

**Exhibit A
to Ordinance No. 931**

Sec. 100-51. - Established; boundaries.

(a) For the purpose of this chapter, the Village of Mukwonago is hereby divided into the following zoning districts:

A-1	Agricultural District
R-1	Single-Family Community Residential District
R-2	Single-Family Village Residential District
R-3	Single-Family/Duplex Residential District
R-4	Planned Residential Development District
R-5	Planned Mobile Home District
R-7	Single-Family Intermediate Residential District
R-8	Single-Family Estate Residential District
R-9	Single- and Multifamily Rural Residential District
R-10	Multifamily Residential District
B-1	Neighborhood Business District
B-2	General Business District
B-3	Community Business District
B-4	Commercial Business Design District
B-5	Planned Business and Light Industrial Development District
VC	Village Center Overlay Zoning District
M-1	Limited Industrial District
M-2	Light Industrial District
M-3	General Industrial District
M-4	Medium/Heavy Industrial District
M-5	Heavy Industrial District
P-1	Public and Semipublic District
S-W	Shoreland Protection Overlay District
FW	Floodway District
FF	Floodfringe District
GFD	General Floodplain District
FSD	Flood Storage District

**Exhibit B
to Ordinance No. 931**

Section 100-153. Village Center Overlay Zoning District

(a) Intent. The intent of this Village Center Overlay Zoning District is to establish uniform zoning standards to accommodate pedestrian oriented retail businesses and other uses located in a multi-purpose environment within the center of the Village of Mukwonago; that recognizes the unique character of platting, land use and development within the Village Center; and that necessitates specialized standards to sustain a unique place. This overlay district is further intended to supersede standards of the Base Zoning District that allows an intensively developed, compact area consisting primarily of retail businesses with multi-purpose development where appropriate and maintains the surrounding residential neighborhood supporting the unique Village Center.

(b) Boundary of Village Center Overlay Zoning District. The standards of Village Center Overlay Zoning District within this Section 100-153 shall apply to and include properties as shown on the map marketed as "Exhibit 1" on file in the office of the Village Clerk, with the following general boundaries:

- (1) North:** Washington Avenue, extending to include the Pearl and Grand Avenue Historic District
- (2) East:** Canadian National Railroad Tracks
- (3) South:** Mukwonago River
- (4) West:** Shore Line of Lower Phantom Lake

(c) Scope of Regulations. The provisions of this Section 100-153 shall be in effect on a property or properties within the boundary of the Village Center Overlay Zoning District under any of following conditions:

(1) Change in Use. When the existing use of any building, structure or land is changed to a new permitted use or conditional use in accordance with Section 100-153 (f), all provisions of this Section 100-158 shall apply to the new use. In a building or structure with multiple uses or tenants, the new use shall conform to Section 100-153 (f) without impacting any existing business or businesses existing in the same building or structure. If any existing use not allowed as a permitted use or conditional use by Section 100-153 (f) located in the same building or structure with a new use as of June 29, 2017, the existing use may continue as a non-conforming use until the use vacates the building or structure.

(2) Enlargement of Use. The provisions of this Section 100-158 shall apply when the intensity of use of any building, structure, or land is increased through additional floor area, seating capacity or additional residential dwelling units. However, buildings and structures with a use currently existing and permitted in the Base Zoning District as of June 29, 2017 that is not allowed as a permitted use or conditional use by Section 100-153 (f) may be allowed to enlarge in accordance with the bulk standards of this Section

100-153 (g), and the non-conforming use may remain. Any new use occupying the enlargement shall conform to all standards of this Section 100-153.

(3) New Construction. The provisions of this Section 100-153 shall apply to all buildings and structures erected and all uses of land (including the construction of new parking and loading facilities) established after June 29, 2017.

(4) Pre-Existing Residential Uses. Buildings and structures with residential as the primary use existing at the time of adoption of this Section 100-153 within the B-1, B-2 or M-1 base zoning district, and located within the boundary of this overlay district, may continue in a residential use and shall be allowed to make building and property improvements to maintain proper habitation.

(5) Benefit of Property Ownership. Any property owner may select to comply with this Section 100-153 at any time, regardless of the other scope of regulations of this Section 100-153 (c).

(6) Application of M-1 or M-2 zoning within the Multi-Purpose Perimeter Sub-District. Properties with the Base Zoning District of M-1 or M-2 within the Multi-Purpose Perimeter sub-district shall request and receive a zoning district boundary change to either the B-1 or B-2 zoning district before any enlargement of use or new construction. The use or uses shall be subject to B-1 or B-2 standards with the optional standards of this Village Center Overlay Zoning District.

