon due consideration, the Common Council shall either:

1. Approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan;
 2. Approve the Specific Implementation Plan as being in substantial conformance with the General Implementation Plan with specified modifications; or
 3. Deny the Specific Implementation Plan.
- (6) Specific Implementation Plan Submittal Requirements. The applicant shall submit a series of plans, maps, and written materials which include the following information:
- A. A general location map of suitable scale which shows the boundaries and dimensions of the property within the context of the City and adjacent parcels, including locations of any public streets, railroads, major streams or rivers and other major features within 1000 feet of the site, along with a legal description of the property.
 - B. A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within 42 inches of the surface, utility easements for high-tension electrical transmission lines (>69KV), slopes greater than 12%, and brownfields.
 - C. A site plan, including proposed topographic contours at one foot intervals, with the following information:
 1. The location of proposed structures and existing structures that will remain, with height and gross floor area noted;
 2. The location of street and pedestrian lighting, including lamp intensity and height;
 3. The location of proposed open space;
 4. The circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets or right-of-ways; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking and loading spaces, include service access for receiving and trash removal; sidewalks and other walkways;
 5. Location of all trees, shrubs, and ground cover (proposed or existing) to remain on the site.
 - D. A storm water management plan for the site as outlined in Chapter 34, Storm Water Management Code.
 - E. Building Site and Operational Plan as required by Section 4 including, detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs, building materials and percentage of

ground floor commercial facade in windows; the location, height and material for screening walls and fences, including outdoor trash storage areas, electrical, mechanical and gas metering equipment, storage areas for trash and recyclable materials, and rooftop equipment.

- F. Utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas, telecommunications, etc.
- G. A written report that completely describes the proposal and indicates covenants or agreements that will influence the use and maintenance of the proposed development. The report also shall describe the analysis of site conditions and the development objectives.
- H. Phasing plans, where applicable.
- I. Any other information deemed necessary by the Common Council in order to evaluate plans.
- J. Eighteen (18) copies of the above information shall be submitted, plus one (1) reduced set no larger than 11-inches by 17-inches.

(7) AMENDMENTS TO THE SPECIFIC IMPLEMENTATION PLAN

Minor changes to the Specific Implementation Plan adopted by the Common Council may be approved by the Community Development Department, provided that the changes do not involve:

- A. Increases or decreases of less than five percent (5%) in floor area of structures or number of dwelling units.
- B. Change in exterior building material or color.
- C. Alteration of any conditions attached or modification to the Specific Implementation Plan made by the Common Council.
- D. A major change to a Specific Implementation Plan that is less restrictive than any conditions of approval for the initial Specific Implementation Plan, and shall require approval by a majority vote of all members of the Common Council.

(8) SUBDIVISION OF LAND

If the Traditional Neighborhood Development involves the subdivision of land as defined in Chapter 18, Land Division Ordinance, the applicant shall submit all required land division documents in accordance with the requirements of Chapter 18 of the Municipal Code and Chapter 236 of the Wisconsin Statutes. If there is a conflict between the design standards of Chapter 18, Land Division Ordinance and the design guidelines of this Chapter, the provisions of this Chapter shall apply.

(9) OWNERSHIP AND MAINTENANCE OF OPEN SPACE

Provision shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a Traditional Neighborhood Development by dedication to the City.

(10) RECORDING OF DOCUMENTS.

The following documents need to be filed by the applicant in the County Register of Deeds Office within 30 days after approval of the document by the Common Council:

- A. A certified copy of the zoning ordinance amendment designating a tract of land as an PD - Planned Development Overlay District;
- B. The general implementation plan; and
- C. The specific implementation plan.

12.06 TRADITIONAL NEIGHBORHOOD DEVELOPMENT DESIGN STANDARDS

(1) NEIGHBORHOOD USES

In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development should consist of a mix of residential uses, a mixed use area, and open space as provided below:

- A. A mix of residential uses of the following types can occur anywhere in the traditional neighborhood development. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the Traditional Neighborhood Development.
 1. Single-family detached dwellings;
 2. Single-family attached dwellings, including duplexes, townhouses, row houses;
 3. Multifamily dwellings, including senior housing;
 4. Secondary dwelling units, such as Mother-In-Law Units as allowed by Section 8.01
 5. "Special needs" housing, such as community living arrangements and assisted living facilities.
- B. Mixed use area, of commercial, residential, civic or institutional, and open space uses as identified below. All residents should be within approximately 1/4 mile or a 5-minute walk from existing or proposed commercial, civic, and open space areas. Individual businesses should not exceed 6000 square feet in size.
 1. Commercial uses.
 - a. Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-thrus; cafes; coffee shops; neighborhood bars or pubs);
 - b. Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);
 - c. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);

- d. Accommodations (bed and breakfast establishments, small hotels or inns).

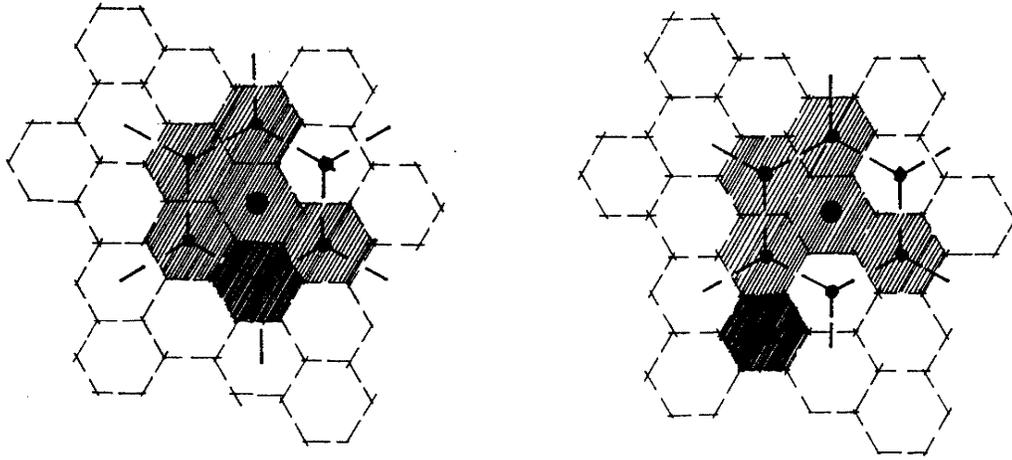


Figure 1. Plan-view conceptual diagrams of neighborhood commercial “service areas” (hexagons). Each hexagon represents a neighborhood with a mixed-use center (dot) that is within a five-minute walking distance of the neighborhood’s edge. Clusters of neighborhoods (larger hexagon) can support more extensive commercial development than individual neighborhoods. The appropriate amount of commercial uses within a traditional neighborhood development depends on the location, or community context, of the new development (darker shaded hexagon).

2. Residential uses.
 - a. Single-family attached dwellings, including duplexes, townhouses, row houses;
 - b. Multifamily dwellings, including senior housing;
 - c. Residential units located on upper floors above commercial uses or to the rear of storefronts;
 - d. “Live/work” units that combine a residence and the resident’s workplace;
 - e. “Special needs” housing, such as community living arrangements and assisted living facilities.
3. Civic or institutional uses.
 - a. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
 - b. Transit shelters;
 - c. Places of worship;
 - d. Educational facilities.
4. Open space uses.
 - a. Central square;
 - b. Neighborhood park;
 - c. Playground.



Figure 2. Elevation sketch of a typical streetscape within a mixed-use area. Architectural design, street furniture, and landscaping all contribute to an attractive, human-scaled environment with a distinct visual character.

5. Open space uses identified below should be incorporated in the traditional neighborhood development as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than central locations.
 - a. Environmental corridors;
 - b. Protected natural areas;
 - c. Community parks;
 - d. Streams, ponds, and other water bodies;
 - e. Stormwater detention/retention facilities.

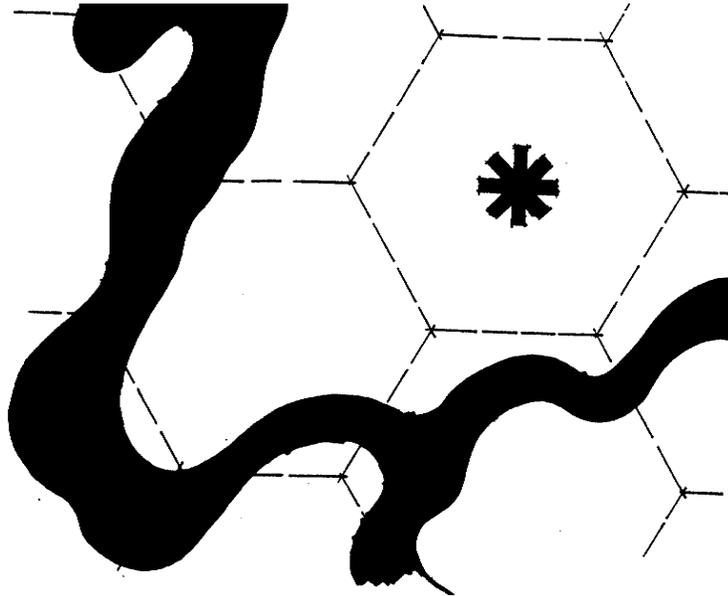


Figure 3. Plan-view diagram illustrating the importance of context in planning public open space. Large, contiguous open spaces are community-wide resources with environmental, aesthetic, recreational, and educational benefits. Smaller parks and open spaces (asterisk) should be located in neighborhoods (hexagons) that are not within easy walking distance of community parks and open space.

(2) DEVELOPMENT UNITS.

The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:

A. In areas devoted to mixed residential uses:

1. The number of single-family attached and detached units permitted shall be 5 – 8 dwelling units per net acre;
2. The number of multi-family units shall be 8 –12 dwelling units per net acre.
3. Secondary dwelling units shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of secondary dwelling units shall not be more than 10-percent (10%) of the total number of single-family attached and detached units.
4. For each affordable housing unit provided under this section, one additional dwelling unit shall be permitted, up to a maximum 15-percent (15%) increase in dwelling units.

B. In mixed-use areas:

1. The number of single-family and multi-family dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed 10-percent (10%) of the amount permitted above.

2. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than 10 dwelling units or 10-percent (10%), whichever is greater.
3. The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed 25-percent (25%) of the traditional neighborhood development.

(3) OPEN SPACE

At least 20-percent of the gross acreage of the Traditional Neighborhood Development must be open space. Open space may include undevelopable areas such as steep slopes and wetlands, and stormwater detention and retention basins. Ninety-percent (90%) of the lots within the areas devoted to mixed residential uses shall be within a ¼ mile or a 5 minute walk from common open space.

(4) STORM WATER MANAGEMENT

The design and development of the traditional neighborhood development should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the requirements as outlined in Chapter 34, Storm Water Management of the Municipal Code.

(5) LOT AND BLOCK STANDARDS.

- A. Block and lot size diversity. Street layouts should provide for perimeter blocks that are generally in the range of 200 – 400 feet deep by 400 – 800 feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

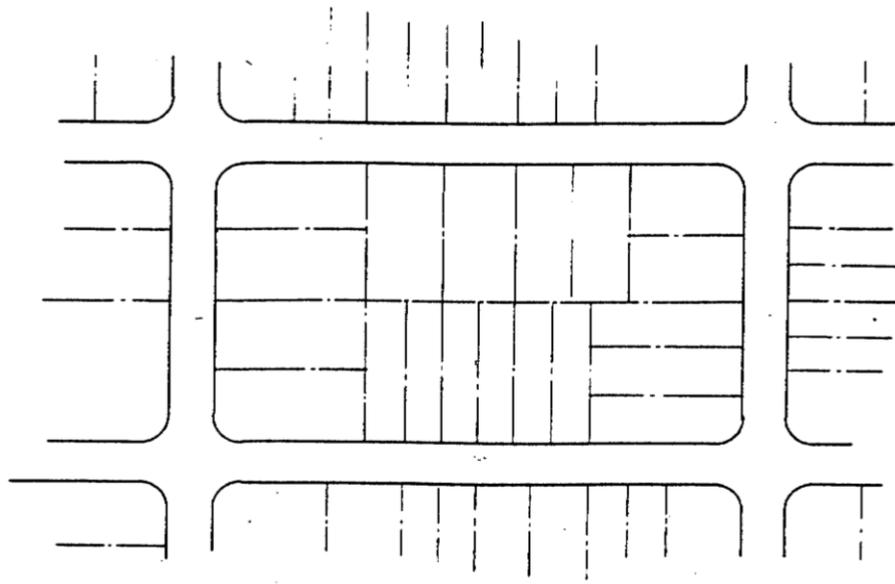
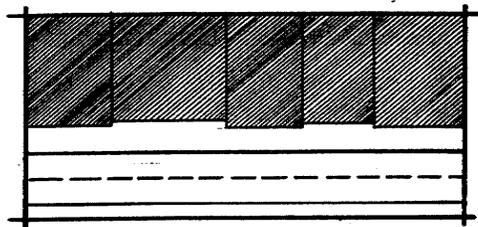
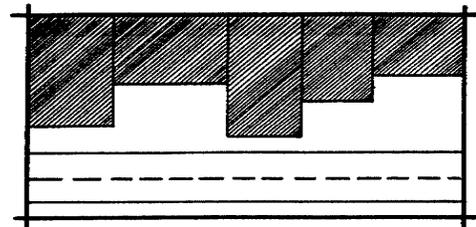


Figure 4. Plan-view diagram of a street grid showing a diversity of lot (parcel) sizes.

- B. Widths. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
- C. Building Setback, Front - Mixed Use Area. Structures in the mixed-use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed-use area.



a.



b.

Figure 5. Plan-view diagrams showing two alternatives for building setbacks from the street right-of-way in mixed-use areas. Relatively uniform setbacks (a) are preferable to widely varying building setbacks (b).

- D. **Building Setback, Front - Areas of Mixed Residential Uses.** Single-family detached residences shall have a building setback in the front between 0-feet and 25-feet. Single-family attached residences and multifamily residences shall have a building setback in the front between 0 and 15 feet.
- E. **Building Setback, Rear - Areas of Mixed Residential Uses.** The principal building on lots devoted to single-family detached residences shall be setback no less than 30-feet from the rear lot line.

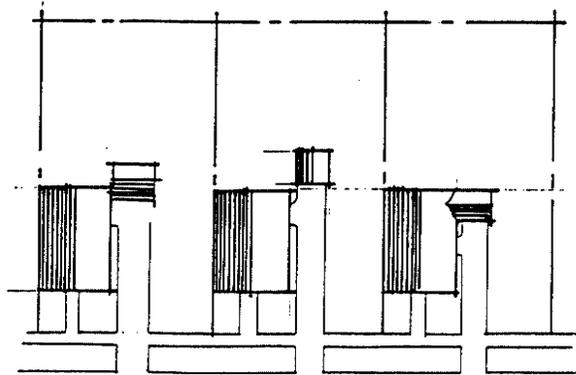


Figure 6. Plan-view diagram of the zero-lot line concept. A large side-yard on each parcel is created by uniformly eliminating one of the side-yard setbacks.

- F. **Side Setbacks.** Provision for zero lot-line single-family dwellings may also be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

(6) CIRCULATION STANDARDS.

The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood development.

- A. Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the Traditional Neighborhood Development. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Table 1. The following provisions also apply:
1. Walkways in residential areas. Clear and well-lighted walkways, 3 – 5 feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public recreational trails.
 2. Walkways in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public walkways and to associated parking areas. The Public Works Committee shall determine the width of such walkways.
 3. Disabled Accessibility. Walkways shall comply with the applicable requirements of the Americans with Disabilities Act.
 4. Crosswalks. Intersections of walkways with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- B. Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users) and separate, striped, 4-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be 14 feet.
- C. Public Transit Access. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance, and shall be well-lighted.
- D. Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as “queuing streets,” curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.
1. Street Hierarchy. Each street within a traditional neighborhood development shall be classified according to the following (arterial streets should not bisect a traditional neighborhood development):
 - a. Collector. This street provides access to commercial or mixed -use buildings, but it is also part of the [city/village]’s major street network.

On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings.

- b. Subcollector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 mph.
- c. Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of 20 mph.
- d. Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.

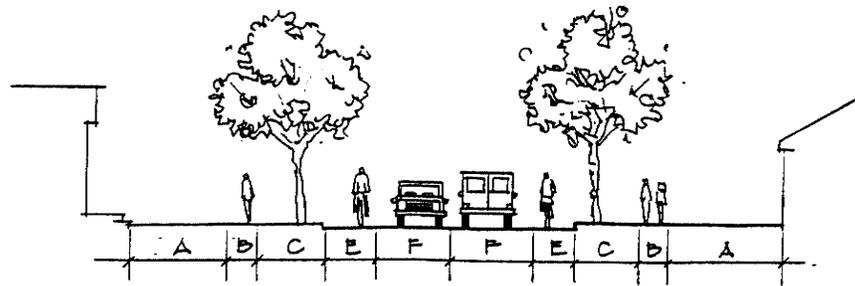


Figure 7a. Schematic sketch of a typical local street cross-section. Table 1 lists the recommended dimensions of each component: A) building setback from street right-of-way; B) walkway; C) planting area; F) travel lane.

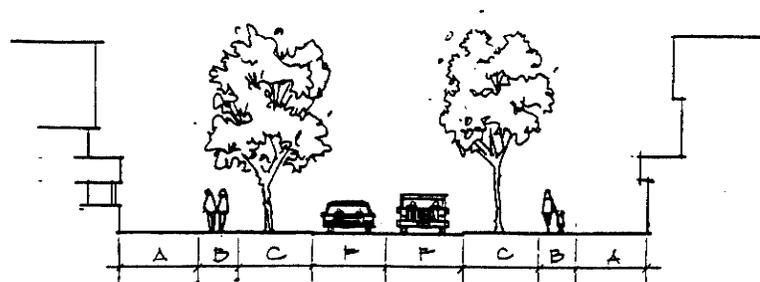


Figure 7b. Schematic sketch of a typical sub-collector street cross-section. Table 1 lists the recommended dimensions of each component: A) building setback from street right-of-way; B) walkway; C) planting area; E) bicycle lane; F) travel lane.

Table 1: Attributes of Streets in a Traditional Neighborhood Development

	Collector	Subcollector	Local Street	Alley
Average Daily Trips	750 or more	750-1500	Less than 250	Not applicable
Right-of-Way	76-88 feet	48-72 feet	35-50 feet	12-16 feet
Auto travel lanes	Two or three 12 foot lanes	Two 10 foot lanes	Two 10 foot lanes, or one 14 feet (queuing) lane	Two 8 feet lanes for two-way traffic, or one 12 foot lane for one-way traffic
Bicycle lanes	Two 6 feet lanes combined with parking lanes	4 feet lanes with no parking, or 6 feet lanes combined with parking lanes	None	None
Parking	Both sides, 8 feet	None, one, or both sides, 8 feet	None or one side, 8 feet	None (access to individual drives & garages outside Right-of-way)
Curb and gutter	Required	Required	Not required	None
Planting strips	Minimum 6 feet	Minimum 6 feet	Minimum 6 feet	None
Sidewalks	Both sides, 5 feet minimum	Both sides, 3-5 feet	Both sides, 3-5 feet	None

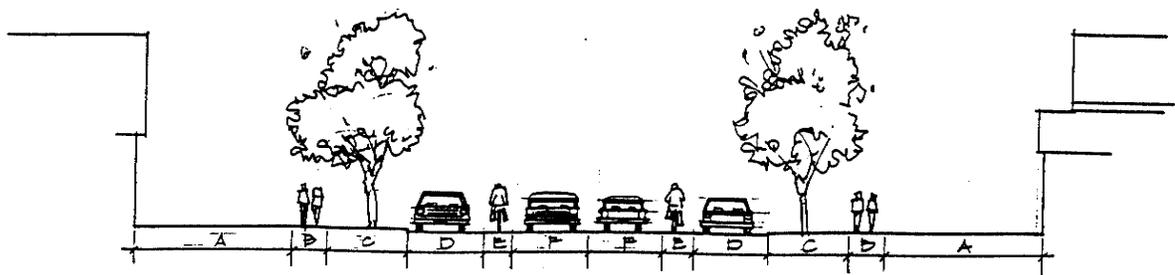


Figure 7c. Schematic sketch of a typical collector street cross-section. Table 1 lists the recommended dimensions of each component: A) building setback from street right-of-way; B) walkway; C) planting area; D) parking lane; E) bicycle lane; F) travel lane.