(d) Sub-Districts of the Village Center Overlay Zoning District. To achieve the intent of the Village Center Overlay District and to recognize the historic development pattern of the Village Center with a core of retail establishments, sub-districts are created as shown on Exhibit A; on file in the office of the Village Clerk. The sub-districts of the Village Center Overlay District are as follows:

1. Retail Center
2. Multi-Purpose Perimeter
3. Residential Perimeter

(e) Purpose of the Sub-Districts. Administration of the allowable uses, performance standards and bulk standards of this Section 100-153 shall be based on the following purpose statements of each sub-district in addition to the overall intent statement of the Village Center Overlay Zoning District.

(1) Retail Center. It is the purpose of the Retail Center to create street level activity by permitting a range of businesses on the ground floor or first floor space of buildings facing the public street primarily of retail character that sell or provide services directly to customers on the premises or serves as a third-place establishment. Businesses that do not create customer traffic are encouraged to locate within the Retail Center on upper floors or the ground floor or first floor space of buildings that do not face the public street. Nonetheless, businesses without customer traffic may be allowed by approval of the Plan Commission if the business adds significance to the Village Center; such as the business is an employment generator, the aesthetic appeal of the business or the building in which the business is located, or the existing floor plan of the building

or tenant space is designed for an office environment. Residential dwelling units are encouraged on the upper floors of the Retail Center. Several buildings within the Retail Center may be encouraged to remain to enhance the cultural heritage of the Village while other buildings are encouraged to be redeveloped or expanded. In addition, it is the purpose of the Retail Center to preserve the two buildings listed on the National Register of Historic Places, and to promote the cultural heritage of the Village of Mukwonago by maintaining buildings and uses that have been and will continue to be important elements within the Village Center.

(2) Multi-Purpose Perimeter. It is the purpose of the Multi-Purpose Perimeter to create a mixture of business uses (such as retail, third-places, office services and corporate offices) combined with residential at higher densities than allowed elsewhere in the Village creating a consistent activity level and a market for the Retail Center and the Multi-Purpose Perimeter. Facing the major traffic corridors of Rochester Street and Main Street, businesses located on the ground floor or first floor of buildings shall meet the same criteria as the Retail Center with the purpose of creating street level activity; except by approval of the Plan Commission if the business adds significance to the Village Center; such as the business is an employment generator, the aesthetic appeal of the business or the building in which the business is located, or the existing floor plan of the building or tenant space is designed for an office environment. Several buildings within the Multi-Purpose Perimeter may be encouraged to remain to enhance the cultural heritage of the Village while other properties are encouraged to be redeveloped or expanded. Conversion of existing homes to low intensity business uses is encouraged (such as professional offices and Bed and Breakfast establishments).

(3) Residential Perimeter. It is the purpose of the Residential Perimeter to preserve and protect the important residential areas surrounding the business center of the Village by identifying the Pearl and Grand Avenue Historic District and allowing homes to be maintained and improved that otherwise are non-conforming pursuant to the required setbacks of the Base Zoning Districts.

(f) Allowable Uses within Sub-Districts. The standards within this Section 100-153 (f) shall apply to uses allowed as permitted uses or conditional uses per sub-district of the Village Center Overlay Zoning District, as permitted uses and conditional uses are administered in this Chapter 100. Uses specifically prohibited per sub-district are listed as not permitted.

(1) General List of Allowable or Not Permitted Uses. The following general categories of uses are allowed per sub-district as permitted uses or conditional uses, or not permitted, within the criteria and performance standards of this Section 100-153 (f). When a question arises if a use conforms to this Section 100-153 (f)(1), please see the specific list of Section 100-153 (f)(2).

Type of Use (See Section 100-153 (4) for description)	Sub-Districts		
	Retail Center	Multi-Purpose Perimeter	Residential Perimeter
Business with on-site customers; ground floor or 1st floor use facing street	Permitted	Permitted	Not Permitted
Business with on-site customers; ground floor or 1st floor use not facing street	Permitted	Permitted	Not Permitted
Business with on-site customers; upper floor use above 1st floor	Permitted	Permitted	Not Permitted
Business without on-site customers; ground floor or 1st floor use facing street	Not Permitted; except as allowed by Plan Commission per criteria of Section 100-153 (e)(1)	Not Permitted facing Rochester Street or Main Street; Permitted Elsewhere	Not Permitted
Business without on-site customers; ground floor or 1st floor use not facing street	Permitted	Permitted	Not Permitted
Business without on-site customers; upper floor use above 1st floor	Permitted	Permitted	Not Permitted
Residential; ground floor or 1st floor facing street	Not Permitted	Permitted	As Allowed for either Single Family, Two-Family or Multi-Family in the Base Zoning District*
Residential; ground floor and 1st floor not facing street	Conditional Use; including on-site parsonage for rector of church or religious institution	Permitted	As Allowed for Single Family, Two-Family or Multi-Family in the Base Zoning District*

Type of Use (See Section 100-153 (4) for description)	Retail Center	Multi-Purpose Perimeter	Residential Perimeter
Residential; upper floor above 1st floor	Permitted	Permitted	As Allowed for Single Family, Two-Family or Multi-Family in the Base Zoning District*

*Single Family, Two-Family or Multi-Family shall be allowed as a permitted use or conditional use, or not permitted, in accordance with the allowable uses of the Base Zoning District. Any new single family residential construction; any new two-family residential construction or conversion of a single family residence to a two-family structure shall require a minimum lot size of 8,712 square feet. Any new multi-family structure construction or conversion of a single family or two-family residence to a multi-family structure shall require a minimum lot size of 18,000 square feet.

(2) Specific List of Allowable or Not Permitted Uses. The following is a list of specific uses allowed either as a permitted use or a conditional use, or not permitted, within the sub-districts of the Village Center Overlay District. The purpose of this list to clarify when a specific use is deemed appropriate or not appropriate to comply with the general list of allowable or not permitted uses, the intent of this Section 100-153 and the purposes of the sub-districts. Furthermore, any permitted use or conditional use listed below shall conform to standards of 100-153 (f) (1) and (4) for a business location within a building with or without on-site customers except with Plan Commission approval pursuant to the criteria of Section 100-153 (e)(1) and (2), or residential shall conform to standards of Section 100-153 (f) (1) and (5) for location within a building.

<u>Type of Use</u>	<u>Sub-Districts</u>		
	<u>Retail Center</u>	<u>Multi-Purpose Perimeter</u>	<u>Residential Perimeter</u>
Adult Family Home*	Not Permitted	Permitted in Residential	Permitted
Animal (small) Boarding	Not Permitted	Conditional Use	Not Permitted
Animal/Veterinary (small) Clinic	Not Permitted	Conditional Use	Not Permitted
Animal (small) Grooming	Not Permitted	Permitted	Not Permitted
Bed and Breakfast	Not Permitted	Permitted	Conditional Use
Business/Office Use	Permitted	Permitted	Not Permitted
Car Wash	Not Permitted	Not Permitted	Not Permitted
Church or Religious Institution	Permitted	Not Permitted	Not Permitted, except existing may continue as Permitted

<u>Type of Use</u>	<u>Retail Center</u>	<u>Multi-Purpose Perimeter</u>	<u>Residential Perimeter</u>
Community Living Arrangement, eight or fewer persons*	Not Permitted	Permitted in Residential	Permitted
Community Living Arrangement, nine or more persons*	Not Permitted	Conditional Use in Residential	Conditional Use
Contractor	Not Permitted	Conditional Use	Not Permitted
Clubs and Lodges	Not Permitted	Permitted	Not Permitted
Cultural Institution	Conditional Use	Permitted	Permitted
Day Care	Not Permitted	Conditional Use	Not Permitted
Drive-thru Facility, accessory to a principal use	Conditional Use	Conditional Use	Not Permitted
Family Daycare Home*	Not Permitted	Permitted in Residential	Permitted
Foster Home and Treatment Foster Home*	Not Permitted	Permitted in Residential	Permitted
Funeral Home	Not Permitted	Conditional Use	Not Permitted
Government Office	Permitted, Upper Floors or Not Facing Street	Permitted	Not Permitted
Health Clinic	Permitted	Permitted	Not Permitted
Home Occupation*	Permitted in Residential	Permitted in Residential	Permitted
Household Appliance Repair, if accessory to a principal use	Permitted	Permitted	Not Permitted
Hotel	Permitted	Permitted	Not Permitted
Medical Office	Permitted	Permitted	Not Permitted
Motor Fuel Dispensing Station	Conditional Use	Conditional Use	Not Permitted
Laundromat	Not Permitted	Permitted	Not Permitted
Outdoor Seating with Food or Drink Service	Conditional Use	Conditional Use	Not Permitted
Professional Home Office*	Permitted in Residential	Permitted in Residential	Permitted
Public Museum	Permitted	Permitted	Not Permitted