2. Street Layout. The traditional neighborhood development should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:

- a. Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence) that significantly reduces accidents without the use of traffic controls.
- b. Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for local streets and 20 feet for intersections involving collector or arterial streets. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.
- c. Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic or multifamily residential uses. Clear sight triangles shall be maintained at intersections, as specified below, unless controlled by traffic signal devices:

Intersection of:	Minimum clear sight distance:
local street and collector	120 feet
collector and collector	130 feet
collector and arterial	50 feet

- d. The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

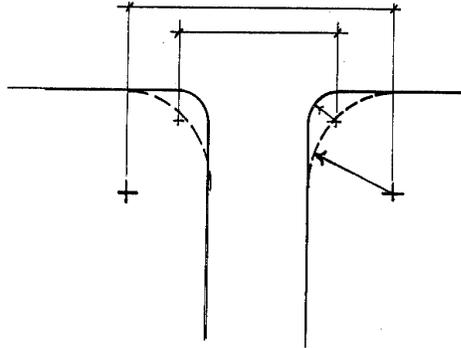


Figure 8. Plan-view diagram of a street intersection. Reducing the radius of street corners slows turning vehicle traffic and shortens pedestrian crosswalks.

3. Parking requirements. Parking areas for shared or community use should be encouraged. In addition:
 - a. In the mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Section 12.08.
 - b. A parking lot or garage may not be adjacent to or opposite a street intersection.
 - c. In the mixed-use area, a commercial use must provide one parking space for every 500 square feet of gross building area.
 - d. Parking lots or garages must provide not less than one bicycle parking space for every 10 motor vehicle parking spaces.
 - e. Adjacent on-street parking may apply toward the minimum parking requirements.
 - f. In the mixed residential areas, parking may be provided on-site. One (1) off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit.
 - g. Multi-family uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom.

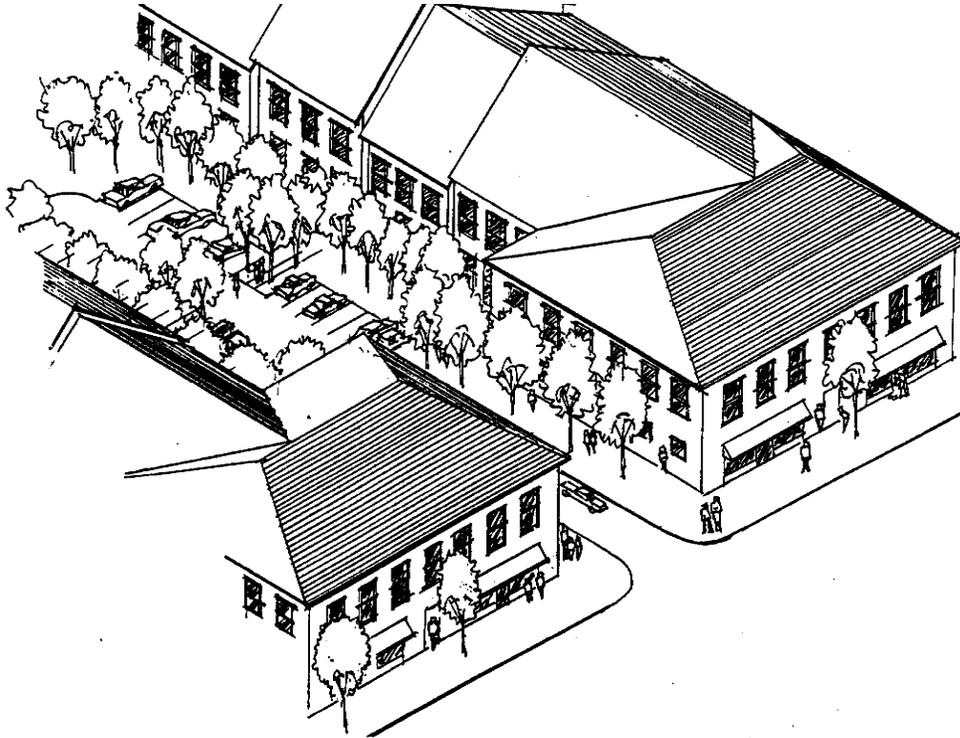


Figure 9. Aerial perspective sketch of a mixed-use area integrating commercial (ground floor) and residential (second story) uses. A relatively narrow gap in the continuous “street wall” (created by the mixed -use buildings) provides access from the street to a landscaped, “pedestrian-friendly” parking lot.

4. Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.
5. Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

12.07 ARCHITECTURAL STANDARDS

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

(1) Guidelines for Existing Structures

- A. Existing structures, if determined to be historic or architecturally significant, shall be protected from demolition or encroachment by incompatible structures or landscape development.
- B. Standards. The U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

(2) Guidelines for New Structures

- A. Height. New structures within a Traditional Neighborhood Development shall be no more than 3 stories for single-family residential, or 5 stories for commercial, multi-family residential, or mixed use.

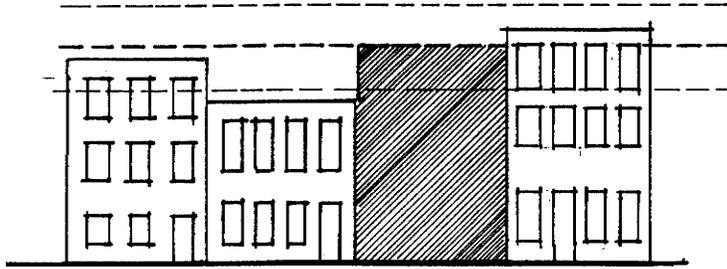


Figure 10. Schematic elevation sketch of a mixed-use streetscape. To create a visually unified streetwall, buildings should be no more than 30% taller or 30% shorter than the average building height on the block.

B. Entries and Façades

1. The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street.
2. The front façade of the principal building on any lot in a Traditional Neighborhood Development shall face onto a public street.
3. The front façade shall not be oriented to face directly toward a parking lot.
4. Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
5. For commercial buildings, a minimum of 50-percent (50%) of the front façade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
6. New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.

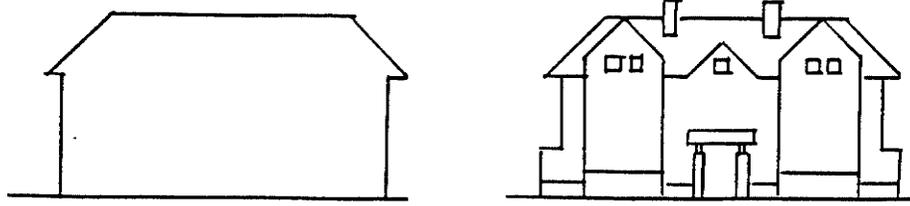


Figure 11. Schematic elevation sketches of two multi-storied buildings with equal heights and widths. Architectural details such as porches, windows, and roof dormers articulate a building's façade (right) which enhances visual quality and contributes to a human-scaled development.

- (3) Guidelines for garages and secondary dwelling units. Garages and secondary dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the secondary dwelling unit shall not exceed 800 square feet.

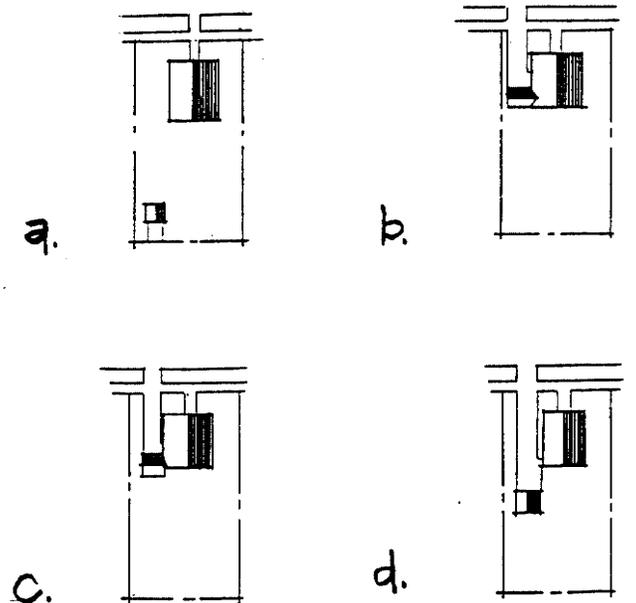


Figure 12. Plan-view diagrams of four alternative garage locations on a single-family housing lot: a) detached garage is accessed from an alley; b and c) attached garage is accessed from the local street, d) detached garage, behind the house, is accessed from the local street.

- (4) Guidelines for exterior signage. A comprehensive sign program is required for the entire Traditional Neighborhood Development that establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, all signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed 8 square feet.
- (5) Guidelines for lighting. Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Streetlights shall be installed on both sides of the street at intervals of no greater than 75-feet. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

12.08 LANDSCAPING AND SCREENING STANDARDS.

- (1) Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.
- (2) Street trees. Shall be required in accordance with Chapter 37, Trees.
- (3) Parking area landscaping and screening.
 - A. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 1. A landscaped area at least 5-feet wide along the public street or sidewalk.
 2. Screening at least 3-feet in height and not less than 50-percent (50%) opaque.
 3. One tree for each 25-linear feet of parking lot frontage.
 - B. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - C. In large parking lots containing more than 200 spaces, an additional landscaped area of at least 300 square feet shall be provided for each 25 spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
- (4) Installation and Maintenance of Landscaping Materials.
 - A. All landscape materials shall be installed to current industry standards.

- B. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.
- (5) Materials. All plant materials must meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape species shall be indigenous or proven adaptable to the climate, but shall not be invasive species. Plant materials shall comply with the following standards:
- A. Minimum plant size shall be as specified as follows (for the purpose of determining tree trunk size, the diameter shall be measured 6 inches above ground level):

Plant Type	Minimum Size
Evergreen tree	6 feet in height
Deciduous canopy tree	22 inches caliper at dbh*
Small deciduous tree	12 inches caliper at dbh*
Evergreen or deciduous shrubs	18 - 24 inches in height
<i>*dbh = diameter at breast height</i>	

- B. Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought and salt.
- C. Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.
- D. Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within 2 years.

SECTION 13 WELLHEAD PROTECTION OVERLAY DISTRICT (Ord. #1301 10-22-2009)

13.01 STATEMENT OF INTENT

Purpose. The Wellhead Protection Area is intended to institute land use regulations and restrictions to protect the City of Muskego's municipal water supply and well fields and to promote the public health, safety and general welfare of the residents of the City of Muskego. Thus, the City adopts the separation distances and restricted land use practices per § NR 811 and any future changes that may occur.

13.02 APPLICABILITY

The regulations specified by this district shall apply to all lands and/or structures that lie within the separation distances specified in conformance with § NR 811 of each City of Muskego municipal well within the City of Muskego corporate limits.

13.03 MAPPING

It is recognized that the actual Wellhead Protection Areas are ever-changing due to parcel reconfigurations and building placements. The overlay area shall be recognized on the City's zoning maps by the location of the wells owned and maintained by the City along with the circles noting the maximum 1,200 foot distance per § NR 811.

The prior mapping of wellhead protection areas is hereby repealed and recreated as set forth in the zoning map, which is hereby adopted.

SECTION 14 CONDITIONAL USES

14.01 GENERAL

(1) APPROVAL REQUIRED

Uses listed as permitted by conditional grant may be permitted in the district in which listed upon petition for such grant to the Plan Commission and subject to the approval of the Commission and to such other conditions as hereinafter designated.

(2) BASIS FOR APPROVAL

The Plan Commission shall base their determination on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the City and specifically of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carrying out the intent of conditional grants.

14.02 APPLICATION PROCEDURE

(1) PETITION

A request for conditional use grant shall be submitted in writing to the Community Development Department who shall promptly refer such petition to the Plan Commission for determination. Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request including specifically the following:

- A. An accurate map of the property including indication of general terrain and topographical characteristics, the location of all significant terrain features such as streams, ponds, tree growths, etc., and the location of all existing structures.
- B. An accurate and complete written description of the use for which conditional grant is being requested including pertinent statistics and operational characteristics.
- C. Plans and other drawings showing proposed development of the site and buildings including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc.

(2) PUBLIC HEARING

Upon referral to the petition the Plan Commission shall schedule a public hearing thereon as soon as practical.

(3) DETERMINATION

Following public hearing and necessary study and investigation the Plan Commission shall as soon as practical render its decision in writing and a copy made a permanent part of the Commission's records. Such decision shall include an accurate description of the use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved, shall indicate the reasons for disapproval.

(4) MAPPING & RECORDING

When conditional grant is approved, the Building and Occupancy and Zoning Use Permits shall be applicable solely to the structures, use and property so described. Indication of such grant shall also be made on the Zoning Map by appropriate code number of symbol.

14.03 REQUIREMENTS

(1) STANDARD REQUIREMENTS

- A. Except as may be specifically otherwise provided, any such use shall conform to the Building Location, Height, Building Size, Lot Size, and Open Space regulations of the district in which it is located.
- B. Building, Site and Operation Plans of the proposed use shall be submitted for approval of the Plan Commission. Such plans shall be in sufficient detail to enable the Commission to evaluate the suitability of architectural and landscape treatment; the proper location of the building or buildings on the lot; the satisfactory provision for parking and circulation needs, for drainage and sewage disposal for adequate planting screen where necessary, and for operational control devices where necessary to eliminate noise, dust, odor, smoke, or other objectionable operating condition; and the general compatibility of the proposed use with the area in which it is located.

(2) SPECIAL REQUIREMENTS

In addition to the general standards and requirements as stated in this section, such conditional uses shall be subject to more specific standards and requirements pertinent to the particular use, which standards and requirements may be set out in a supplementary guide for conditional use regulation adopted by the Commission, and modified from time to time in order that they reflect the best and most contemporary of regulatory practices.

(3) MODIFICATION OF REGULATIONS

Requirements applicable to uses permitted by right or as accessory uses in any district by the regulations of this ordinance may be modified or waived by the Plan Commission in their application to a conditional use if in the Commission's opinion they are not appropriate or necessary to the proper regulation of the conditional use, and where such modification or

waiver would not in the Commission's opinion result in adverse effect upon surrounding properties.

(4) ACCESSORY USES AND STRUCTURES

Uses and structures accessory to a principal conditional use may be permitted subject to appropriate regulations in the same manner as herein before set forth for the principle conditional use.

(5) RUSTIC STRUCTURES

Applications for Conditional Use status for Rustic Structures shall first be referred to the Conservation Commission for a recommendation as to whether a particular accessory structure or building meets the definition found in this Code. In reviewing an application for Conditional Use, the Plan Commission shall consider the recommendation of the Conservation Commission, the definition of Rustic Structure, and whether the accessory structure existed as of January 1, 2002. All conditional use grants issued under this Section shall be subject to periodic review as determined by the Plan Commission on a case-by-case basis.

(6) GASOLINE SERVICE STATIONS

In the case of requests for a conditional grant for a gasoline service station in a commercial zoning District, such grant is subject to the express condition that no such station shall be located, built, constructed, maintained or operated:

- A. Within 500 feet of any public building or within the same distance of any public theatre or park.
- B. Within 1500 feet of any other automobile service station unless the Plan Commission determines, upon examining the plan and specifications of the size and layout of the proposed station submitted by the prospective operator and upon examining a report of the City Engineer as to the effect of such a station upon present traffic conditions, that the proposed station will not result in traffic, fire, health, or safety hazard, that such a station will not be offensive or a nuisance to the surrounding neighborhood by reasons of its physical, social or economic feasibility.
- C. So that the boundary line of any driveway connection such station with any street is nearer than 150 feet from an intersection unless the Plan Commission determines, upon examining the plans and specifications of the size and layout of the proposed station submitted by the prospective operator and upon examining a report of the City Engineer as to the effect of such a station upon present traffic conditions, that the location and access driveways of the proposed station will not result in a traffic or safety hazard nor unduly interfere with the orderly and expeditious flow and control of traffic at such intersection, in which case the Plan Commission may reduce said 150-foot requirement but may not reduce such requirement below 100 feet and in any case within the visual setback line.

- (7) REASONABLE ACCOMMODATIONS FOR THE DISABLED (Ord. #1351 – 03-22-2012)

A waiver to a dimensional zoning regulation can be granted through a Conditional Use Grant to offer a reasonable accommodation for a person with disabilities. Said grants should only be issued for current needs and only the minimum waiver necessary should be granted, with all other non-waiver options first being explored and ruled out. The Plan Commission can impose conditions as part of said grant, such as having said structure/feature removed once the disabled person vacates the property.

14.04 CHANGES AND AMENDMENTS TO APPROVED CONDITIONAL USE GRANTS

Subsequent Change or Addition to the approved Conditional Use Grants shall first be submitted for approval to the Plan Commission and if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration based on the standards set forth in this Code, a public hearing before the Plan Commission shall be required.

14.05 APPLICATION TO EXISTING USES

- (1) A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only as a conditional grant, shall automatically be granted conditional use status.
- (2) The grant of conditional use in such case shall be based upon the existing conditions at that time and any expansion or change in use shall require changing of the conditional use grant.
- (3) Petition may be made at any time for expansion or other change of the conditional use grant and such petition shall not prejudice the existing grant as herein authorized.
- (4) Conditional use status granted under previous zoning regulations shall be considered in effect under this ordinance subject to the conditions established by the original grant. Any expansion or other change, however, shall be subject to the provisions of this ordinance.

14.06 TERMINATION

Where a permitted conditional use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare the conditional grant may be terminated by action of the Common Council following referral to the Plan Commission for recommendation, and public hearing thereon. Such use shall thereafter be classified as legal nonconforming use, except that where the action is due to failure to comply with the conditions of the conditional grant, the Common Council may require complete termination of such use.

When the owner of the property/business is requesting the termination willingly, due to the use being discontinued, a public hearing is not required. Building, Site, and Operation Plan amendment review is still required by the Plan Commission to terminate said use in this circumstance. (Ord. #1351 – 03-22-2012)

SECTION 15 ACCESSORY USES AND STRUCTURES

15.01 GENERAL REQUIREMENTS

- (1) Any accessory use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided.
- (2) No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.
- (3) No accessory use or structure shall be permitted without a principal use on a property except as specifically otherwise provided.
- (4) In any case where the principal use is permitted as a conditional grant, or is permitted only after approval of building, site and operational plans, the requirements of (1) and (2) above shall apply also to any use or structure accessory thereto, except that where such accessory use is added subsequent to the original approval, the Plan Commission may grant approval of any such accessory use without necessity for public hearing if in their opinion it is compatible to the original grant and is not of sufficient scope or different character to necessitate further public hearings.