<u>Type of Use</u>	<u>Retail Center</u>	<u>Multi-Purpose Perimeter</u>	<u>Residential Perimeter</u>
Second Hand Store/Antique Shops	Conditional Use	Permitted	Not Permitted
Seasonal Market	Permitted	Permitted	Not Permitted
Schools (K-12 public, parochial or private)	Not Permitted	Not Permitted	Not Permitted
Schools** (Specialty or Technical)	Permitted, Upper Floors or Not Facing Street	Permitted, Upper Floors or Not Facing Street	Not Permitted
Social Service Agency	Permitted Upper Floors Only	Permitted	Not Permitted
Temporary Uses (see standards below)	Permitted	Permitted	Not Permitted
Theater (movie or live entertainment), Indoor	Conditional Use	Permitted	Not Permitted

*Pursuant to compliance with the detailed standards for the use as stated in the Base Zoning District or the general standards of Chapter 100.

**Except Schools with students arriving and leaving on a regular basis to provide constant store front activity shall be permitted on ground floor or 1st floor facing street with approval of the Plan Commission.

(3) Prohibited Uses. The following list of uses are specifically prohibited within any sub-district of the Village Center Overlay Zoning District: Automobile and other Vehicle Sales; Automobile and other Vehicle Repair; Adult Cabaret; Adult Entertainment; Adult Book, Magazine or Video Sales or Rentals; Tool Rental Facility and any use selling or providing an illegal product or service.

(4) Performance Standards for Allowed Uses. All uses allowed as either a permitted use or a conditional use within the sub-districts of the Village Center Overlay District shall comply with the following performance standards.

a. A business with on-site customers means an enterprise, company, firm or organization engaged in the sale of new products and/or rendering services directly to the public and/or customers at the location of the business within the Village Center. A business with on-site customers shall have regular and consistent hours of operation open to the public in relation to other Village Center businesses, with the objective of attracting customers within the hours of 9:00 A.M. to Midnight, which provides the Village Center with consistent street level pedestrian and traffic activity. Common terms for a business under this category may include retail or commercial establishment, a business office, general service, health care, and accommodation, food service or drinking establishments. Third-place businesses are encouraged

that provide an alternate to community citizens beyond home and employment to congregate, meet and enjoy the presence of friends and other members of the community. Examples of third-place businesses include a restaurant with a bar, a craft store that holds classes teaching knitting or scrap booking, or a hobby store that holds classes teaching model railroading.

- b. A business without on-site customers means an enterprise, company, firm or organization engaged in the sale of new products and/or rendering services to the public off-site away from the location of the business within the Village Center, and may have customers at the location of the business within the Village Center. A business without on-site customers shall have regular and consistent hours of operation at the location of the business in relation to other Village Center businesses without on-site customers. Common terms for a business under this category may include a business office, office research, general service, health care and social assistance. Nonetheless, businesses without customer traffic may be allowed by approval of the Plan Commission if the business adds significance to the Village Center; such as the business is an employment generator, the aesthetic appeal of the business or the building in which the business is located, or the existing floor plan of the building or tenant space is designed for an office environment.
- c. A ground floor or 1st floor use facing street means a use with an exterior building wall side facing or along a public right-of-way, which is partially or fully below street level or is at street level.
- d. A ground floor or 1st floor use not facing a street means a use without any exterior building wall side facing or along a public right-of-way. If a use only has an entrance facing or along a public right-of-way, with the entrance leading to the use via a corridor or stairwell, the use is considered a ground floor or 1st floor use not facing a street.
- e. An upper floor use means any use located within a building above the 1st floor with accessibility via a stairwell or elevator.
- f. Wholesaling or jobbing shall be permitted only where retailing is the primary use of the premises. The manufacture, assembly, processing or packaging of goods shall be permitted only when accessory to a permitted use or conditional use. All goods produced on the premises shall be sold at retail on the premises.
- g. All business, servicing, storage and display of goods shall be conducted within completely enclosed buildings. The following activities and uses are exempt from this requirement.
 - 1. Accessory off-street parking and loading.
 - 2. Outdoor seating provided by a restaurant, or any other eating or drinking establishment. Any outdoor seating requires a conditional use.
 - 3. Any unified special community event that encourages outside display of goods, not to exceed three consecutive days.

- h. Uses that meet the criteria for permitted uses within this Section 100-518 (d) shall be approved by the Zoning Administrator. The Plan Commission shall have the final authority if there is any question if a use meets the criteria for a permitted use.
- i. Any use forwarded to the Plan Commission for final determination may be remanded by the Plan Commission for conditional use consideration if deemed the proposed use requires additional review via a public hearing before final consideration.

(5) Performance Standards for a Temporary Use. The intent of this section is to accommodate reasonable requests for interim, temporary or seasonal use within an enclosed building when such activities are desirable and beneficial for the community for limited periods of time. Examples of a temporary use include a health clinic and temporary inoculation center, seasonal sales or display, and use of a temporarily vacant business space for a short term use such as an art gallery or seasonal sales of decorations. Allowance of temporary uses does not supersede regulations pertaining to specific temporary uses included in other code sections of Chapter 100, or other building and health and safety codes. No construction activity or building alterations shall occur to facilitate the temporary use. The Zoning Administrator may take actions to cease operation of any temporary use that does not conform to the standards of this paragraph.

(6) Performance Standards for Residential. Residential allowed as a permitted use or a conditional use within the sub-districts of the Village Center Overlay Zoning District, shall comply with the following performance standards. Residential shall mean an single family building, an individual dwelling unit or group of dwelling units within a mixed use building with business as the main ground floor or 1st floor use, or within a building primarily designed for multi-family residential.

- a. Within the Retail Center and Multi-Purpose Perimeter sub-districts, there shall not be any limitation on the number of residential dwelling units within a building or on a property, subject to compliance with permitted use or conditional use criteria, minimum living area standards, bulk regulations and parking regulations of this Section 100-513.
- b. Residential within the Retail Center sub-district shall be located only within a building having permitted business space.
- c. Residential shall conform to all other applicable State of Wisconsin and Village codes for residential construction and public safety.
- d. Within the Retail Center sub-district, a church or religious institution shall be limited to one dwelling unit for an on-site parsonage for rector and rector's family of a church or religious institution. Rector means the spiritual leader of a church or religious institution.
- e. Within the Retail Center, Institutional Center or Multi-Purpose Perimeter sub-districts, each residential dwelling unit shall have a minimum living area of 750 square feet for a one-bedroom or efficiency unit, or a minimum of 950 square feet for

a two-bedroom unit or more than two-bedroom unit. Any studio apartment residence at a minimum living area of 600 square feet shall require a conditional use.

- f. Within the Residential Perimeter sub-district, the number of residential dwelling units within a building or on a property shall be subject to the regulations of the Base Zoning District for single family, two-family or multi-family, whichever applies.
- g. A Secondary Suite is allowed in a single family dwelling within the Residential Perimeter sub-district as defined in this Chapter 100 and allowed in accordance to the standards of the base zoning district.
- h. The location of residential within a building shall conform to the descriptions of Section 100-153 (f) (4), (c), (d) and (e) in regards to ground floor or 1st floor use facing or not facing a street, or upper floor use.

(g) Bulk Regulations.

(1) Bulk regulations for lot area requirements, building setbacks and building size per sub-district within the Village Center Overlay Zoning District are as follows:

	Retail Center	Multi-Purpose Perimeter	Residential Perimeter
<i>Lot Area Requirements</i>			
Minimum Lot Area	None, except sufficient size required for the allowable building	None, except sufficient size required for the allowable building	8,712 square feet for Single Family and Two-Family, 18,000 for Multi-Family*
Minimum Lot Width	None, except each lot shall have sufficient frontage along a public street	None, except each lot shall have sufficient frontage along a public street	66 feet, except wider lot may be required if multi-family allowed
Minimum Lot Dimensions	None	None	None
Maximum Lot Coverage, Buildings Only	100 Percent, except as listed below	100 Percent, except as listed below	50 Percent
Minimum Green Space	None, except as listed below**	None, except as listed below**	30 Percent
<i>Building Setbacks</i>			
Minimum Street Yard****	None, except as listed in (2) below	None, except as listed in (2) below	Existing Condition or requirement of the Base Zoning District, whichever is less***

Minimum Interior Yard	None, except as listed in (2) below	None, except as listed in (2) below	Existing Condition or requirement of the Base Zoning District, whichever is less***
Minimum Rear Yard	None, except as listed in (2) below	None, except as listed in (2) below	Existing Condition or requirement of the Base Zoning District, whichever is less***
Building Size			
Maximum Height	3 stories or 35 feet	3 stories or 35 feet	30 feet
Minimum Height	2 stories	2 stories	None
Minimum Floor Area of Principal Building	1,200 square feet or larger to be proportionate to lot size	2,000 square feet or larger to be proportionate to lot size	As required by Base Zoning District

*See Section 100-153 (f) (1) for additional standard of when single-family, two-family and multi-family are allowed, and additional minimum lot size standards if allowed, in the Residential Perimeter.