15.02 HOME OCCUPATIONS

- (1) When Permitted. Home Occupations shall be permitted as an Accessory Use when incident to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the provisions of this Section.
- (2) Business Registration required. The Community Development Director or their designee may approve Home Occupations without necessity of a Building Site and Operation Plan. All persons engaged in Home Occupations shall register their use by completing a Business Registration Form available through the Community Development Department. Updates to an approved Home Occupation may be requested at anytime by the Community Development Director as need be or revocation of an approved home occupation may result.
- (3) Regulations Applicable to Home Occupations:
 - A. Such uses shall not occupy more than 20% of the Assessed Floor Area of the principal structure in which it is located.
 - B. Such use shall not employ more than one person not a resident on the premises.
 - C. No such use shall be permitted which normally necessitates the coming of the customer or client to the premises, or his presence on the premises while the service is being performed, or otherwise generates pedestrian or vehicular traffic incompatible with the rural or residential character of the neighborhood, except for teaching or tutoring academic subjects, or the studios where

- dancing, music or other art instruction is offered to no more than two (2) pupils at one time.
- D. Any off street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.
 - E. Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
 - F. Such use shall not include the operation of any machinery, tools or other appliances, or the outside storage of materials, or other operational activity, which would create a nuisance or be otherwise incompatible to the surrounding residential area.
 - G. A nameplate not in excess of 3 square feet in area shall be permitted.
 - H. Home occupations are first and foremost for home office type uses in the principal structure. Any outdoor needs of a home occupation will be highly scrutinized and may require Plan Commission approval so as to regulate exactly what the outdoor activities and uses consist of.
 - I. A home occupation use is allowed in residentially zoned areas. However, the areas are first and foremost for residentially orientated uses. Residents in a neighborhood should not notice that a business is being operated from this property. Home occupation uses that are deemed a nuisance to surrounding neighbors must be corrected or may be revoked.
 - J. Home Occupation uses must follow all adopted commercial vehicle/trailer regulations as listed in Chapter 17: Section 17.01(12). No exceptions to these requirements are allowed as part of an approved Home Occupation. (Ord. #1311 –02-04-2010)

15.03 MOTHER-IN-LAW UNITS

- (1) When Permitted. Mother-In-Law Units as defined in this Code shall be permitted as an Accessory Use when incident to the principal residential use, situated in the same building, and carried on by the residential occupant, subject to the provisions of this Section.
- (2) Building Site and Operation Plan required. All proposed Mother-In-Law units are subject to Building, Site, and Operational Plan approval by the Plan Commission following written notice being distributed by the City to neighboring property owners within 100 feet of the subject property.
- (3) Regulations Applicable to Mother-In-Law Units:

Such units may occupied by a resident(s) related through blood, marriage or adoption to a host-residence occupant.

 - A. Such units shall be no larger than 800 square feet in net floor area.
 - B. Access to the unit must be obtained via one door to the outside and a second non-lockable door or passageway to the main

- portion of the host-residence. Access is permitted to a garage area having no service door.
- C. Such units shall be dependent on utility infrastructure of the primary residence (i.e. sharing a common water meter, electric panel, etc.).
 - D. Such units shall be self-supporting in terms of livable needs (i.e. unit includes a kitchen, bath, den and bedroom).

15.04 HOBBY KENNELS AND HOBBY FARMS

(1) HOBBY KENNELS

- A. When Permitted. Hobby Kennels as defined in this Code shall be permitted as an Accessory Use on any property zoned for residential use, where said kennel is incidental to the principal residential use, subject to the provisions of this Section.
- B. Building Site and Operation Plan required. All proposed Hobby Kennels are subject to Building, Site, and Operational Plan approval by the Plan Commission following written notice being distributed by the City to neighboring property owners within 100 feet of the subject property.
- C. Dog Fancier Permit required. A Dog Fancier permit is required as per Chapter 13 of the Municipal Code for any person in a single family residential dwelling unit who keeps, harbors, raises or possesses not less than three nor more than four dogs, over the age of five months and permits may be issued to property owners or users only if the applicant's lot is 19,500 feet or greater in size.
- D. Regulations Applicable to Hobby Kennels. On properties in the RCE zoning district, or on properties totaling a minimum of 120,000 sq. ft., one additional dog per acre, above the number of dogs permitted per household per Chapter 13 of the Municipal Code of the City of Muskego.

(2) HOBBY FARMS

- A. When Permitted. Hobby Farms as defined in this Code shall be permitted as an Accessory Use on any property having at least 120,000 square feet of land area, and zoned for residential use. Said Hobby Farm must incidental to an existing principal residential use, and shall be subject to the provisions of this Section.
- B. Building Site and Operation Plan required. All Hobby Farms proposed from and after the adoption of this Code are subject to Building, Site, and Operational Plan approval by the Plan Commission following written notice being distributed by the City to neighboring property owners within 100 feet of the subject property.
- C. Permitted Fowl and Livestock. One (1) head of livestock and ten (10) fowl shall be permitted per 40,000 square feet of land area, to a maximum of thirty (30) head of livestock and fifty (50) fowl.

- D. Prohibited Fowl and Livestock. Hogs and fur bearing animals other than rabbits are prohibited.
- E. Permitted Horses. Horses shall be permitted when a parcel has at least 2.75 acres of land area. When the land is compliant, one horse is allowed for every 40,000 square feet of land area.
- F. Storage Requirements.
 - 1. On parcels of land less than 200,000 square feet in area, all bedding materials must be stored indoors.
 - 2. On parcels of land 200,000 square feet in area or greater, any outdoor piles of feed and bedding shall be located at least one-hundred (100) feet from any public right-of-way or adjacent residential lot line.
 - 3. Manure shall be stored no less than one-hundred (100) feet from any public right-of-way or adjacent non-residential lot line.

15.05 ACCESSORY USES AND STRUCTURES

(1) GENERAL

- A. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located except as specifically otherwise provided.
- B. No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.
- C. Accessory structures shall reflect or compliment the character or materials of the primary structure.
- D. In any case where the principal use is permitted as a conditional grant, or is permitted only after approval of building, site and operational plans, the requirements of A and B above shall apply also to any use or structure accessory thereto, except that where such accessory use is added subsequent to the original approval, the Plan Commission may grant approval of any such accessory use without necessity for public hearing if in their opinion it is compatible to the original grant and is not of sufficient scope or different character to necessitate further public hearings.

(2) ATTACHED ACCESSORY STRUCTURES

In all districts, any permanent roofed structure serving an accessory use if attached to the principal building shall be considered as part of such principal building for all regulatory purposes. If such structure is a building and is not attached to the principal building it shall conform to the building location, height, and open space requirements of the district in which such building is located.

(3) DETACHED ACCESSORY STRUCTURES – RESIDENTIAL DISTRICTS

Detached accessory structures located on parcels in a residence district where the principal use is present, except boat houses, shall be permitted subject to the following:

- A. Location: All accessory structures subject to this Section shall be located behind the base setback line of all street yards. Where the keeping of domesticated animals, livestock, and poultry is permitted by accessory use, structures occupied for said use shall be located a minimum of 50 feet from all lot lines.
- B. Area: Subject to the open space requirements of the zoning district, the total square footage of all accessory structures subject to this Section are permitted as follows:

Square footage permitted by right:	The greater of 720 square feet, or 60% of the assessed floor area of the principal structure.
Bonus square footage permitted for additional side yard offsets	+10 square feet of floor area for each one foot of side yard offset above the district minimum, provided that no such bonus shall exceed 300 square feet.
Square footage permitted for large parcels	Parcel sizes in excess of 40,000 square feet are allowed a maximum total floor area of all accessory structures to not exceed two percent (2%) of the total parcel area.

- C. Height: The height of all accessory structures subject to this Section shall conform to the following:

a. Private Garden Sheds	
Minimum Side Yard Offset	Permitted Height Above Grade
3 feet	9 feet
5 feet	13 feet
10 feet	15 feet

b. Private Garages and other accessory structures	
Height permitted by right:	15 feet
Height bonus permitted for additional offset:	+1 foot of height for every 5 feet of setback above the district minimum, provided that no such bonus result in a structure exceeding 20 feet in height as measured by Section 5.03.
Height bonus permitted for large parcels	+1 foot of height for every 10,000 square feet of parcel in excess of 40,000 square feet, provided that no such bonus shall result in an accessory structure which exceeds the height permitted for principal structures in the zoning district.

- D. Number: No more than one accessory structure in excess of 120 square feet shall be permitted on a lot except when the Plan

Commission finds that multiple accessory structures would meet the requirements set forth in Section 15.05(1)B above. One private garden shed (An accessory structure 120 square feet or less) is permitted on a residential lot and Plan Commission approval is needed when two structures of this nature are sought. An individual may have a private garden shed and an accessory structure greater than 120 square feet without Plan Commission approval.

- E. Architectural Requirements: All accessory structures subject to this Section must conform to the following additional requirements:
1. A minimum base floor consisting of either pressure treated lumber, asphalt flooring, sealed concrete block, or concrete slab must be provided except such areas where domesticated animals and livestock are to be quartered as permitted by this Ordinance.
 2. The architectural materials, color, and style of accessory structures shall conform to the materials, color, and style of the principal structure unless the property is subject to a Design Guide duly adopted as a component of the Comprehensive Plan and the proposed accessory structure is in conformance with the provisions of said Guide. Exceptions to this requirement may be made by the Plan Commission where it is determined that the structure meets one or more of the following:
 - a. The structure is screened from view,
 - b. The principal structure is composed of materials, colors, or styles that are inappropriate in their application to an accessory structure,
 - c. The Plan Commission finds other circumstances to be present which would result in undue harm to the property or its surroundings.
- F. Use Restricted: No private garage in a residence district shall be used for operation of any metalworking, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home occupation.
- G. Rustic Structures as defined in this code shall be allowed as a conditional use upon approval of the Plan Commission. If granted conditional use status, the Rustic Structure is not required to comply with the location, area, height, and architectural requirements for detached accessory structures in the district.

(4) DETACHED ACCESSORY STRUCTURES – BOATHOUSES

Properties within the RL-1, RL-2 and RL-3 Lakeshore Residence Districts are permitted one (1) boathouse subject to following:

- A. Location: minimum 20 feet from the ordinary high water mark and subject to the side yard offset provisions of the district, effective with new construction or relocations after November 15, 2001.
 - B. Height: not greater than 15 feet above the lowest grade.
 - C. Area: no greater than 525 square feet.
 - D. The boathouse must be designed and used principally for the storage of boats and accessory marine equipment normally used in the daily activities of lakefront property and which typically includes a large overhead door for primary access on the side of the structure facing the water.
 - E. A boathouse may not be habitable as defined in this code. Final decision as to whether any boathouse, would be considered habitable, will be determined by the Building and Engineering Director.
- (5) DETACHED ACCESSORY STRUCTURES –AGRICULTURAL DISTRICTS AND USES
- A. Detached accessory structures located on parcels in the A-1 - Agriculture District, where said parcels are equal or greater than 120,000 square feet in area, are subject to the regulations of the district pursuant to Section 8.
 - B. Detached accessory structures located on parcels in the A-1 - Agriculture District which are located on parcels less than 120,000 square feet in area and where the principal use is present shall be subject to the provisions of Section 15.05, above.
 - C. An accessory structure with an agriculture used located within any other zoning district other than the A-1 Agricultural zoning districts, must follow the architectural requirements found in Section 15.05(3)E, unless Plan Commission approvals are sought to allow decreased architectural requirements.
 - D. All Agricultural accessory structures shall follow the permitting and architectural standards shown the City of Muskego adopted General Design Guide
 - E. Rustic Structures as defined in this code shall be allowed as a conditional use in the A-1 Agriculture District. As authorized by conditional use grant, Rustic Structures are exempt from the requirements of this Section.
- (6) DETACHED ACCESSORY STRUCTURES – BUSINESS AND INDUSTRIAL DISTRICTS
- A. Detached accessory structures located on parcels in any Business or Industrial Zoning District where the principal use is present shall conform to the bulk requirements of the zoning district.
- (7) OUTDOOR LIGHTING
- Outdoor lighting installations for residential uses shall be permitted in the setback and offset areas but not closer than 3 feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15

feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties. Outdoor lighting installations for commercial/industrial uses shall comply with the provisions of Section 21 of this Code for those installations associated with a Building, Site, and Operation Plan.

- (8) FENCES & WALLS (Ord. #1311 02-04-2010)
Where anchored to supports embedded in the ground shall be considered permanent structures and shall be subject to the following:
- A. Fence panels are allowed to be up to 6 feet in height, with up to an additional 6 inches being allowed for ground clearance and post/cap height. The total height of any installed fencing system (fence panels, posts, and caps) cannot exceed a maximum combined height of 6 foot 6 inches. The total fence system heights are measured from the natural grade at any point along the base of the fence/posts to the top of the highest fence panel, post, or post cap. (Ord. #1351 - 03-22-2012)
 - B. Any such fence in excess of the height listed in 15.05(8)A. may be permitted provided it conforms to the height, offset, and setback requirements of the district in which it is located. (Ord. #1351 - 03-22-2012)
 - C. If the fence or wall is going to be located on a berm, the berm cannot have slopes that measure steeper than four (4) foot horizontal to one (1) foot vertical slope. Also, the top of the berm must have a level area on each side of the fence or wall that is at least two (2) feet wide. These requirements apply to any new/replacement fencing or wall on an existing or proposed berm. (Ord. #1351 - 03-22-2012)
 - D. The decorative side of all fencing must face the neighboring properties. (Ord. #1326 08-19-2010)
 - E. All fencing in residential districts must be constructed out of materials that are traditionally found in residential areas. (Ord. #1326 08-19-2010)
 - F. Retaining walls or decorative walls may be permitted anywhere on the lot provided, however, that no individual wall shall exceed 6 feet in height. When multiple walls are being installed, a terrace equal to half of the tallest wall height must be provided between each of the multiple walls. (Ord. #1371 – 04-18-2013)
- (9) Walks, drives, paved terraces, mechanical appurtenances for all single-family and two-family structures (such as air conditioners, venting, and service panels), and purely decorative garden accessories (such as pools, fountains, statuary, flag poles, etc.), where subject to “permanent structure” classification shall be permitted in setback and offset areas but not closer than 3 feet to an abutting property line other than a street line.

- (10) Game courts shall be permitted in setback and offset areas but not closer than 5 feet to any property line and shall be screened from the view of adjoining property by adequate landscape or architectural screen or combination thereof.
- (11) Parking areas shall be permitted in setback and offset areas but not closer than 3 feet to any property line and said areas shall be temporary in nature.
- (12) Solar collectors shall be permitted as an accessory use and may be permitted in any district subject to the regulations of the particular district.
- (13) TEMPORARY STRUCTURES & MISC. SCREENING DEVICE (Ord. #1311 02-04-2010)
Any temporary structure or miscellaneous screening device serving an accessory use shall be permitted anywhere on the lot consistent with the standards as set out in Section 15.05(3) above and no building permit shall be required provided a zoning permit is obtained. However, that where such proposed structure does not comply with the setback and offset requirements of the district in which it is located or where such proposed structure does not comply with architectural standards, the approval of the Plan Commission must first be obtained. Planning Commission approval for such modification in setback/offset or architectural requirements shall be based on the following:
- A. The proposed structure is out of public view or adequately screened.
 - B. Notice of meeting is given to owners within 100 feet of property lines.
 - C. If miscellaneous screening device is a carport, it shall have no sides or ends.
 - D. May be subject to Annual Review by the Plan Commission for yearly maintenance concerns.
- (14) OUTDOOR STORAGE
No unenclosed storage of materials, equipment, temporary structure, supplies or vehicles shall be permitted where such storage is unsightly to the surrounding view.

15.06 STRUCTURES OTHER THAN BUILDINGS

(1) STRUCTURES LESS THAN 6 INCHES IN HEIGHT

Structures not classified as buildings and less than 6 inches in height from the surface of the ground shall not be subject to the setback, offset, building size, or open space requirements of this ordinance except as may be specifically otherwise provided.

(2) STRUCTURES 6 INCHES OR MORE IN HEIGHT

Structures not classified as buildings and 6 inches or more in height from the surface of the ground shall be subject to the setback, offset, height,

open space, and architectural requirements of this ordinance except as may be specifically otherwise provided.

15.07 UNDERGROUND BUILDINGS AND STRUCTURES

Any structure classified as a building and not extending more than 6 inches above the surface of the ground shall not be subject to the setback, offset, building size, or open space requirements of this ordinance.

15.08 SEASONAL AGRICULTURAL SALES

Roadside stands for Seasonal Agricultural Sales of products raised on the premises and operated by the resident farmer are permitted in any district subject to the following:

- (1) In all districts except the A-1 Agriculture District, Plan Commission approval of a Building Site and Operation Plan is required.
- (2) No roadside operation shall exceed 300 square feet in area, exclusive of parking required herein.
- (3) Where roadside stands have ingress and egress on roadways under Waukesha County jurisdiction, approval of the Waukesha County Department of Transportation is required.
- (4) Off-street parking for a minimum of 4 vehicles shall be provided.
- (5) No stand shall be permitted in a location where it would create a traffic hazard or nuisance; and where permitted, driveways shall be so located as to minimize possible interference with normal flow of highway traffic.
- (6) No such stand shall be closer than thirty (30) feet to the existing street line or closer than twenty (20) feet to any other lot line.
- (7) Signs shall conform to the requirements of Section 16 of this Code.

15.09 VEHICLE STORAGE

In any district, space not to exceed 300 square feet for the storage of not more than one vehicle may be rented to persons not resident on a parcel. A maximum of two rental spaces not to exceed 600 square feet may be permitted where they are the only parking spaces provided on said lot subject to the following:

- (1) Parking storage areas must be located outside setback and offset areas of the property.
- (2) Parking stalls must follow the requirements found in Section 17 of this code.

15.10 ACCESSORY RESIDENCES

(1) HOUSEHOLD AND FARM RELATED

Second accessory residences for household or farm employees are permitted by Conditional Use Grant, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families, and / or by persons related to the residents of the principal structure. Such structures shall be a minimum of 1,200 square feet, and shall not be rented or leased.

(2) GUEST HOUSES

Guest Houses are permitted by Conditional Use Grant on lots of at least 120,000 square feet. Such structures shall be a minimum of 1,200 square feet, and shall not be rented or leased.

SECTION 16 SIGNS

16.01 PURPOSE AND INTENT

The purpose of this section is to provide for and regulate the design, location, and safe construction of signs in a manner to ensure that all signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the City as a whole. All sign permits, unless otherwise specified, shall be applied for on forms provided by the Community Development Department and approved by Plan Department staff and/or the Plan Commission.

In considering a sign application, staff shall consider requirements of the City's General Design Guide and the following:

- (a) The proposed content;
- (b) The appearance, material for construction, location, lighting, height and size of the sign;
- (c) Safety of operators of vehicles upon the adjoining streets and highways;
- (d) The effect of the sign on property values within the immediate area;
- (e) The effect of such sign with respect to the scenic beauty of the vicinity in which the sign is proposed to be located;
- (f) The effect of such sign and its content with respect to enforcing state laws, county and City ordinances;
- (g) The effect of the sign with respect to the danger to human life because of falling or combustibility;
- (h) The effect of the sign and content with respect to the prevention of crime; and
- (i) The effect of such sign and display with respect to the general welfare, morals, and the conserving of the taxable value of lands and building located within the City and in the immediate area adjacent to the proposed location of the sign.

16.02 USE RESTRICTED

In any district no sign shall be permitted except as is hereinafter specified by the regulations for that district, or as otherwise regulated in this Section. All signs shall also meet all applicable structural and electrical requirements of local and state building and electrical codes.

Signs for Conditional Uses: Subject to the regulations set forth in Section 14, signs appropriate to be a permitted conditional use or uses may be permitted as determined by the Plan Commission notwithstanding limitations in the basic district to the contrary. In establishing the size and locational requirements, the Plan Commission shall be guided by the requirements imposed for similar uses in any of the basic districts.

16.03 EXEMPT MODIFICATIONS OF SIGNS

The following modifications shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this Ordinance or any other law or Code regulating the same.

- (1) The changing of the advertising copy or message on a painted, printed, or changeable copy sign.
- (2) Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy of message thereon shall not be considered an erection or alteration which requires sign permit unless a structural change is made.
- (3) All residential signs permitted by right in this Zoning Ordinance.

16.04 EXEMPT SIGNS

The following signs may be erected and maintained without permits, providing they do not constitute a hazard or nuisance.

(1) POLITICAL SIGNS

Political Signs may be erected in any district provided they are not a danger to life or property, are located on property with the permission of the property owner, and shall be limited to thirty-two (32) square feet in size. All political signs, wherever located, must be removed within 10 days after the election for which it was erected.

(2) ON SITE INFORMATION SIGNS

On-Site Informational Signs: Reasonable size and necessity shall be permitted, and shall be determined by the Plan Commission with the exception of signs addressed by Title III ADA Section 4:30.

(3) REAL ESTATE SALE AND RENTAL SIGNS, ON PREMISE

In residential districts, said signs are Limited to twelve (12) square feet and one sign per street frontage, and in all other districts said signs are limited to thirty-two (32) square feet. All real estate signs shall be removed upon sale of the property. Permanent on-site rental signs shall be limited to four (4) square feet. No such sign shall be placed within the ultimate right-of-way of any street or highway.

(4) REAL ESTATE SALE AND RENTAL SIGNS, OFF PREMISE

Off-Premise Real Estate Directional Signs are limited to no more than three (3) off-premise directional signs per residential, agricultural or business property offered for sale. Such signs shall be displayed in accordance with all applicable regulations and written permission of the property owner on whose property the sign is located shall be obtained prior to display. No such sign shall be placed within the ultimate right-of-way of any street or highway. Such signs shall be limited to a maximum of six (6) square feet in size.

(5) PUBLIC AGENCY SIGNS

Signs conveying governmental readings that are erected by a national, state, county or municipal governmental agencies, including traffic and informational signs.

(6) RESIDENTIAL NAMEPLATES

Residential Nameplates Identifying owners or occupants, provided no more than two (2) are erected, each being less than two (2) square feet in area. Home occupation/residential business signs shall be counted in this numerical and size limitation.

(7) AGRICULTURAL PRODUCE SALE SIGNS

Allowed as par of an agricultural road sale use an dare limited to sixty-four (64) square feet in area.

(8) INTERIOR AND INSIDE WINDOW SIGNS

Signs installed inside a building whether intended for viewing from inside or outside the building are permitted without limitation as to size or number.

(9) MEMORIAL SIGNS AND TABLETS

Memorial signs, tablets, names of buildings and dates of erection when cut into any masonry surface, or when constructed of metal and affixed flat against the building.

(10) CONSTRUCTION SIGNS

One construction sign per commercial or industrial construction project not exceeding sixty-four (64) square feet in sign area, provided that such sign may be erected upon issuance of a valid building permit, shall be confined to the site of construction, and shall be removed upon issuance of a valid occupancy permit.

(11) FLAGS

The flags, emblems or insignia of any nation or subdivision or single corporate flag. Pennants, banners and streamers shall not qualify as flags and require temporary sign approval.

(12) HOLIDAY DECORATIONS

Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; shall not be displayed for a period of more than one hundred twenty (120) consecutive days.

(13) INFLATABLE ADVERTISING

One such display, per property, shall be permitted for a period of time approved by the Plan Commission and/or the Community Development Department, but not to exceed eight consecutive weeks, provided the display is located outside all vision triangles and does not constitute a public nuisance.

(14) PRICE AND TEMPORARY ITEM SIGNS

Price and Temporary Item Signs are permitted up to twelve (12) square feet in area for each sign, provided the signs are not illuminated and no more than two (2) signs per street frontage are erected on the property,

and are no closer than five feet to the property lines. Signs square footage may not be combined to create one message totaling twenty-four (24) square feet per street frontage. A twelve (12) square foot "sandwich board" sign is an example of a price and temporary item sign. Said signs shall be removed at the close of business each day.

- (15) Agricultural Produce Signs: Shall be limited to 64 square feet in area.
- (16) Signs not visible from a public right-of-way.

16.05 PLACEMENT IN RIGHT OF WAY PROHIBITED

No sign shall be placed within the ultimate right-of-way of any street or highway. The only exemption to this are City gateway/directional signage and Community Event Signs that are approved by the Community Development Department in advance, are determined to not hamper safety, and are erected for a specific temporary period of time. The prohibition hereunder extends to trees, utility poles, fence posts, stakes, and all other structures on which signs might be posted or placed except political signs installed or placed on motor vehicles. Any sign violating this Section may be summarily removed by the Director of Community Development or his designee. (Ord. #1311 – 02-04-2010)

16.06 CERTAIN SIGNS PROHIBITED

(1) HAZARDS AND NUISANCES

No sign which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining property in the following ways shall be permitted in any district:

- A. No sign shall be placed so as to obstruct or interfere with traffic visibility nor in such a way as to cause glare or impair driver visibility upon public ways;
- B. No sign shall be lighted or flashing in such a way as to cause glare or impair driver visibility upon public ways or adjacent properties. Signs shall be internally illuminated wherever possible. If external illumination is approved, the fixture shall be mounted on a permanent unmovable base and the neck soldered so as to prevent the fixtures from being tampered with or redirected.
- C. No sign shall rotate nor have or be illuminated by moving or flashing lights, except electronically controlled intermittent lights that are permitted subject to approval by the Plan Commission under Section 16.09 (3) subject to their size not exceeding 25% of the area of the combined square footage for both the electronic sign and main identification sign. (Ord. #1371 – 04-18-2013)
- D. No sign shall resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices, nor obstruct or interfere with the effectiveness so as to prevent free ingress and egress from any door, window, or fire escape.
- E. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire

ladder, or standpipe, and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, relocated, or maintained so as to hinder or prevent free ingress or egress through any door, doorway, window, or fire escape or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the City, as necessity therefore may require.

- F. No person shall display upon any sign or other sign structure any obscene, indecent, or immoral matter.

(2) NON-ACCESSORY SIGNS

No sign not directly related to the use of the premise in which it is located, except directional signs as herein provided, shall be permitted in any district. Signs showing time, temperature and similar information not related to the premises are permitted, but must be counted as part of the allowable sign area.

(3) POLE SIGNS

New pole signs are prohibited as signage type and sizes allowed by this Code are sufficient for all developments.

(4) ROOF SIGNS

Signs whose lowest point is visually separate from and above the highest point of the roof are prohibited. Signs on the face of mansard or gable end shall be considered wall signs. No sign, or any portion, thereof shall be installed on or above the parapet of a flat roof.

(5) ABANDONED SIGNS

Abandoned signs are prohibited and shall be removed, as follows. The Zoning Administrator shall give notice to the subject property owner requiring that the sign be removed. The notice shall advise the property owner that the sign must be removed within twenty (20) days from the date of the notice, unless the property owner files a request for an extension with the Plan Commission within that twenty (20) day period. Thereafter, the sign must be removed: (a) prior to expiration of the twenty (20) day notice period; or (b) if a request for extension is timely filed with the Plan Commission and the Plan Commission denies the request, the sign must be removed within twenty (20) days of the denial; or (c) if a request for extension is timely filed with the Plan Commission and the Plan Commission grants the request, the sign must be removed prior to expiration of any extension granted. Failure to remove an abandoned sign as required herein shall be subject to all of the penalties and remedies described in this Chapter.

(6) PARKING OF ADVERTISING VEHICLES PROHIBITED

No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the sole purpose of providing advertisement of

products or directing people to a business or activity located on the same or nearby property or any premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle nor is this section intended to prohibit the advertising of personally owned vehicles offered for sale from the private property of the vehicle owner or owner's immediate family.

16.07 APPLICATION PROCEDURES AND FEES

No sign shall hereafter be erected, re-erected at a new location, constructed, altered or maintained except as provided by this Ordinance (See Section 16.06 for exceptions) and an approval and a permit for the same has been issued by the Community Development Director and/or the Plan Commission (When applicable), Engineering/Building Inspection Director, or their designee, unless otherwise specified in Section 16.08 of this Code.

- (1) A separate permit shall be required for a sign or signs for each business entity, and/or a separate permit for each group of signs on a single supporting sign structure.
- (2) Electrical permits shall be obtained from the Building Department for illuminated signs.
- (3) Application for sign approvals and permits will be made in writing upon forms furnished by the Community Development Department (for approvals) and the Building Department (for permits). Such applications shall contain, but not be limited to:
 - A. Name, address, and telephone number of the applicant and the property owner; location of building, structure, or lot upon which the sign is to be attached or erected.
 - B. Name of person, firm, corporation, or association erecting the sign.
 - C. Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - D. A scaled drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
 - E. A scaled colored copy of the proposed sign showing the exact color scheme is required. Staff may require a superimposed rendering of the site with the proposed sign(s) be submitted on a disk (PDF file, JPEG, TIF, GIF format).
 - F. A scaled site plan indicating the location and position of such sign in relation to nearby buildings or structures or public streets and rights-of-way.
 - G. A landscape plan for the sign base (freestanding and ground signs) that meets the requirements as outlined in Section 4.
 - H. The Engineering/Building Inspection Director may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure compliance with building and

electrical requirements as specified in Chapter 30.435. Standard plans may be filed with the Building Department.

- I. Fees: The applicant shall pay all applicable fees. The fee schedule is on file with the Community Development Department. If a sign is erected before a permit is issued, the violator may be assessed a double fee for the sign permit.
- J. Additional information as required by the Community Development Department or City Plan Commission.

16.08 SIGN REGULATIONS

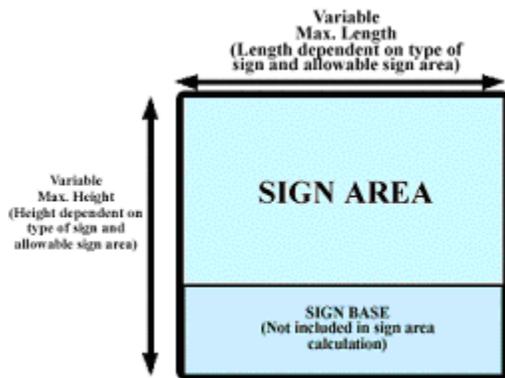
- (1) Sign Size: The size of a sign shall be in proportion and coordinate with the building and site on which it is located; however, in no case shall the sign exceed the maximum size allowed by this section.
- (2) Number of signs: Any number of signs may be permitted as long as the signs proposed are in proportion and coordinate with the building on the site they are located upon. The only exception is that a business must only have one form of wall signage (A business must choose between having Wall sign or a projecting sign on an individual façade to avoid disorder). Further, all signs proposed must meet the locational and size requirements of this Code. Businesses on corners may utilize their multiple frontages to combine square footage for one sign. Businesses may otherwise have one sign per frontage as long as each sign meets the square footage requirements for each frontage.
- (3) Setbacks and Offsets: All signs shall conform to the setback and offset requirements outlined in the Table of Dimensional Requirements, per Section 16.08(6)C.
 - A. Ground signs may be installed at the base setback line with a height not to exceed seven (7) feet as measured from grade.
 - B. Existing pole signs in the base setback area may be altered subject to the approval of the Plan Commission.
 - C. No sign shall be located within a vision corner triangle unless it is determined that the sign will not affect safety.
 - D. All overhanging sign parts and the sign base shall be located on the property and behind the right-of way.
 - E. All signs shall be constructed/erected on the business property.
- (4) Construction Standards: All signs or similar advertising structures shall be governed in their erection and maintenance by the Building Code of the City. No sign or similar advertising media shall be erected without a permit as required in this Ordinance and the Building Code.
- (5) Height: No free standing or wall sign shall exceed the height as measured from grade, and as hereinafter specified by the regulations of the district in which it is located, and as summarized in the Table of Dimensional Requirements, per Section 16.08(6)C.
 - A. In no case shall the highest point of any sign extend above the highest point of the eave line of the building which houses the

business for which the subject sign advertises unless otherwise approved by the Plan Commission.

- (6) Area: No free standing or wall sign shall exceed the height as hereinafter specified by the regulations of the district in which it is located and as summarized in the Table of Dimensional Requirements, per Section 16.08 (6) C. (Ord. #1371 – 04-18-2013)

A. Basic Sign (How calculated):

- 1. The area of a sign is the area encompassing the smallest rectangle that comprises the sign face. Further, the area of a sign shall include any art work and insignia within a single continuous perimeter, including any spacing between letters, figures, designs, and structure of the sign other than the sign base, together with any frame or other material, color, or condition which forms an integral part of the display and is used to differentiate such sign from the wall or background against which it is placed.
 - a. For a freestanding sign, the definition of sign area does not include the perimeter architectural embellishments, base structure, and details such as decorative columns and caps, although other ornamental attachments are to be included in determining sign area.



- b. When the sign only consists of letters, designs, or figures engraved, painted, projected, or fixed on a building or perimeter wall, the total area of the sign shall be the area of the smallest rectangle within which the entire fixed lettering and/or artwork is inscribed.



- c. All sides of a sign visible from any one (1) location shall be measured in determining the area of the sign, except that only one (1) side of a sign shall be measured if the two (2) sides are back to back or separated by an angle of forty-five (45) degrees or less. If the two (2) sides are not of equal size, the larger side shall be measured. A back-to-back sign shall have parallel faces, separated by not more than two (2) feet.
- d. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining sign area.

B. Reader board sign (How calculated)

- 1. Reader board signs (Including electronically controlled signs) shall not exceed 25-percent of the area of the main identification sign and is to be part of the main identification sign face, a separate face mounted on the same structure as the main identification sign, or mounted on the building. In any case, such a sign is in the total allowable square footage calculations for all signage at a specific location as it applies to wall, projection and freestanding signage. The height of the letters installed on said signs shall conform to the values outlined in the Table below. Size specifications as herein described shall not apply to signs associated with theaters, churches, schools, government, and other non-profit related services, clubs, and organizations except to the extent as allowed by Planning Commission and as regulated by the specific zoning district in which it is located. (Ord. #1371 – 04-18-2013)

Table of Reader Board Copy Size Height Requirements (The height of the letters installed on signs shall conform to the minimum values outlined below):

DISTANCE FROM CENTERLINE TO ULTIMATE RIGHT-OF-WAY	POSTED ROADWAY SPEED LIMIT				
	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH
40'	4"	4"	4"	6"	6"
50'	4"	6"	6"	6"	6"
60'	6"	6"	6"	9"	9"
100'	9"	9"	9"	9"	9"

C. Table of Sign Dimensional Requirements: (Ord. #1311 02-04-2010)

ZONING DISTRICT	WALL SIGNS (% OF WALL AREA)	PROJECTING SIGNS (Max. Ft. ²)	GROUND & POLE SIGNS (Base ft. ² Amount Shown) (See Notes 1, 2, & 3 for additional allowed ft. ²)	OFFSET (Side -yard)	REQUIRED SETBACK (See Note 4)	MAXIMUM MONUMENT SIGN HEIGHT (Ft)
B-1, BL-1, BL-2, and RB-1	3%	35	10	3'	"	20
B-2 & B-3	5%	55	30	3'	"	20
B-4	5%	55	30	3'	"	20 to 30 (See Note 5)
HC-1, DR-1	5%	55	30	3'	"	20
BP-1, BP-2, and BP-3	3%	55	30	3'	"	20
M-1, M-2, and M-3	5%	35	10	3'	"	20
I-1	3%	35	10	3'	"	20

NOTES

1. Square footage may be increased at a rate of one (1) square foot for each additional 10 feet of lot frontage, after the first 50 feet of frontage, up to 300 feet of frontage. In addition, square footage may be increased by one (1) square foot for every two (2) feet additional setback up from the required setback to a maximum of a 40-foot setback from the base setback line.
2. Square footage may be increased from the value found in Note 1 above a maximum of 20-percent for all ground and pole signs located on properties abutting major rural arterial streets, and if said streets become urban arterials, said signs shall be deemed to be legal non-conforming pursuant to Section 6.
3. The total area of ground and pole signs may be increased from the value found in Notes 1 and 2 above by the percent listed here if applicable:

DISTANCE OF PROPERTY FROM CENTERLINE TO ULTIMATE RIGHT-OF-WAY	SIGN AREA ADJUSTMENT
40' or less	0%
50'	+10%
60'	+15%
100' or more	+20%

1. Ground signs may be located with zero foot setback from the setback line if seven feet in height or less.
2. Height may be increased to the second number at the rate of one (1) foot for every two (2) feet additional setback from the required setback.

16.09 OTHER PERMANENT SIGNAGE REQUIREMENTS

- (1) Existing signs: Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued even if the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of Section 6 of this chapter shall apply to specific nonconforming rights. Any

legal nonconforming sign hereafter relocated, moved, damaged, reconstructed, extended, enlarged, changed (including changing the sign face), altered, or modified shall be made to comply with the provisions of this chapter. By maintaining a sign in the established right-of-way of an adjoining street or highway, the owner does so at his own risk, and no damages will be awarded if the removal is required for public use or safety or right-of-way acquisition.

- (2) Marquee and Canopy Signs: Marquee and canopy signs affixed flat to the surface of a marquee or canopy are permitted in lieu of a wall sign, provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee or canopy may extend up to 12 feet beyond the building to which it is affixed but shall not extend into a required front yard, side yard, or rear yard, nor shall it extend closer than one foot to the vertical plane formed by the curbline in a shopping center. A name sign not exceeding two square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee or canopy, provided that the name sign is at least eight feet above the sidewalk.
- (3) Time/Temperature and LED devices: Time-and-temperature and LED devices may be erected as wall signs or part of ground and monument signs and shall meet the requirement attendant to those sign types. Time-and-temperature and LED devices may display the time, the temperature, activities occurring on the premises, and public events. The signs may change messages or time/temperature every 3 seconds. Continual scrolling of messages is not allowed. The requirements of Section 16.06 also apply. Colors and intensity of LED signage is under the sole discretion of the Planning Commission. LED specifications must be included as part of submittal if intended to be used.
(Ord. #1371 – 04-18-2013)
- (4) Directional Signs:
 - A. A Sign not to exceed six (6) square feet in area indicating direction to a church, hospital, school or other public service building may be permitted in any district upon approval by the Plan Commission. Further, said sign may be permitted in the public right-of-way subject to the approval of the Public Works Committee and Waukesha County (If applicable). Not more than four (4) such signs may be erected within the City for any business or organization.
 - B. A sign, not to exceed twelve (12) square feet in area, for the purpose of directing patrons or attendants to an establishment off the main traveled highway for service clubs, churches, or other non-profit organizations may be permitted in any district other than a residential district upon approval of the Plan Commission. Further, said sign may be permitted in the public right-of-way subject to the approval of the Public Works Committee and Waukesha County (If applicable).
 - C. Signs not to exceed thirty (30) square feet for service clubs, churches or other non-profit organizations, may be permitted in

any district, upon approval of the Plan Commission, provided the sign is designed with a substantial landscape base area as defined in Section 4 of this code, and illumination on each side is limited to exterior lighting not exceeding seventy-five (75) watts per fifteen (15) square feet of sign area. Further, said sign may be permitted in the public right-of-way subject to the approval of the Public Works Committee and Waukesha County (If applicable).