**Green space exceptions: May be required for storm water management or parking lot or as required under site plan review.

***Existing condition means the building setbacks for the principal structure on the property existing at the time of the adoption of this Section 100-153. Furthermore, an addition to a principal structure or a new principal structure replacing a prior principal structure shall not be located closer than ten (10) feet from another structure (principal or accessory), and shall not be constructed on or across a property line.

****The maximum street yard setback, also known as the build-to line, shall be the average street setback of buildings on the same block between two intersecting streets, or an intersecting street and the edge of the sub-district. When there are not any existing buildings within the same block, or when an excessive street setback of an existing building on the same block creates an average setback that is inconsistent with the intent of this Village Center Overlay Zoning District to create minimal street setbacks, the Plan Commission shall establish a build-to line pursuant to the intent of creating street level activity. Expanded or renovated existing buildings that do not conform to the maximum street yard setback may nonetheless be allowed to be expanded or renovated.

(2) The exceptions to the standards of Section 100-153 (g) (1) minimum yard requirements (setbacks) for a building or structure are:

- a. The first story of a building on a corner lot shall not project beyond a straight line drawn between two points on the right-of-way lines adjoining the property, which points are five (5) feet from the intersection of the two right-of-way lines.

- b. New construction or additions that abut a building or structure on a neighboring property with no side or rear setback, the property owner shall provide written approval from the neighboring property owner to abut the two buildings or structures. If written approval is not provided, the minimum side setback shall be ten (10) feet.
- c. The minimum interior yard setback for new construction or an addition shall be ten (10) feet on the interior side of a property that is adjacent to a single-family or two-family property either within or outside of the Village Center Overlay Zoning District.
- d. The minimum rear yard setback for new construction or an addition shall be 25 feet on a property that is adjacent to a single-family or two-family property either within or outside of the Village Center Overlay Zoning District.
- e. When there are no required setbacks, new construction or an addition shall not extend into a public right-of-way or a neighboring property, even if the existing building on the property encroaches the public right-of-way or a neighboring property line.

(3) Exceptions to the standards of Section 100-153 (f) (1) for setbacks and minimum green space may be required by the Plan Commission during site plan review to comply with storm water management requirements, to add landscaping to parking lots, to add pedestrian friendly or outdoor public spaces, or to improve overall aesthetics of the property and the Village Center. Exceptions may include increasing or decreasing the standards.

(4) Accessory structures within the Village Center Overlay Zoning District shall conform to the bulk standards as established in the Base Zoning District.

(h) Performance Standards for New Construction, Additions, Conversions, Exterior Remodels or Demolitions. The following performance standards shall apply to new construction, additions, exterior remodels or demolitions within the Village Center Overlay Zoning District.

(1) Any new construction or addition on a property 0.5 acre or more in size shall be developed under a single development plan with a unified architectural scheme and site plan, to include building facades, street furniture and pedestrian circulation.

(2) Site plan and architectural approval by the Plan Commission is required for new construction, additions or conversions pursuant to the procedures of Section 100-601. Architectural approval by the Plan Commission is required for exterior remodels, pursuant to the procedures of Section 100-601. Single-family and Two-family buildings within the Residential Perimeter sub-district are exempt from this review requirement. Site plan and architectural approval shall be part of conditional use review if a use requires a conditional use.

(3) Architectural design and exterior building materials and colors of new construction, additions or exterior remodels shall conform to the requirements of the Base Zoning District. However, the Plan Commission may adopt architectural design guidelines to

further implement the intent and purposes of the Village Center Overlay Zoning District and its sub-districts, which may be amended from time to time.