- D. A sign not exceeding two (2) square feet in total non-illuminated copy area (two sides of copy permitted), only for the display of local religious and/or civic organization directional signage, may be permitted in the public right-of-way subject to the approval of the Public Works Committee and Waukesha County (If applicable). Four (4) such signs per organization may be erected in the City at any intersection of an arterial and/or collector highway in any zoning district, and all signs must be located within a two (2) mile radius of the organization. Four (4) such signs per intersection shall be permitted. An individual organization may have one such sign per intersection, and shall be responsible for all costs of maintenance and removal of the structure. Such a sign shall not:
1. Be located so as to block the traveling public's line of vision; impede safe traffic movements; interfere with the viewing and/or function of any traffic control devices.
 2. Be designed or positioned so as to be misconstrued as a traffic control device.
- (5) For existing off-premise directional signage associated with existing businesses located in excess of 1000-feet from a collector or arterial, and when said signage is threatened with relocation or removal as result of development or redevelopment pressures, such signage may be allowed to be relocated subject to approval by the Plan Commission. As criteria for approval, the Plan Commission considerations shall include but not be limited to:
- A. Site suitability as related to compatibility with proposed surroundings
 - B. Structural quality and durability
 - C. Conformance to current design standards, possibility of detriment to area property values, and public safety.
 - B. Landscaping provided at the base of the sign.
 - C. Size shall be limited to twenty-four (24) square feet in area and nine (9) feet in height above grade.
- (6) INSTITUTIONAL SIGNS:
- A sign not exceeding fifteen (15) square feet in area giving the name and nature of occupancy and information as to the conditions of use or admission may be permitted at each entrance to the grounds or buildings of a private institution provided the approval of the Plan Commission is first obtained that each such sign will not create a traffic hazard, is

aesthetically in keeping with the character of the neighborhood and will not cause a depreciation of property values in the adjoining neighborhood.

(7) QUASI-PUBLIC INFORMATIONAL SIGNS

(A) Non-commercial permanent signs of a general informational nature such as community welcome, safety warning, or other similar nature not to exceed eighty (80) square feet in area may be erected by service clubs or other non-profit organizations upon approval of the Plan Commission of the location, size and appearance of such sign. Any such sign may have direct constant illumination.

(B) No more than three (3) non-commercial temporary signs or one temporary portable sign used for the sole purpose of advertising a special club or community event not to exceed thirty-two (32) square feet (each) in area may be erected by service clubs or other non-profit organizations for a single event. No such sign(s) shall be erected until a Building permit is obtained from the Building Department. The permit applicant must be a Muskego resident. There will be no fee charged for said permit and the conditions of the permit shall stipulate that no more than three signs are permitted for any single event, the maximum period a sign is to be located and that any such sign may have direct constant illumination. There shall be no limit to directional signs, however, no such sign, shall exceed nine (9) square feet.

(8) RESIDENTIAL NEIGHBORHOOD SIGNS

Signs limited to identifying the name of the neighborhood area such as a subdivision or housing development and limited to twelve (12) square feet in area may be permitted at each entrance to the area provided the approval of the Plan Commission is first obtained that each such sign will not create a traffic hazard, is aesthetically in keeping with the character of the neighborhood, and will not cause a depreciation of property values in the adjoining neighborhood. Such sign that is designed either as an integral part of the architecture of a building or as part of a landscape architectural feature such as a wall shall be permitted without limitation as to size if the Commission determines that the foregoing standards would be met.

(9) SHOPPING CENTER/PROJECT SIGNS

A sign identifying a shopping center or grouping of stores in excess of 50,000 sq. ft. in area may be permitted with the approval of the Plan Commission by the modification of the regulations of the district in which they are located applicable to the height, size and location of such sign consistent with the spirit and intent of the regulations in that district.

16.10 TEMPORARY SIGNAGE

- (1) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event, or for similar special informational purpose may be permitted for a limited period

of time in any district with the approval of the Community Development Department (Or the Planning Commission if proposal warrants, subject to Community Development Department discretion) and subject to the following:

- A. Drawings or sketch drawn to scale showing the specific design, appearance and location of the sign shall be submitted to the Plan Commission for approval.
- B. The permitted size and location of any such sign shall be at the discretion of the Plan Commission based upon the character of the area, the type and purpose of sign and the length of time permitted. However, in no case shall the size of the sign exceed sixty-four (64) square feet.
- C. The sign is to be located on the premises involved and such sign may be permitted for a period up to one year and extension may be permitted six month intervals with Plan Commission approval until such time as 75-percent of development has occurred.
- D. Where the sign is not to be located on the premises involved such sign may be permitted for a period up to nine months and extension may be permitted for six month intervals with Plan commission approval, until such time 75-percent of development has occurred.

- (2) Upon approval of the Community Development Director, a sign such as a banner, changeable copy sign, sandwich board over twelve square feet, etc. for the purpose of announcing a special event or sale, or for a similar special informational purpose, may be permitted for a maximum of fifteen (15) days at a time. All temporary signs require a Sign Permit through the Community Development Department before they can be placed on a site. Temporary signs of this nature can only be approved on a single property up to five (5) times a calendar year. If the property is occupied by only one business, then only one temporary sign is allowed at a time. If the property contains multiple tenants, then no more than two temporary signs can be allowed at one time. Each business/tenant is allowed their own fifteen day duration up to five (5) times a year. If a property has a permanent changeable copy sign on site, then an additional temporary changeable copy sign is not allowed at any time.
(Ord. #1371 – 04-18-2013)

- A. Drawing and/or sketch drawn to scale showing the specific design, physical and electrical installation plan, appearance, and location of the sign shall be submitted to the Community Development Director for approval.
- B. The permitted size of any temporary sign shall not exceed 64 square feet.
- C. Where the sign is to contain electrical service, it shall contain a recognized testing laboratory label such as the Underwriter's Laboratory, Inc., a ground fault interrupter device (GFI), and meet applicable provisions of the City electrical code, including the

issuance of an electrical permit therefore. Installations exposed to potential wind damage shall be made secure with methods as enumerated in the City Building Code.

16.11 ADMINISTRATIVE & PLAN COMMISSION APPROVALS

- (1) All applications for sign permits shall be reviewed initially by the Director of Planning, or his designee, who may issue permits for temporary or permanent signs and such other signs which, pursuant to this chapter, can be issued without review by the Plan Commission. The Director of Planning shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this Section.
- (2) Should the Director of Planning conclude, in his discretion, that the Plan Commission should review an application for a sign permit, or should this Section require such review for a particular sign, the application will be forwarded to the Plan Commission for review at its next regularly scheduled meeting subject to receipt of a full submittal. The Plan Commission may vote to recommend approval or disapproval of the application based on the following factors:
 - A. The exterior architectural presentation and functional plan of the proposed sign will be not so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area;
 - B. The proposed sign conforms to the location, size and style requirements set forth in this Section;
 - C. The proposed sign conforms to the city's long range planning for the area as set forth in the city's master plan;
 - D. The proposed sign shares similar architectural or building material features of the principal building.
 - E. The proposed sign meets the design guidelines for the area erected.
- (3) The Plan Commission may establish guidelines, which further define and interpret this Section. Those guidelines, if any, shall be made available to all applicants.
- (4) Upon approval or disapproval of a sign application by the Plan Commission, the application shall be returned to the Director of Planning, who shall issue approved permits or notify applicants of disapproval of their application and the reasons thereof.
- (5) Whether a sign is approved administratively or by Planning Commission, a building permit may also be required along with related fees. Building permits are required when the sign has structural implications. All signs with electrical wiring will also require an electrical permit and accompanying inspections.

16.12 COORDINATED SIGN PLAN

A master coordinated sign plan shall be developed and submitted for any building that has two or more tenants. The intent of the overall coordinated sign plan is to set forth a theme for the placement, lettering style, color, construction, material and related design considerations of signs, while at the same time minimizing sign confusion and clutter. All multi-tenant buildings shall be required to submit an overall coordinated sign plan when applying for signage.

16.13 INSPECTION

All signs for which an approval and permit is required shall be subject to inspection by the Zoning Administrator, the Administrator's designee, and/or Engineering/Building Inspection Director. Footing inspections may be required for all signs having footings. The Engineering/Building Inspection Director or Zoning Administrator upon notification by the Engineering/Building Inspection Director, may order the removal of any sign that is not maintained in accordance with the provisions of the commercial maintenance code.

16.14 ENFORCEMENT

- (1) No sign shall advertise a business that is in violation of this chapter or for which no zoning, occupancy and/or building permit has been issued. If the Director or his designee finds that any sign or other display structure regulated herein has been constructed or erected or is being maintained in violation of this chapter, the sign will be removed by the Director or his designee. Any sign located in a City of Muskego right-of-way or advertising events not located within the City may be removed immediately without notice.
- (2) Unsafe or hazardous signs. Any sign which is hereinafter found to be unsafe or insecure, or is a menace to the public, or by reason of its location creates a traffic hazard, or is dangerous to persons and property, as determined by the Director, his designee, the City Police Department or the Public Works Department, shall be removed, except for those on private property.
- (3) Abandoned signs. Any sign which does not advertise a bona fide business or product sold, or which is dilapidated or out of repair, shall be removed by the property owner.
- (4) Maintenance. If the sign owner violates the maintenance requirements of this chapter, the sign shall be removed by the property owner.

16.15 MAINTENANCE IN PERPETUITY

All signs, together with all of their supports, braces, guys, and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting to the same color, or replacement of a worn or damaged legally existing sign to its original condition. The

owner shall also maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.

16.16 COMPLIANCE

A business or property that has signage that does not meet the requirements of the current Sign Code shall be required to bring all signage into compliance when they apply for any signage on the property.

16.17 APPEALS

Any person feeling himself aggrieved by any order or ruling of the Plan Commission, Community Development Director, Zoning Administrator or Engineering/Building Inspection Director may appeal such ruling, conditioned on the case's ripeness, to the Board of Appeals within 20 days after written notice of such ruling shall have been delivered to him. Such appeal is to be filed in accordance with procedures as outlined in Chapter 17, Section 3 of the Zoning Ordinance, in writing, setting forth the order appealed from, and the respects in which said person feeling himself aggrieved claims that said order or filing is erroneous or illegal. Said notice of appeals shall be filed with the Community Development Department who shall thereupon notify the Community Development Director and/or Engineering/Building Inspection Director of said appeal, and the appeal shall be heard at the next available meeting upon submittal of a completed application. The Board of Appeals, after consideration thereof, shall affirm, reverse or modify said ruling as is just.

SECTION 17 OFF STREET PARKING AND LOADING

17.01 OFF STREET PARKING

(1) OFF STREET PARKING REQUIRED

Off-street vehicle parking space shall be provided for buildings and uses as hereinafter specified. Such parking shall be reasonably adjacent to the use or building served; be intended specifically to serve the residents, patrons, or employees of said use or building; and the required number of spaces must be demonstrably usable and accessible for such purpose.

(2) APPLICATION TO EXISTING USES

The provision of parking space shall not be required for legally existing uses as of the date of this ordinance, but shall be required for any expansion for such use by the addition of new primary floor area or other spatial expansion of building or use generating new parking demand.

(3) DETERMINATION OF NEED

The number of parking areas required shall be based upon the anticipated parking demand of individual uses and shall be as follows or as may be designated hereinafter for specific uses or situations as per Plan Commission approval:

Use		Parking Requirements
Duplex	2	spaces per dwelling unit
Single Family Detached Residence	2	spaces per dwelling unit
Single Family Attached Residence	1½	spaces per dwelling unit
Multiple Family	2	Enclosed spaces per dwelling unit (Additional visitor parking needed as well)
Public Assembly Facilities Providing for Seated Audiences (churches, theaters, etc)	1	space for every 3 seats
Commercial Lodging (hotels, motels, etc.)	1	space for every rental unit
Elementary Schools without auditoriums	2	spaces for every classroom
High Schools (Junior & Senior) and Elementary with auditoriums	1	Auditorium requirement or space for every 5 students of maximum capacity
Colleges, Universities, Vocational Schools	1	space for every 3 students of maximum capacity
Hospitals	1 1 1	space for every 3 beds plus space for each medical staff member plus space for every 3 employee
Nursing, Convalescent, Rest and Old Age Homes	1 1	space for every 3 rooms plus space for each staff member and employee
Clinics	5	spaces for every practitioner or the staff
Industrial Uses	1	space for every 2 employees
Commercial Office Buildings	1	space for every 300 square feet of P.F.A
Retail Stores, Indoor Commercial Recreation, and	1	space for every 150 square feet of P.F.A

Customer Service Establishments		
Restaurants, Taverns and Clubs	2	space for every 100 square feet of P.F.A
Planned Shopping Center	1	space for every 150 square feet of P.F.A (When P.F.A is unknown, at least 50% of the total structure square footage must be accounted for P.F.A.)
Commercial Recreation: Indoor	1	space for every 150 square feet (Other than theaters) feet of P.F.A.
Commercial Recreation: Outdoor		A required by Section 20 of this code

(4) STANDARD DIMENSIONS (Ord.#1311 – 02-04-2010)

Parking stalls shall be a minimum size of 10 feet wide by 20 feet in length when aligned horizontally and 9.5 feet wide by 18 feet in length when aligned diagonally, unless Plan Commission decides that the use of the parking stalls does not warrant a need for this size.

Drive aisles shall be a minimum of 24 feet in width for two-way traffic and 12-feet in width for one-way traffic on sites. When diagonal parking stalls are used, a drive aisle must be at least 18-feet for one-way traffic. Fire Lane requirements may apply above these stated drive aisle requirements in some cases.

(5) SURFACING

Any driveway or off-street parking area (other than that provided for a residence) having a capacity for more than 4 vehicles shall be hard surfaced or maintained in a reasonably dustless condition by dust-proofing applications if it is within five-hundred (500) feet of a residential district. The method of surfacing shall be approved by the Plan Commission.

(6) SCREENING

Any off-street parking area, other than that provided for a residence, which abuts or faces a residence district shall provide a planting screen, landscaped fence, or wall, at least four (4) feet in height along the side abutting or fronting on a residence district (Subject to Planning Commission discretion for unique situations). Plans for such screen shall be submitted to the Plan Commission for approval prior to installation.

(7) OFFSETS

- A. In any residential district no vehicle shall be allowed to park closer nor shall any drive be permitted closer than three (3) feet to the abutting residential lot line and the parking of a vehicle must be on a hard surface of compacted gravel or concrete/asphalt (Subject to Planning Commission discretion for unique situations).
- B. In any off-street parking area for a commercial use, no vehicle shall be allowed to park closer nor shall any drive be permitted closer than ten (10) feet to an abutting residential lot line (Subject to Planning Commission discretion for unique situations).
- C. In any off-street parking area for a commercial use, no vehicle shall be allowed to park closer nor shall any drive be permitted closer than three (3) feet to an abutting commercial/industrial lot

line (Subject to Planning Commission discretion for unique situations).

(8) SETBACKS

In any off-street parking area no parking surface shall be placed to permit vehicle parking closer than ten (10) feet to the existing street line (Subject to Planning Commission discretion for unique situations).

(9) LIGHTING

All lighting shall comply with the provisions of Section 18 of this Code.

(10) CROSS-ACCESS

Cross access to and between neighboring properties shall be implemented wherever possible. The goal in this requirement is to remove as much incidental, site-to-site traffic from adjacent roads as practical thus reducing the possibility of traffic conflicts and accidents. Cross access may be achieved by the interconnection of parking lots or the construction of a separate drive. In either case, the minimum drive isle width should be no less than 24 feet. A "cross access easement for the public benefit" shall be recorded for cross access areas in order to preserve the access for future property owners.

(11) PRIVATE RESIDENTIAL PARKING RESTRICTED

Open parking of cars accessory to a residence use shall be limited to those actually used by the residents, or for temporary parking of guests.

(12) TRUCK, TRAILER, AND EQUIPMENT PARKING

No truck, commercial trailer, camping trailer, or other vehicular equipment of a commercial or industrial nature shall be parked regularly on a lot in any district except where permitted as a use in an industrial or commercial district as hereinafter specifically provided for as follows:

- A. Parking of agricultural equipment shall be permitted without limitation where accessory to a permitted agricultural use.
- B. The parking of no more than one commercial pick-up truck with a gross weight of less than 10,000 pounds or commercial cargo van type truck with a gross weight of less than 10,000 pounds, shall be permitted in any district. For the purposes of this section, a commercial pick-up is defined as any open or enclosed cargo bed truck commonly referred to as a mini, 1/2, 3/4 or 1 ton pick-up, which is licensed as a truck used to transport property or equipment for business purposes. A commercial cargo van truck is defined as any motor vehicle commonly referred to as mini-vans, cargo vans, commercial vans, or panel truck, which is licensed as a truck and is used to transport property or equipment for business purposes. Also, one commercial trailer is allowed to be attached to the one allowed commercial vehicle/truck. The commercial trailer is not allowed to be detached from the commercial vehicle while on the property at any time, except if the

one trailer is located within an approved accessory structure or completely screened from neighboring and public views within an approved screening area/device. (Ord. #1311 02-04-2010)

- C. The parking of no more than one non-commercial pick-up truck with a gross weight of less than 10,000 pounds, for each permanent occupant of a property who possesses a valid Wisconsin driver's license shall be permitted. For purposes of this section, a non-commercial pick-up truck is an open cargo bed truck commonly referred to as a mini, 1/2, 3/4 ton pick-up licensed as a truck and used for private transportation, transporting personal items or recreational use.
- D. The Plan Commission may also permit additional parking of trucks and equipment in any predominantly undeveloped areas, as defined as any area where there are no more than three (3) homes within a radius of 800 ft. of the proposed parking site, if, in their opinion, the request is of such a nature that it will not affect the health, safety, morals, comfort, property and general welfare of the residents of the City of Muskego. In making this decision, the Planning Commission may consider any and all relevant factors including but not limited to development in the surrounding areas, effect on general attractiveness, screening, and character of the surrounding area, etc. Said permit shall be in writing and shall set forth the terms and conditions of the permit but under no circumstances shall the term of the permit be in excess of three (3) years from the date of issue. Said permit may be renewed for a period if the Plan Commission is still of the opinion at that time that the above criteria is met.

(13) RECREATIONAL VEHICLE PARKING

- A. One Camping Trailer, which is for the purpose of this section, shall be defined as a vehicle designed to be towed or driven upon a highway, intended to be used for human habitation, up to thirty-five (35) feet in length may be parked on private premises provided such vehicle is for the sole use of camping off the premises, is mounted on wheels or supports and is unconnected to utilities and is uninhabited. Any such vehicle thirty-five (35) feet or longer shall be classified as a Recreational Vehicle.
- B. Permission to park an unoccupied Recreational Vehicle may be obtained from the City Plan Commission subject to approval of Building, Site and Operational Plan, and as further stipulated here:
 - 1. Each applicant shall include with their application a site plan which will indicate the area in which the Recreational Vehicle will be parked, including street address and location on lot of the proposed parking site.
 - 2. The parking of mobile homes in Predominantly Undeveloped areas as defined by this Code, to one (1) Recreational Vehicle per parcel.

3. Permission to park a Recreational Vehicle shall be considered a privilege and should the Recreational Vehicle become, in the findings of the Planning Commission, a nuisance because of improper maintenance or other objectionable cause, said Commission may revoke said permission upon thirty (10) days written and conduct of a public hearing.

(14) OCCUPATION OF PARKED VEHICLES PROHIBITED

No Camping Trailer or Recreational Vehicle shall be used for the purpose of habitation in the City of Muskego. This Section does not apply to One- and Two-Family Built Off-Site Manufactured Homes or Dwellings or Modular Homes as described in Section 5.09 of this Code.

(15) USES NOT ENUMERATED

In any case where there is question as to the parking requirements for a use or where such requirements are not specifically enumerated, such case shall be brought before the Plan Commission, which shall have the authority to determine the appropriate application of the parking requirements to the specific situation.

17.02 OFF STREET LOADING AND UNLOADING

(1) OFF STREET LOADING AND UNLOADING REQUIRED

In any commercial or industrial district off-street loading and unloading space shall be provided in addition to the required off-street parking area for every building used for commercial or industrial purposes which building is in excess of 3,000 square feet in area exclusive of storage areas.

(2) STANDARD DIMENSIONS

An individual loading space shall be at least 12 feet wide of 45 feet long and have a minimum height clearance of 14 feet.

(3) DETERMINATION OF NEED

The number of such spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Plan Commission upon submittal of site and operational plans.

(4) STREET SERVICING PROHIBITED

No building for commercial or industrial purposes shall hereafter be erected or placed on a lot in a manner requiring servicing directly from the abutting public street.

SECTION 18 LIGHTING

18.01 LIGHTING PLANS REQUIRED

Whenever a Building Site and Operation Plan or Building Site and Operation Plan Amendment is required by this Code, such Plans shall include an Exterior Lighting Plan to determine whether the requirements of this Section have been met (Subject to Planning Commission discretion for unique situations; City General Design Guide also applies).

18.02 EXTERIOR LIGHTING PERFORMANCE STANDARDS

Exterior lighting serves multiple functions, including illumination of obstructions, orientation of site users, and security. To assure that exterior lighting serves these functions without hindrance or nuisance, all Exterior Lighting Plans submitted pursuant to this Code shall comply to the following standards (Note: standards below are subject to Plan Commission discretion when extenuating circumstances apply):

- (1) Fixture Height: Shall not exceed the greater of fifteen (15) feet, or the eave line of the building.
- (2) Fixture Location: All fixtures intended to illuminate parking and drive areas shall generally be mounted on poles located within protected landscaped areas, on concrete pedestals not exceeding six (6) inches above grade. Where the Plan Commission deems that such locations are not practical, and that a location within the parking field is appropriate, said poles may be mounted on concrete pedestals at a height to be determined by the Plan Commission, but generally not exceeding thirty-six (36) inches above grade.
- (3) Luminaires: All exterior lighting fixtures shall be of a wattage approved by the Plan Commission. The types of luminaries shall be subject to the application proposed and Planning Commission approval. (Ord. # 1311 02-04-2010)
- (4) Cut off required: All luminaries regardless of mounting location shall be housed within down cast full cut off fixtures, with zero (0) degree tilt.
- (5) Intensity: Exterior lighting shall generally not exceed nine (9) foot candles in intensity. The Plan Commission may permit a greater intensity of illumination where necessary to meet the purpose of this Code.
- (6) Light Trespass Prohibited: In no case shall exterior lighting result in illumination greater than one-half (0.5) foot-candles at any property boundary unless the light trespass is on a property with a consistent land use or is along a right-of-way. (Ord. #1311 02-04-2010)

18.03 EXTERIOR LIGHTING PLAN REQUIREMENTS

An Exterior Lighting Plan submitted pursuant to this Code shall have, at a minimum, the following elements:

- (1) A catalog page, cut sheet, or photograph of the luminaire and its mounting method.
- (2) A photometric data test report of the proposed luminaire graphically showing the lighting distribution at all angles vertically and horizontally around the luminaire.

- (3) A site plan, drawn to the same engineering scale as the Building Site and Operation Plan submittal, indicating the location of the luminaries proposed, mounting and / or installation height in feet, and the overall illumination levels (in foot candles) at the property lines. This may be accomplished either by means of an isolux curve or computer printout projecting the illumination levels. In addition to the site plan drawn to the same engineering scale as the Building Site and Operation Plan submittal, one (1) copy of said plan shall be provided in 11" x 17" black and white reduction.
- (4) A graphic depiction of the luminaire lamp (or bulb) concealment and light cut off angles.

18.04 EXTERIOR LIGHTING FOR SPECIFIED OUTDOOR RECREATION USES

Ball diamonds, playing fields, driving ranges, tennis courts, and similar outdoor recreation facilities have unique requirements for night time visibility and generally have limited hours of operation. Such facilities may be exempt from the performance standards established in this Code if the applicant can satisfy the Plan Commission that the following requirements are met:

- (1) Building Site and Operation Plan: The Building Site and Operation Plan meets all other requirements of Section 4 of this Code.
- (2) Exterior Lighting Plan Required: A plan meeting the standards of Section 18.03 of this Code has been submitted.
- (3) Exterior Light Sources: Any exterior light source shall not exceed a maximum pole height of fifty (50) feet.
- (4) Shielded Luminaires: If the luminaire is shielded in either orientation or by landscaped buffer areas to prevent light and glare spillover to residential property(s) or residential zoning districts, the luminaire may be positioned to exceed a total cut off angle of ninety (90) degrees.

18.05 LIGHT MEASUREMENT

- (1) Metering Equipment: Lighting levels shall be measured in foot-candles with a direct reading portable light meter. The meter shall be read with an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within thirty (30) days of its use.
- (2) Method of Measurement: The meter sensor shall be mounted not more than six (6) inches above ground level in a horizontal position, commencing at the property line. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. To eliminate the effects of moonlight and other ambient light, measurements shall be made after dark with the light source in question on, then with the same source off. The average of the two (2) readings shall be compared with the maximum permitted illumination permitted by this Section.

18.06 STREET LIGHTING

Street Lighting shall conform to standards promulgated and approved by the Public Works Committee, as may be amended from time to time.

18.07 SEARCHLIGHTS

Commercial Searchlights as defined by this Code shall be prohibited for all uses except as may be directed by authorized Emergency Government personnel for use related thereto or if approved for special events subject to Plan Commission approval.

18.08 ADDITIONAL REGULATIONS

The provisions of this Section are intended to supplement other applicable laws and ordinances and are not a substitute. All exterior lighting shall be installed in conformance with the provisions of this Code, applicable building codes and ordinances, electrical codes and ordinances, and all other codes and ordinances as applicable and under appropriate permit and inspection.

SECTION 19 FIRST AMENDMENT PROTECTED ADULT ORIENTED ESTABLISHMENTS

19.01 FINDINGS OF FACT

- (1) The Common Council finds that Adult-Oriented Establishments, as defined and otherwise regulated by the City in its Adult-Oriented Licensing and Regulation Ordinance, require special zoning in order to protect and preserve the health, safety, and welfare of the City.
- (2) Based on its review of studies conducted in Phoenix AZ, Garden Grove CA, Los Angeles CA, Whittier CA, Indianapolis IN, Minneapolis MN, St. Paul MN, Cleveland OH, Oklahoma City OK, Amarillo TX, Austin TX, Beaumont TX, Houston TX, Seattle WA, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Coleman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976), the Common Council finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
- (3) The Common Council intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
- (4) It is not the intent of the Common Council to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.
- (5) In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the City, it is the intent of the Common Council to prevent the concentration of Adult-Oriented Establishments within a certain distance of each other and within a certain distance of other specified locations, which are incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.
- (6) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the Common Council finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.

19.02 LOCATIONAL RESTRICTIONS

- (1) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented Establishments, as defined and otherwise regulated by the City, are entitled to certain protections, including the opportunity to locate in the City. Therefore, if an Adult-Oriented Establishment License has been granted by the City, and if all the requirements of this Section of the Zoning Code are met, an Adult-Oriented Establishment shall be an allowed use in the M-1 and M-2 zoning district(s) and shall be a prohibited use in any other zoning district. No other requirements of the Zoning Code need be satisfied, but for those required in order to obtain an Adult-Oriented Entertainment License from the City.
- (2) Adult-Oriented Establishments shall be located at least 1,000 feet from:
 - A. Any residential district line, playground lot line, or public park lot line;
 - B. Any structure used as a residence, place of religious worship, public or private school, or Youth Facility as defined in the City's Adult-Oriented Establishment Licensing and Regulation Ordinance;
 - C. Any other structure housing an Adult-Oriented Establishment;
 - D. Any structure housing an establishment which holds an alcohol beverage license.
- (3) Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult-Oriented Establishment to the above residential district boundary lines, to the lot line of any lot used for a park, playground, or the lot line of any structure listed in Section 19.02(1), (2), and (3).
- (4) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
- (5) For Adult-Oriented Establishments located in conjunction with other buildings and clearly separate from other establishments such as in a shopping center, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.
- (6) For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).
- (7) A licensed Adult-Oriented Establishment is not disqualified from holding an Adult-Oriented Establishment License by the location subsequent to the grant or renewal of its license of any of the establishments described in Section 19.02(2)B, within 1,000 feet of the licensed premises. This provision applies only to the renewal of an existing license and does not apply when an application for a license is submitted after a license for that location has not been renewed or has been revoked.

SECTION 20 PRIVATE OUTDOOR RECREATION FACILITIES

20.01 OUTDOOR RECREATION FACILITIES CLASSIFIED

For the purpose of this ordinance outdoor recreational facilities such as beaches, swimming pools, tennis courts, riding paddocks, golf courses, athletic fields, etc., shall be classified as follows:

- (1) Public
- (2) Private, Commercial
- (3) Private, Non-Commercial Group
- (4) Private, Residential

20.02 GENERAL

- (1) Such uses shall be permitted in those districts and subject to those regulations as are hereinafter designated in this section and in other section of the Ordinance specifically applicable hereto.
- (2) No such use shall be permitted in any case where it shall create a nuisance, a hazard, or otherwise result in a substantial adverse effect on the surrounding property values or on the enjoyment of such property or be in any other way detrimental to the general public welfare. Every reasonable effort shall be made to prevent such effect through control of lighting, attractive design and maintenance of structures, use of planting screens or attractive fences, careful placement on the site, and sensible regulation of use.
- (3) Adequate provision shall be made for off-street parking for public, private commercial, and private non-commercial group facilities consistent with the need generated by the facility. The Building Inspector shall submit the plans for such facilities to the Plan Commission for determination as to parking need.
- (4) Where exterior lighting is provided for Public Facilities, Private Commercial Facilities, and Public Commercial Facilities said installations shall be constructed in accordance with Section 21 of this Code.
- (5) Where exterior lighting is provided for Private Residential Facilities, said installations shall be located and shielded that no objectionable glare or excessive illumination is cast upon adjoining property.

20.03 PUBLIC FACILITIES

- (1) Where permitted by right as a principal or accessory use any active use area or structure shall conform to the appropriate setback, offset and height regulations of the district in which located.
- (2) Where permitted as a conditional grant such facilities shall conform to the appropriate regulations as set out in Section 16 of this Code.

20.04 PRIVATE COMMERCIAL FACILITIES

- (1) Where permitted by right as a principal or accessory use any active use area or structure shall conform to the appropriate setback, offset, and height regulations of the district in which located provided, however, that in no case shall any active use area or structure be closer than 100 feet to an adjoining property line of a property in a residence district.
- (2) Where permitted as a conditional grant such facilities shall conform to the appropriate regulations as set out in Section 16 of this Code.
- (3) Commercial activity incident to but not directly involved in the primary outdoor recreational purpose such as restaurant, taverns, and personal service facilities shall be permitted only where they are also a permitted use in the district or where specifically authorized as part of the conditional grant.

20.05 PRIVATE NON-COMMERCIAL FACILITIES

- (1) Where permitted by right as a principal or accessory use any active use area or structure shall conform to the appropriate setback, offset, and height regulations of the district in which located provided however that in no case shall any active use area or structure be closer than 100 feet to an adjoining property line of a property in a residence district.
- (2) Where permitted as a conditional grant such facilities shall conform to the appropriate regulations as set out Section 16 of this Code.
- (3) Commercial activity incident but not directly involved in the primary outdoor recreational purpose such as restaurants, taverns, and personal service facilities shall be permitted only where they are also a permitted use in the district or where specifically authorized as part of the conditional grant.

20.06 PRIVATE RESIDENTIAL FACILITIES

- (1) Where such facilities are permitted as a principal or accessory use by right, any active use area or structure shall be subject to the setback, offset, and height regulations of the district in which located except as may be hereinafter specifically designated otherwise, the provisions of Section 15.06 of this Code notwithstanding. (Ord. # 1311 02-04-2010)

20.07 SWIMMING POOLS

In addition to the foregoing and Section 12.16 of the Chapter 12 License and Permits Municipal Code, swimming pools shall be subject to the following:

- (1) Pumps and filter equipment shall in no case be closer than 20 feet to a property line and shall be adequately housed and muffled.
- (2) Pools and hot tubs should not be located any closer than the required setback, per the Zoning District, to any right-of-way line and no closer than 10 feet to any other side and/or rear property line not adjacent to a right-of-way. Surfaced terraces shall be permitted no closer than three (3) feet to a lot line where accessory to a private residential pool. Sun

- decks shall be permitted no closer than five (5) feet to a lot line where accessory to a private residential pool. In any other case they shall be permitted within the setbacks and offsets on the property. (Ord. #1371 – 04-18-2013)
- (3) Reasonable precautions shall be taken to insure the safety of the pool area and to prevent it from becoming an "attractive nuisance." Pools other than those classified as "Private Residential" shall be completely fenced so as to prevent the unregulated entrance of young children to the pool area.
 - (4) Permanent pools erected on top of the surface of the ground shall have the pool construction completely and adequately screened from the view of the abutting properties by means of combined fence and landscape screen approved by the Plan Commission.
 - (5) Pools other than those classified as "Private Residential" or "Private Non-Commercial Group" shall conform to the following:
 - A. Pool water shall meet state standards for pure drinking water.
 - B. Adequate provision shall be made for separate shower, lavatory, and dressing facilities for men and women which facilities shall be well lighted, ventilated and properly equipped.
 - C. Pool construction shall be of concrete, steel or other material having an impervious smooth surface and approved by the Engineer.
 - D. Pool shape, design, depth, and slopes shall be such as to promote safe control of the bathers in the pool.
 - E. Inlets must be submerged and produce uniform circulation without "dead" spots.
 - F. Outlets must be of ample size and located at the pool low points.
 - G. Hose connections must be of ample size and located at the pool low points.
 - H. Overflow gutters must surround the pool and have a pitch adequate to carry off all overflow.
 - I. Adequate steps of ladder shall be provided to allow safe emergence from the pool and shall be made of impervious material, easily cleaned, and must not collect water or retain water.
 - J. A suction cleaner must be used to removed sludge, sediment and other accumulations.
 - K. Recirculation systems shall consist of pumping equipment, hair and lint catcher, filter, and all necessary fixtures and connections; must be capable of six-hour turnover of water; and must include disinfecting equipment.
 - L. All equipment must be accessible, satisfactorily located and the equipment room adequately drained.
 - M. Each pool shall have available a pH and residual determination.
 - N. If used at night the pool shall be adequately lit.

SECTION 21 RUSTIC STRUCTURES

21.01 GENERAL

Rustic Structures as defined by this Chapter shall be permitted by Conditional Use Grant.

21.02 APPLICATION PROCEDURE

Applications for Conditional Use status for Rustic Structures shall first be referred to the Conservation Commission for a recommendation as to whether a particular accessory structure or building meets the definition found in Section 22 of this Chapter. The conditional use grant should be filed in accordance with Section 14 of this code. In reviewing an application for Conditional Use, the Plan Commission shall consider the recommendation of the Conservation Commission, the definition of a Rustic Structure, and whether the accessory structure existed as of January 1, 2002.

21.03 PERIODIC REVIEW

All Conditional Use Grants issued under this Section shall be subject to periodic review as determined by the Plan Commission on a case-by-case basis. The Planning Commission may require various updates deemed necessary to preserve the intent of Rustic Structure. The requirements can be deemed mandatory, and if not applied by the owner, the Rustic Structure designation may be revoked and the structure razed.

21.04 TERMINATION

Conditional Use Grants for Rustic Structures may be terminated by Resolution of the Common Council following procedures of Section 14 of this Code.

21.05 ALLOWANCE

If granted conditional use status, the Rustic Structure is not required to comply with the location, area, height, and architectural requirements for detached accessory structures in the district.

SECTION 22 DEFINITIONS

22.01 GENERAL

The language set forth in the text of this Code shall be interpreted according to the following rules of construction:

- Singular and Plural. The singular number includes the plural, and the plural the singular.
- Tense. The present tense includes the past and future tenses, and the future the present.
- Shall and May. The word “shall” is mandatory; the word “may” is permissive.
- Gender. The masculine gender includes the feminine and neutral genders.
- Use and Occupy. The word “Use” includes designed, maintained, arranged, or intended to be used. The word “occupy” includes the design, arrangement or intent to be occupied.
- Defined words and terms. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be construed as set forth in the definition thereof. Any word appearing in parenthesis between a word and its definition herein shall be construed in the same sense as that word.
- Words not defined herein. Any words not defined in this Section shall be presumed to have their customary dictionary definition.

22.02 ABBREVIATIONS AND SYMBOLS

The following abbreviations are used in this Code and are intended to have the following meanings:

Abbreviation	Definition
ac	Acre(s)
ACOE	United States Army Corps. Of Engineers
ADT	Average Daily Traffic
DBH	Diameter at Breast Height, used in measuring tree size
DNR	Wisconsin Department of Natural Resources
d.u.	Dwelling unit
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FT / ft	foot or feet
GFAR	Gross Floor Area Ratio
ISR	Impervious Surface Ratio
g.d.	gross density
LSR	Landscape Surface Ratio
n.d.	net density
NFAR	Net Floor Area Ratio

OHM	Ordinary High Water Mark
OSR	Open Space Ratio
SEWRPC	Southeastern Wisconsin Regional Planning Commission
SF / s.f.	Square foot or square feet
=	equal
<	is less than
≤	is less than or equal to
>	is greater than
≥	is greater than or equal to

22.03 SPECIFIC WORDS AND PHRASES

When used in this Code, the following words and phrases shall have the following meanings:

Acre, Gross : The total area of a parcel of land. One acre equals 43,560 square feet.

Acre, Net : A measure of developable land area after excluding dedicated rights-of-way, waterways, and wetlands.

Adequate Public Facilities: Utilities, roads and other infrastructure required by the Municipal Code and adopted policies of the Common Council which are in place, or planned for within twenty-four (24) months, to serve the most suitable ultimate development of a property as depicted in the adopted Comprehensive Plan.

Agriculture and Related Activities: The use of land for agricultural purposes, including farming, dairying, grazing land, animal and poultry husbandry, greenhouses, nurseries, livestock and poultry confinement, and including the necessary accessory uses for packing, treating, storing, and shipping of farm products. The use of the word “farm” shall have the same meaning as the word “agriculture.”

Agritourism: Uses that combine tourism and agricultural practices that include activities that bring visitors to a working farm or ranch for enjoyment and education. (Ord. #1399 08-06-2015)

Alley - a public or private way permanently reserved as a secondary means of access to abutting property.

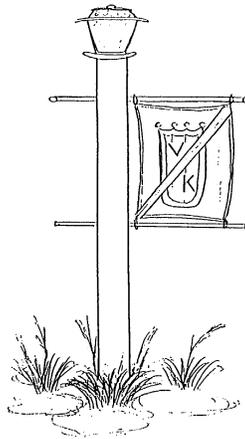
Average Daily Traffic (ADT) : The average number of cars per day that pass over a given point.

Awning : A roof-like cover that is temporary or portable in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is periodically retracted into the face of the building.

Banner : Any non-rigid temporary medium (typically, although not exclusively rectangular in dimension) onto which characters and/or symbols are applied for the purpose of conveying a message.



Banner, Pole Display : A banner that is mounted on poles, lights (stanchions) etc. within a property, manufactured from a permanent-type material and professionally decorated.



Base Setback Area: The land lying between the edge of the existing street right-of-way line and the Base Setback Line.