- (4) Historical review shall be part of site plan and/or architectural approval, or approval or denial of demolitions, pursuant to Article III of this Chapter 100. Buildings within the Pearl and Grand Avenue Historic District and other buildings listed on the National Register of Historic Places, as shown on the Official Map on file in the Office of the Village Clerk, shall be preserved. The Plan Commission may adopt additional guidelines for historic review and preservation of buildings or uses of local historic significance to further implement the intent and purposes of the Village Center Overlay Zoning District and its sub-districts, which may be amended from time to time.
- (5) The demolition of any principal building, or an accessory building over 200 square feet, within the Village Center Overlay Zoning District shall be approved by the Plan Commission prior to demolition. The Plan Commission shall establish findings of fact in determining approval or denial of a demolition. Approved demolitions shall conform to the following standards.
 - a. The building or land does not have national, statewide or local historical significance; and there is not a stated public purpose or interest in the land or building to be protected.
 - b. The building or land does not have any historic or architectural relationship to the historic value of the surrounding area.
 - c. The public necessity of the demolition is present and the public benefit of the proposed new construction or land use in replacement of the demolished building supports the intent and purposes of the Village Center Overlay Zoning District and its sub-districts.
 - d. The age, life expectancy or condition of the building or positioning of the building on the property prohibits successful renovation to comply with other standards of the Village Center Overlay Zoning District.

A proposed building demolition that does not meet the above standards shall be denied unless the Plan Commission finds that demolition provides a public benefit of improvement of land use and aesthetics of the Village. Any move or relocation of a building within the Village Center Overlay Zoning District shall follow the review process and standards as established for demolitions. Any relocation of a building to a property within the Village Center Overlay Zoning District shall require site plan and architectural review by the Plan Commission.

- (6) The use of green roofs is strongly encouraged with new construction or additions.
- (7) The creation of pedestrian connections within and surrounding the property to other pedestrian paths is encouraged with new construction or additions. Creative site planning of including public spaces and orienting the building, parking, public spaces, pedestrian connections, and so on, to fit in and improve to surrounding conditions is strongly encouraged.

(8) Design standards for mechanical equipment and refuse enclosures shall conform to the requirements of the Base Zoning District. However, the Plan Commission may adopt mechanical and refuse enclosure standards as part of architectural design guidelines to further implement the intent and purposes of the Village Center Overlay Zoning District and its sub-districts, which may be amended from time to time.

(9) Exterior lighting fixtures shall be designed or shaded so as to avoid casting direct light or glare toward surrounding properties or streets, and shall conform to the lighting standards of Section 100-601. However, the Plan Commission may exterior lighting standards as part of architectural design guidelines to further implement the intent and purposes of the Village Center Overlay Zoning District and its sub-districts, which may be amended from time to time.

(10) Landscaping standards shall conform to the requirements of the Base Zoning District. However, the Plan Commission may adopt landscaping guidelines to implement the intent and purposes of the Village Center Overlay Zoning District and its sub-districts. The Plan Commission may waive the landscaping requirements or guidelines when there is not any suitable space on the site to install landscaping, or if the installation of landscaping compromises visibility of pedestrians and/or vehicles.

(11) Conversions mean the change of use of an existing building from a single family residential use to a permitted or conditional use allowed within the sub-district, or adding residential dwelling units to an existing building if allowed as a permitted or conditional use within the Retail Center or Mixed Use Perimeter sub-districts. An example of a conversion is the change of a single family building within the Mixed Use Perimeter to an office, or the change of an upper floor office space within the Retail Center to residential dwelling units.

(12) Signs shall conform to Chapter 64 of Village of Mukwonago Municipal Code.

(i) **Parking Standards.** The standards for vehicle parking within the Village Center Overlay Zoning District are as follows. For most small businesses the providing of on-site parking is not required, and on-street and off-street parking is the responsibility of the Village of Mukwonago. Businesses that are required to provide on-site parking shall do in accordance to the standards of Article V of this Chapter 100. Shared parking agreements allowed in Section 100-153 (h) may supplement the requirements of this Section 100-153 (g).

(1) Accessory off-street parking is not required for a building with less than 2,500 square feet of gross leasable floor space designed for a business or businesses within the Retail Center or Multi-Purpose Perimeter sub-districts or if the business or use would be required to provide 10 or less parking spaces if the business or use were not located within the Retail Center or Multi-Purpose Perimeter sub-districts. Any business approved as a conditional use may be required to provide accessory off-street parking if the Plan Commission finds that the parking demand of the use is greater than would needed if a permitted use occupied the business space.