Base Setback Line: The line from which all required setbacks are measured, which line corresponds to the established ultimate street right-of-way line.

Basement: A story partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

Block - a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

Boarding House: A building or premises where meals and lodging are offered for compensation for 5 or more persons, but not more than 12 persons and having no more than 5 sleeping rooms for this purpose. An establishment where meals are served for compensation for more than 12 persons shall be deemed a restaurant. An establishment with more than 5 sleeping rooms shall be deemed a hotel or motel.

Boat House: A detached accessory structure located close to the ordinary high water mark and designed and used principally for the storage of boats and accessory marine

equipment normally used in the daily activities of lakefront property and which typically includes a large overhead door for primary access on the side of the structure facing the water.

Building: Any structure used, designed or intended for the roofed shelter, enclosure, or protection of persons, animals or property.

Building, Accessory: A building or portion of a building used for a purpose customarily incident to the permitted principal use of the lot or to a principal building and located on the same lot as the principal use.

Building, Principal: The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

Building, Habitable : means any building, or portion thereof used for human habitation.

Building, Height: The vertical distance from a point on grade to the highest point measured.

Building Scale - the relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

Building Site and Operation Plan : The development plan for one or more parcels on which is shown the existing and proposed conditions of the lot, including: topography; vegetation; drainage; floodplains; wetlands; waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs; lighting; berms, buffers, and screening devices; surrounding development; and any other information deemed necessary by the Director of Planning or the Plan Commission.

Camping Trailer: A vehicle designed to be towed or driven upon a highway, intended to be used for human habitation, up to thirty-five (35) feet in length. (see Recreational Vehicle)

Canopy : See Awning.

Certificate of Adequate Public Facilities (CAPF, or Certificate): Written determination by the Community Development Director or their designee that the requirements of this Chapter pertaining to Adequate Public Facilities are achieved.

Certificate of Compliance : A certificate issued by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance will all of the floodplain provisions of this ordinance.

Channel : A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Civic Facility : A non-commercial area developed or to be developed for public or quasi-public administrative, cultural, or recreational use. Such facilities include but are not limited to libraries, community centers, parks and playgrounds police stations, fire stations, or city hall.

Civic organization: A group of people formally organized for a common and usually community-oriented interest.

Clinic, Medical or Dental: A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices. but not including bed-patient care.

Class 2 public notice - Publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper or circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

Commercial Searchlight – An apparatus containing a light source and a reflector for projecting a high intensity beam of light.

Common Open Space - squares, greens, neighborhood parks, City parks, and linear environmental corridors owned and maintained by the City.

Comprehensive Plan - The current adopted Comprehensive Plan of the City of Muskego.

Curb Radius - the curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.

Density, Gross : The numerical value obtained by dividing the total number of dwelling units in a development by the gross area of tract of land (in acres) within a development.

Density, Net : The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located and including common open space and associated recreational facilities within the area; the result being the number of dwelling units per net residential acre of land. Net density calculations exclude dedicated rights-of-way, waterways, and wetlands.

Development : Any artificial change to improve or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

Development Plan: Materials required by Chapter 17, or Chapter 18, to be submitted for any Building Site and Operation Plan, Preliminary Plat, Final Plat, Certified Survey Map, and / or Conditional Use Grant application.

Building Inspector : The City Building Inspector or any other officer charged with the administration and enforcement of the Building Code or his duly authorized deputy.

Display Surface : Display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

Disrepair : Contains one or more of the following traits: excessive peeling paint, eroding message(s), dead landscaping (in season), missing pieces (access doors, excessive masonry decay, etc.), missing panels (message panels), and/or excessive rust.

Duplex: A building containing two single family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. (Cr. #205)

Dust-Proofing: An application of SC-4 asphaltic material placed on a base of granular materials at a rate of 1.2 gallons per square yard for the first application, with additional applications of asphaltic material placed if deemed necessary by the City. Application of asphaltic material shall not be applied when the temperature is below 60 degrees F. (Ord. #455 - 5-10-83)

Dwelling Unit, Secondary - An additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

Dwelling, Single Family Attached: A residential structure designed to house a single family unit from lowest level to roof, with private entrance, but not necessarily occupying a private lot, and sharing a common wall between adjoining units.

Dwelling, Single Family Detached: A residential structure designed to house a single family on a private lot and surrounded on all sides by a private yard.

Dwelling, Multiple: A building or portion thereof designed for and occupied by 2 or more families, including 2 family "flats", apartment houses and apartment hotels.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Extractive Operation: The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling or any other process.

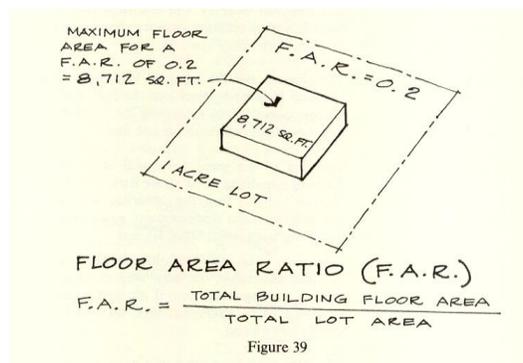
Family: One or more persons occupying the premises and living as a single housekeeping unit, as distinguished from a group of individuals occupying a boardinghouse, lodging house, club, fraternity or hotel.

Farm. An area used for growing of customary produce including but not limited to vegetables, fruits, and grains, and for the packaging and storage of produce grown on premises; as well as for the raising thereon of the usual poultry and livestock such as horses and cattle, and not including commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lots where no feed is raised on the premises, or the commercial feeding of poultry or laboratory animals such as mice, rats, rats, etc.

Farm, Hobby. An area of land devoted to agricultural activities which are accessory to the principal use of the property, including growing of customary produce including but not limited to vegetables, fruits, and grains, and for the packaging and storage of produce grown on premises; as well as for the raising thereon of the usual poultry and livestock such as horses and cattle, and not including commercial feeding of garbage or offal to swine or other animals, the commercial feeding of animals on open lots where no feed is raised on the premises, or the commercial feeding of poultry or laboratory animals such as mice, rats, rats, etc. Hobby farms are subject to limitations on the maximum head of poultry and livestock and separation requirements found in Section 40:18.0402 of this Code.

Floor Area : The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building or structure.

Floor Area Ratio (FAR) : The total floor area of buildings, expressed as a percentage ratio to the total area of the lot.



Floor Area, Assessed: The measurement of a structure's living area from outside wall to outside wall, inclusive of closets, storage areas, and seasonal rooms, but excluding unfinished basements, unfinished attics, and attached garages.

Garage, Attached: A public or private garage, the roof of which is connected to the principal building.

Garage, Private: A structure in excess of 120 square feet used for the storage of private motor vehicles, and which structure is accessory to the residential use of the property on which it is located.

Garage, Public or Commercial: Any garage not falling within the definition of "private garage" as herein established, and used for storage, repair, rental or servicing of motor vehicles.

Gasoline Service Station: A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and including facilities, for greasing, oiling, washing and minor repair of vehicles on the premises, but not including major automatic car washing or any body repair facilities.

Grade, Established: The elevation of the finished street at the centerline or curb as fixed by the Engineer or by such authority as shall be designed by law to determine such an elevation.

Guest House: An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

Habitable Structure: A habitable structure shall be defined as any type of structure designed and/or remodeled for residential use, which as constructed (including the installation of utilities) would allow for normal unrestricted human occupancy. Final decision as to whether any boathouse or other type structure would be considered habitable, will be determined by the Building and Engineering Director.

Highway: See Street, Major Arterial

Home Occupation: A gainful occupation conducted by members of the family, within its place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except as is produced by such home occupation.

Horticulture: Commercial or non-commercial cultivation of a garden or orchard.

Hospital: An institution intended primarily for the medical diagnosis, treatment, and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed patient care.

Hospital, Animal: An establishment providing for medical care and treatment of animal pets, but distinguished from a clinic by virtue of providing for bed patient care.

Hotel: A building in which lodging with or without meals, is offered for compensation and which may have more than 5 sleeping room for this purpose, but not including kitchen facilities in individual rooms.

Human Habitation : A human residence or dwelling.

Impervious Surface : Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to, building roofs, paved parking and driveway areas, patios, and sidewalks.

Inflatable Advertising : See Sign, Inflatable.

Kennel, Hobby : A non-commercial establishment associated with a single household in which dogs or other animals and pets are kept, bred, and raised.

Kennel, Commercial: An establishment where dogs or other animal pets not part of the actual household on the lot on which the facility is located are raised, bred, or boarded.

Land Use : A description of how property is occupied or utilized.

Legal Nonconformity: The zoning status of a structure or parcel of land which, or the use of which, though legal prior to the passage of this ordinance does not comply with one or more of the provisions of this ordinance.

Limits, Highway and Street : Include all the ultimate right-of-way, encompassing the traveling portion of the highway or street, the shoulders, the ditches, and adjacent dedicated areas.

Lodging House: A building where lodging only is provided for compensation and having not more than 5 sleeping rooms for this purpose.

Lot: A single parcel of contiguous land occupied or intended to be occupied by such structures and uses as permitted under this ordinance together with the open spaces required by this ordinance, and abutting on a public street or officially approved way.

Lot, Double Frontage : A parcel which fronts on two parallel streets or that fronts on the two streets which do not intersect at the boundaries of the lot.

Lot Area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfare, but including lands located between a meander line and the Ordinary High-water Mark (OHM) of a navigable waterway.

Lot Lines: The lines bounding a lot as defined herein.

Marquee - Permanent roofed structure attached to and supported by the building. See also Sign, Projecting.

Marquee: Permanent roofed structure attached to and supported by the building. See also Sign, Projecting.

Motel: A building or series of buildings in which lodging only is offered for compensation and which may have more than 5 sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

Mother-In-Law Unit: A residential dwelling unit of limited size and accessibility, attached to, and accessible from within, a primary residential structure. Such units are dependent upon said primary structure for basic services such as common electricity and plumbing facilities.

Murals : Artwork or other pictorial display judged by the Plan Commission, on referral of the Community Development Director or designee, not to be signage and shall be exempt from this Ordinance.

Non-Conforming Structure: A structure which does not conform to the Building Location, Height or Building Size regulations of the district in which it is located.

Non-Conforming Use of Structure: An activity that was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but fail by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Non-Conforming Lot: A lot which does not conform to the Lot Size Regulations of the district in which it is located.

Non-Conforming Use of Land: A use of any land in a manner where said use does not conform to the Use, Residential Density, or Open Space Regulations of the District in which it is located.

Off-street Parking Space: The area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of said lot and with adequate access thereto from the public street. For purposes of satisfying parking requirements of this ordinance an off-street parking space shall be an area of no less than 160 square feet.

Offset: The shortest horizontal distance between any structure and a lot line, other than a street line.

Open Space: An unoccupied space open to the sky on the same lot with the building and not used for parking or driveway purposes.

Ordinary High-water Mark (OHM): The point on the bank or shore 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 characteristic.

Outdoor Recreational Facilities: Land and structures, along with accessory equipment designed and utilized for leisure time activities of a predominantly "outdoor" nature and of more specific purpose than passive park-like open areas, and further classified as follows:

- **Public:** Facilities owned and operated by a governmental agency for limited or general public use.
- **Private Commercial:** Facilities owned and operated by an individual or group for profit as a business whether or not open to general public use.
- **Private Residential:** Facilities owned by an individual located on the same or adjoining lot to his residence, and intended solely for the use of this family and guests.
- **Private Non-Commercial Group:** Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.

Owner - The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records of the City of Muskego. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the municipality a copy of a deed or contract of sale showing date, book, and page of recording.

Planning Agency : The City of Muskego Plan Commission created under section 62.23(1), Wis. Stats. a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

Public Facility: For purposes of this Chapter, shall mean roads, sanitary waste facilities, potable water facilities, and drainage and storm water facilities.

Public Property - Any real property, easement, air-space, or other interest in real estate, including a street, owned by or controlled by this municipality or any other governmental unit.

Predominately Undeveloped: Any area where there are no more than three (3) homes within a radius of eight-hundred (800) feet.

Private Commercial: Facilities owned and operated by an individual or group for profit as a business whether or not open to general public use.

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.

Pennant : Tapered or dove-tailed banner, sign, streamer or flag, with or without any representation or writing thereon, and temporary in nature. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be categorized as banners. Community Development Director - The Community Development Director or his/her deputy is the City officer charged with the administration and enforcement of the Zoning Ordinance (also Zoning Administrator).

Primary Floor Area (P.F.A.): The floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales and office space and shall not include warehouse, utility, hallways and other accessory space which does not generate parking demand.

Private Club or Lodge: A structure or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a non-profit purpose, but not groups organized to render a service customarily carried on as a business.

Professional Office: The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, artist, musician or other similar recognized profession.

Queuing - the use of one travel lane on local streets with parking (usually an intermittent parking pattern) on both sides.

Reader Board : A sign having changeable letters used to announce special events, products, services or sales.

Recreational Vehicle : A vehicle designed to be towed or driven upon a highway, intended to be used for human habitation, exceeding thirty-five (35) feet in length. (see Camping Trailer).

Road: Synonymous with street.

Roadside Stand: A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for the sale of the farm products raised on said farm.

Roof, Existing Structure, and/or Building Mount Facility - A communications facility in which antennas are mounted to an existing structure, such as a building, silo, utility pole, water tower, existing telecommunications tower, and which may be on the roof (including rooftop appurtenances), building face, side or elsewhere on the existing structure.

Rooming House: Same as Lodging House.

Rustic Structure: Any permanent accessory structure or building which is distinctly set apart and unique from other structures and buildings due to its construction technique, materials, age, local historic significance or design, and characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice and which is structurally safe at the time conditional use is applied for and during the duration the conditional use is allowed.

Sand and Gravel Pits: See "Extractive Operations".

Scenic View - A specific location, area, or corridor that consists of (1) a three dimensional area extending out from a particular viewpoint, focusing on a single object or group of objects, such as a ridge line or a grouping of trees, resulting in an aesthetically pleasing view. (2) lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field.

Setback: The shortest horizontal distance any structure and the base setback line.

Shed, Private Garden: A structure equal to or less than 120 square feet in area, which is accessory to the residential use of the property and used for incidental storage.

Sign : Sign is any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes other than paint on the surface of a building. For the purpose of this Ordinance, coloration and/or striping on canopies shall not be considered signage and shall be allowed if it contributes to the overall theme and design of the property.

Sign, Abandoned : A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted, or product available on the premises where the sign is displayed.

Sign, Area : Area of copy enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point.

Sign, Agricultural Produce : Signs for the purpose of advertising agricultural produce available at a roadside produce stand or farm.

Sign, Awning, Canopy, or Marquee : A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance. See also Sign, Projecting.

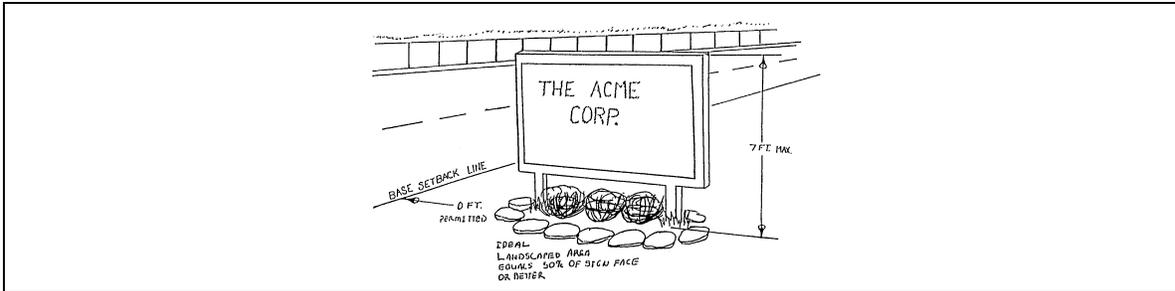
Sign, Directional: A sign intended solely for the purpose of directing patrons or customers to an establishment off the main traveled road and not including promotional advertising unnecessary to such directional purpose.



Sign, Electric : Sign containing electrical wiring, but not including sign illuminated by an exterior light source.

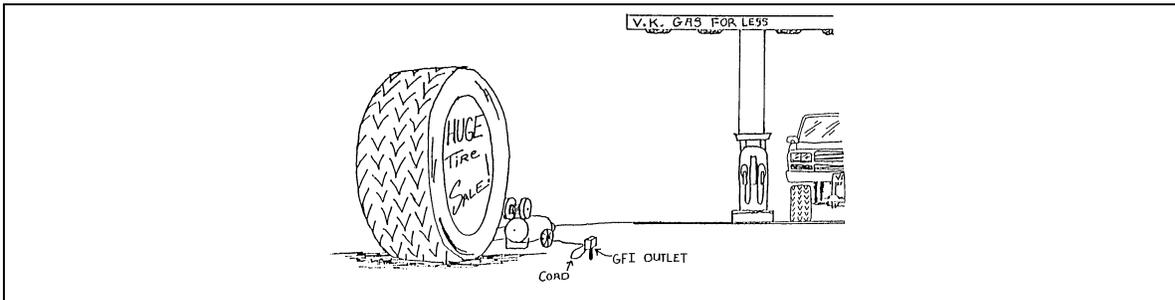
Sign, Freestanding : Sign wholly supported by a sign structure, unique to that sign, anchored in the ground.

Sign, Ground : Any sign, other than a pole sign, where the entire base of the sign is in contact with the ground and is independent of any other structure. Said sign shall not measure more than 7 feet in total height above grade.



Sign, Illuminated : A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

Sign, Inflatable : Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

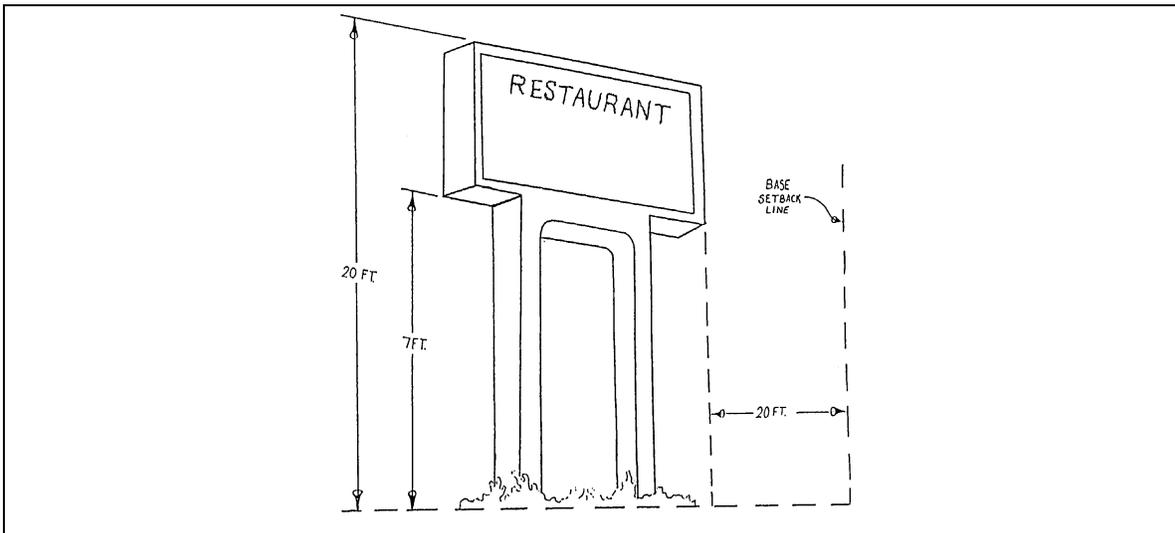


Sign, Off Premise : A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

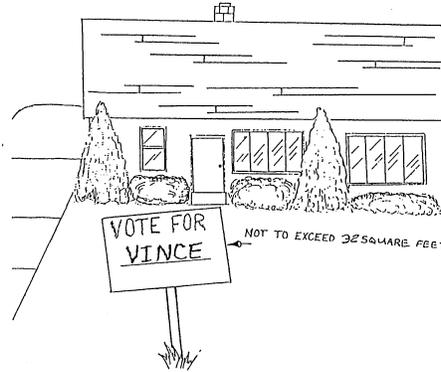
Sign, On-Site Informational : A sign commonly associated with, but not limited to, information and directions necessary or convenient for visitors coming on the property, including sign marking entrances and exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.

Sign, Quasi-Public Informational : Non-commercial signs of a general informational nature such as community welcome, safety warning, or other similar nature.

Sign, Pole : A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is seven (7) feet or more above grade.



Sign, Political : A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.



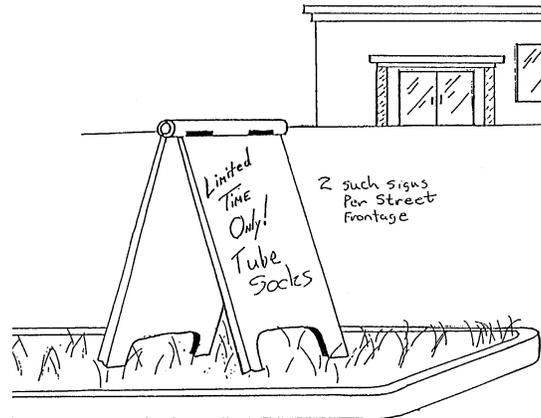
Sign, Portable : A sign that is not permanent, affixed to a building, structure, or the ground.

Sign, Projecting : Projecting sign shall mean a sign other than a wall sign, which projects from and is supported by a wall of a building or structure, extending out beyond 12 inches from the point of attachment, typically having 2 or more viewable sides, but for the purpose of this ordinance, only one side need be counted as a side for measuring its allowable area and sign count. Signs printed on or affixed to awnings and canopies shall also be considered projecting signs.

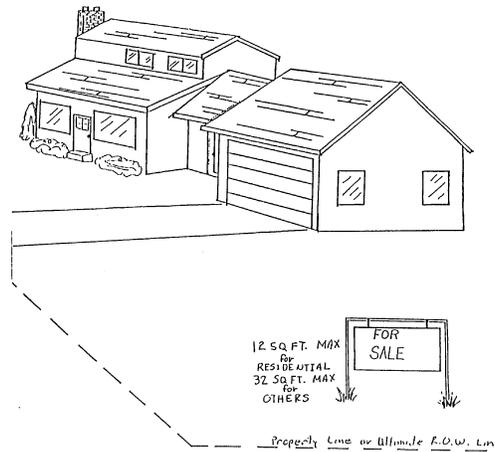


Sign, Price and Temporary Item : Rigid signs of a professional quality which advertise the price of a product or service offered on the premises or of special temporary goods

or services being sold or offered. A "sandwich board" sign is an example of a price and temporary item sign.



Sign, Real Estate : A sign relating to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

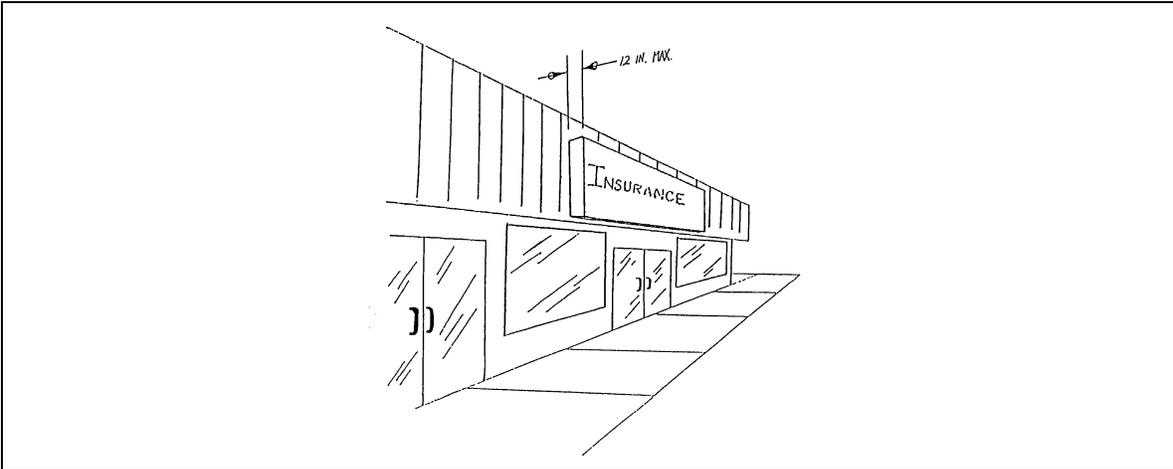


Sign, Roof : A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top wall or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Temporary : Shall include any sign, banner, pennant, valance, or advertising display intended to be displayed for a limited period of time only.

Sign, Theatre : A sign having changeable letters used to announce periodic events and showings pertain to the performing arts and are offered at the location where the sign is displayed.

Sign, Wall : A sign painted on a building and all other signs connected to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall where no part of the sign structure extends more than 12 inches out from the facade as measured near the points of attachment or contact to the building. Wall signs are permitted only on walls with street facings with a maximum of two building sides per building. For purposes of this ordinance, stores/businesses in shopping centers shall count the wall facing the main customer parking area as a street facing. For the purpose of this Ordinance, canopy coloration and/or striping shall not be considered wall signage.



Sign Structure : Supports or materials capable of supporting any sign as defined in this Ordinance. A sign structure may be a single pole or may or may not be an integral part of the building.

Shorelands : Lands within the following distances from the ordinary high-water mark of navigable waters; 1000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland-Wetland District : The zoning district created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance.

Solar Access: A property owner's right to have the sunlight shine on the owner's land.

Solar Collector: A device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, mechanical, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Stable, Private : An accessory use and accessory structure constructed and operated under the auspices of a Hobby Farm Building Site and Operation Plan in which equines are kept primarily for breeding, private boarding, training and / or giving lessons, but not for rent or hire to the public.

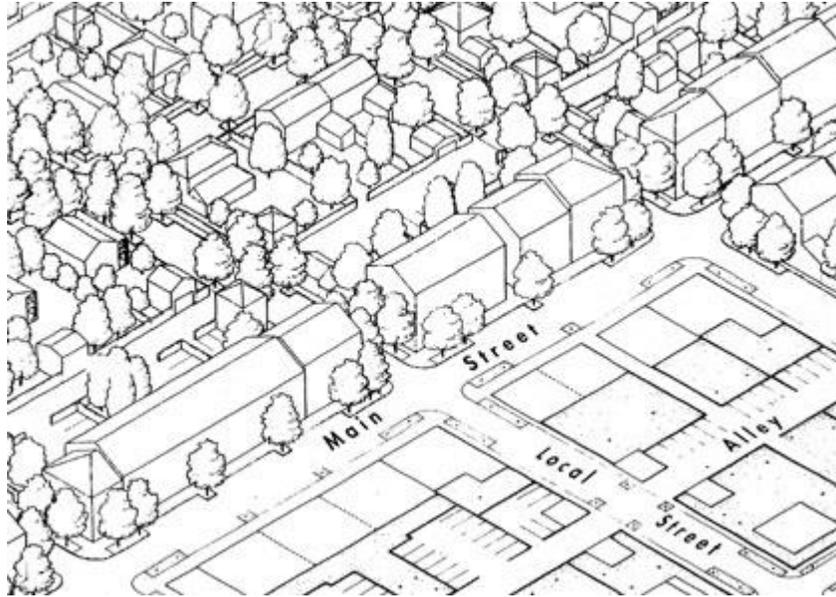
Stable, Commercial : A use and structure which may be either principal or accessory depending on its zoning district and classification, in which equines are kept primarily for breeding, boarding, training and / or giving lessons, including rental or hire to the public.

Story: That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulations.

Street: A public or private right of way usually affording primary access to abutting property.

Street, Frontage: A street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property.

Street, Hierarchy : The conceptual arrangement of streets based upon function. A hierarchal approach to street design classifies streets according to function, from high-traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety, efficient land use, and residential quality.



Street, Major Arterial : A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterials.

Street, Minor Arterial : A street with signals at important intersections and stop signs on the side streets and that collects and distributes traffic to and from collector streets.

Street, Minor Access : The lowest order of residential street (See Street Hierarchy). Provides frontage for access to private lots, and carries traffic having destination or origin on the street itself. Designated to carry traffic at slowest speed. Traffic volume should not exceed 250 ADT at any point of traffic concentration. The maximum number of housing units should front on this class street.

Street, Collector : The highest order of residential street (See Street Hierarchy). Conducts and distributes traffic between lower-order streets and higher-order streets (arterials and expressways). Since its function is to promote free traffic flow, access to homes and parking should be prohibited. Collectors should be designed to prevent use as shortcuts by non-neighborhood traffic. Total traffic volume should not exceed 3,000 ADT.

Street, Rural Cross-section Arterial : A *Major or Minor Arterial Street* characterized by the use of open ditch swales to convey stormwater run-off.

Street, Subcollector : Middle order of residential street (See Street Hierarchy). Provides frontage for access to lots and carries traffic to and from adjoining residential

access streets. Traffic should have origin or destination in the immediate neighborhood. Traffic volume should not exceed 500 ADT at any point of traffic concentration.

Street, Urban Cross-section Arterial :A *Major or Minor Arterial Street* characterized by the use of curb and gutter, catch basins, and pipes to convey stormwater run-off.

Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

Structure: A combination of materials other than natural terrain or plant growth erected or constructed to form a shelter, enclosure, retainer, container, support, base, pavement or decoration.

Structure, Principal: A structure used or intended to be used for the principal use as permitted on such lot by the regulations of the district in which it is located.

Structure, Accessory: A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.

Structure, Permanent: A structure placed on or in the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period of more than 9 months.

Structure, Rustic: Any permanent accessory structure or building which is distinctly set apart and unique from other structures and buildings due to its construction technique, materials, age, local historic significance or design, and characteristic of past agricultural practices or rural life, whether presently utilized or not for agricultural practice and which is structurally safe at the time conditional use is applied for.

Structure, Temporary: Any structure other than a permanent structure.

Structural Alterations: Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

Substantial Landscape Base Area: A planting space at the base of a sign face whose cultivated area equals that of the associated sign face square footage and, in which perennial vegetation and/or shrubs cover at least 50% of the cultivated area.

Substantial Improvement: For purposes of floodplain zoning administration, 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:

- Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
- 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 nonstructural 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.)

Tavern: A commercial establishment serving the public and offering the sale of fermented malt beverages and/or intoxicating liquors for consumption on the premises. This definition does not include private lodges nor clubs selling fermented malt beverages and/or intoxicating liquors only to members and to guest invited by members.

Traditional Neighborhood - a compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.

Trailer, House: For the purpose of this ordinance the term "house trailer" shall be defined as any shelter designed and equipped to provide sleeping and living quarters, and designed to be transported from place to place rather than to be constructed upon permanent foundations. Any such structure from which the wheels have been removed shall be construed to be a permanent dwelling structure.

Trailer, Camping: Any coach, cabin, mobile home, house trailer, house car or other vehicle operating under its own power or transported by other vehicle intended for habitation off the premises and mounted on wheels or supports.

Tourist Home: A building in which lodging, with or without meals, is offered to transient guests for compensation and having no more than 5 sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment.

Unnecessary Hardship : That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Use, Accessory: A use subordinate to and customarily incident to the permitted principal use.

Use, Conditional : A use which is generally acceptable in a particular zoning district but which, because of its characteristics and the characteristics of the zoning district in which it would be located, requires review on a case by case basis to determine whether it should be permitted, conditionally permitted, or denied.

Use, Permitted: That utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which said land is located.

Use, Principal: The main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.

Variance : An authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

View Corridor - (See also **Scenic View**).

Vision Setback Area: An unoccupied triangular space, at the street corner of a corner lot.

Watershed : The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

Well : An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

Wetlands : Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative or wet conditions.

Wetland Alteration : Any filling, flooding, draining, dredging, ditching, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Zoning Administrator and Administrative official - The Administrative Officer designated to administer the Zoning Ordinance and issue zoning permits. The term Zoning Administrator and/or Administrative Official as used herein does not include the Common Council for the City of Muskego. (Ord. #663, 10-5-89)
Zoning District – A specifically delineated area within the City of Muskego within uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning Map – The map or maps which are adopted as a part of this ordinance and which delineate the boundaries of zoning districts.

SECTION 23 CHANGES AND AMENDMENTS

23.01 AUTHORITY

Pursuant to the provisions of Section 62.23 (7) of the Wisconsin Statutes the Common Council may, after first submitting the proposal to the Plan Commission for report and recommendation and after notice and public hearing as hereinafter provided, amend the regulations of this ordinance or change the district boundaries.

23.02 GENERAL AMENDMENT PROCEDURE

(1) INITIATION

A proposal to amend the text or change the district mapping of this ordinance may be initiated by the Common Council on its own motion, by recommendation of the Plan Commission, or by petition of one or more property owners.

(2) FILING OF PETITION

A petition for change or amendment submitted by a private property owner shall be prepared on printed forms provided for the purpose and filed with the Community Development Director and shall be accompanied by a fee, as from time to time established by Resolution of the Common Council, to defray the cost of giving notice, investigation and other administrative processing.

(3) DATA REQUIRED

In addition to all information required on the petition form, the petitioner shall supply the following:

- A. A plot map drawn in triplicate to a scale no smaller than 100 feet to the inch for tracts of less than ten (10) acres and no smaller than 200 feet to the inch for tracts of ten (10) acres or more, showing the land in question, its location, the length and direction of each boundary thereof, the location and the existing use of all buildings on such land and the principal use of all properties within 300 feet of such land.
- B. The names and addresses of the owners of all properties within 300 feet of any part of the land included in the proposed change.
- C. Any further information which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Common Council.

(4) PLAN COMMISSION REVIEW AND RECOMMENDATION

The Community Development Director shall transmit without delay one copy of such petition to the Plan Commission. The Plan Commission shall conduct a study and investigation and where deemed desirable, an informal hearing, and report its recommendation to the Common Council within a reasonable time once docketed on the Plan Commission agenda, unless a longer period is stipulated by the Common Council. If the Plan Commission determines that the services of a professional planning consultant are required to determine the feasibility of a zoning change, the fees incurred for such study shall be the responsibility of the petitioner.

(5) OFFICIAL HEARING

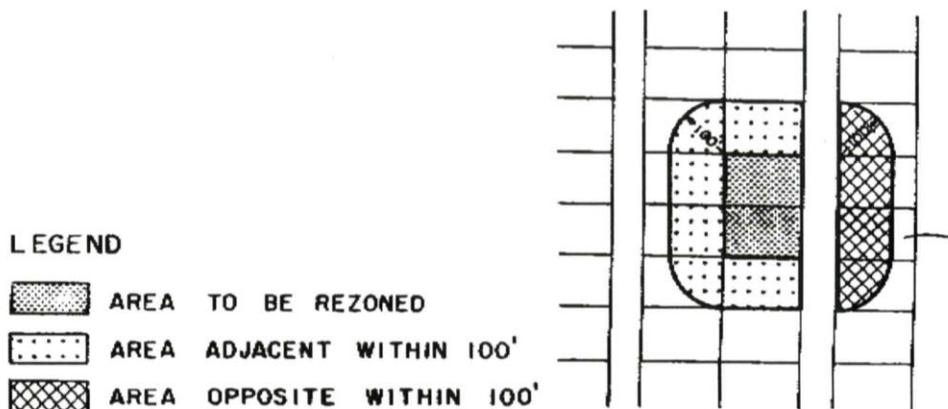
The Common Council shall hold a public hearing upon the petition in the manner provided by Section 2 of this Code.

(6) ACTION

- A. As soon as possible after such public hearing the Common Council shall act to approve, modify and approve, or disapprove the proposed change or amendments.
- B. The Common Council shall not take action without first having Plan Commission review the proposed change or amendments.
- C. An approved change shall be by appropriate ordinance, and necessary changes in the Zoning Map or text shall thereafter be made by the Community Development Department in a timely manner.

(7) PROTEST

In case of protest against a change duly signed and acknowledged by the owners of 20 percent or more either of the area of land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent and extending 100 feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, an amendment shall not become effective except by the favorable vote of $\frac{3}{4}$ of the majority of the members present of the Council.



23.03 AMENDMENT PROCEDURES IN SHORELAND WETLAND MAPPING & TEXT

(1) AUTHORITY

The Common Council may alter, supplement or change the district boundaries and the regulations contained in this ordinance in accordance with the requirements of §62.23 (7)(d)2., Wisconsin Statutes, NR 117, Wisconsin Administrative Code, and the procedures of Section 23.02 of this Code.

(2) PROCEDURE

- A. A copy of each proposed map amendment shall be submitted to the appropriate district office of the Department of Natural Resources within five (5) days of the submission of the proposed amendment to the municipal planning agency;
- B. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Plan Commission, and a public hearing shall be held after class II notice as required by §62.23(7)(d)2.,

- Wisconsin Statutes. The appropriate district office of the Department of Natural Resources shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- C. In order to insure that this ordinance will remain consistent with shoreland protection objectives of §144.26, Wisconsin Statutes, the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
1. Storm and flood water storage capacity;
 2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 4. Shoreline protection against erosion;
 5. Fish spawning, breeding, nursery or feeding grounds;
 6. Wildlife habitat; or
 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- D. Where the district office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Sub Section (C) above, the Department of Natural Resources shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.
- E. The appropriate district office of the Department of Natural Resources shall be provided with:
1. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the municipal governing body.
 2. Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.
- F. If the Department of Natural Resources notifies the Community Development Department in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Sub Section (C) above, that proposed amendment, if approved by the Common Council, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the Department of Natural Resources, as required by of this Code. If within the thirty (30) day period, the Department notifies the Community Development Department that the Department of Natural Resources intends to adopt a superseding shoreland-wetland zoning ordinance for the City as provided by §62.231(6) and §61.351(6), Wisconsin Statutes, the proposed amendment shall not become effective

until the ordinance adoption procedure under section §62.231(6) or §61.351(6), Wisconsin Statutes is completed or otherwise terminated.

SECTION 24 ADOPTION AND EFFECTIVE DATE

24.01 REPEAL OF CONFLICTING

This Zoning Code hereby repeals and recreates Chapter 17 “Zoning Code” of the City of Muskego, Wisconsin Municipal Code

24.02 PUBLIC HEARINGS

The City of Muskego Common Council held a public hearing on this Zoning Code pursuant to the requirements of Section 62.23(7) of the Wisconsin Statutes on December 11, 2006.

The City of Muskego Common Council held a public hearing on the Official Zoning Map for the City of Muskego pursuant to the requirements of Section 62.23(7) of the Wisconsin Statutes on December 11, 2006.

24.03 PLAN COMMISSION RECOMMENDATION

The Plan Commission recommended to the Common Council the adoption of this Zoning Code text at its meeting held on January 16, 2007.

The Plan Commission recommended to the Common Council the adoption of the Official Zoning Map on January 16, 2007.

24.04 COMMON COUNCIL APPROVAL

The Common Council of the City of Muskego concurred with the recommendations of the Plan Commission and proceeded to adopt the Zoning Code and Map at its meeting on January 23, 2007.

24.05 EFFECTIVE DATE

This Zoning Code shall take effect upon passage and adoption by the Common Council and the filing of proof of posting or publication in the Office of the City Clerk.