- (2) Accessory off-street parking is required for any building with a gross leasable floor space of 2,500 square feet or larger designed for a business or businesses within the Retail Center or Multi-Purpose Perimeter sub-districts or if a high capacity business or use would be required to provide more than 10 parking spaces if the business or use were not located within the Retail Center or Multi-Purpose Perimeter sub-districts. In a multi-purpose building designed for both business and residential, the residential square footage does not count toward the gross leasable space of 5,000 square feet or larger. If above 2,500 square feet, accessory off-street parking is required for any use within the Residential Perimeter sub-district in conformance with the standards of Article V of this Chapter 100.
- (3) One (1) accessory off-street parking space is required per bedroom in each residential dwelling unit within the Retail Center and Multi-Purpose Perimeter sub-districts. A bedroom is any living space not considered a living room, kitchen, bathroom or dining room, for the purpose of this Section 100-153.
- (4) Accessory off-street parking is required for any use within the Residential Perimeter sub-district in conformance with the standards of Article V of this Chapter 100.
- (5) Conversions of an existing residential structure to a permitted use or conditional use within the Multi-Purpose Perimeter may retain the existing driveway as parking spaces for the new use.
- (6) For uses within the Retail Center or Multi-Purpose Perimeter sub-districts of the Village Center Overlay Zoning District that require off-street parking, or if off-street parking is voluntarily provided, off-street parking facilities design shall comply with all requirements of Article V of this Chapter 100, except as provided below:
 - a. For business off-street parking, a minimum of four (4) spaces shall be provided, including at least one (1) handicapped parking space.
 - b. For residential off-street parking, a parking requirement of four (4) or more spaces shall include at least one (1) handicapped parking space.
 - c. A minimum setback of three (3) feet shall be provided between the edge of parking lot paving and/or curb and the property line.
 - d. The parking lot shall be paved with a dust free surface. The use of curb and gutter to outline the parking area is encouraged.
 - e. The Plan Commission as part of site plan review may reduce the parking lot aisle width and parking stall size (except handicapped parking spaces) to match existing parking lot sizes or to fit parking into a confined space on a property, without reducing public safety and the ability of proper movements of vehicles and emergency vehicles.
 - f. The Plan Commission as part of site plan review may waive the parking lot aisle width and parking stall size when an existing driveway is utilized as parking for a residential to business conversion.

- g. The addition of internal and external parking lot landscaping is encouraged.
- h. The design of accessory off-street parking shall include safe pedestrian routes within and to and from the parking lot.

(j) Shared Parking. When accessory off-street parking is required or voluntarily provided within the Village Center Overlay Zoning District, the utilization of shared parking between uses and properties is encouraged in accordance with the following standards.

(1) Any use required to provide accessory off-street parking may reduce its parking requirement by up to 75% if an equivalent number of spaces to the amount being reduced are located within five hundred (500) feet of the property of the use, and shall be subject to a Shared Parking Agreement. The shared parking may be the parking of any other use inside or outside of the Village Center Overlay Zoning District.

(2) Credit for parking spaces which are the subject to a Shared Parking Agreement shall be applicable only when the parties to the Agreement are property owners whose property uses have parking demands which are inconsistent with each other (i.e. daytime v. evening, weekdays v. Saturday and/or Sunday). The total off-street parking requirements of the parties of the Shared Parking Agreement may exceed the total number of off-street parking spaces available. The Shared Parking agreement may extend beyond two property owners.

(3) The Shared Parking Agreement shall be subject to the reasonable approval of the Village Board, pursuant to the recommendation of the Plan Commission, and the following conditions are met:

- a. The agreement shall be signed by the owners of properties, and if necessary owners of the uses, included in the agreement.
- b. Termination shall require written notice to the non-terminating party or parties and the Village Clerk.
- c. Termination shall not become effective sooner than six (6) months following the date of the written termination notice.

(k) Administration. Administration of this Section 100-153 shall be guided by the following terms and conditions.

(1) The Base Zoning District is the primary Zoning District that applies to a property. Every property within the Village Center has a Base Zoning District that establishes the primary type and intensity of land use for the property, along with development regulations of this Chapter 100 for that particular type and intensity of land use for the property. The standards within this Section 100-153 apply to all properties of the Village Center Overlay Zoning District in lieu of the type and intensity of land use and the development regulations of the Base Zoning District. If situations arise of the type and intensity of land use and with property maintenance that are not addressed within the standards of the Village Center Overlay Zoning District, development regulations of

the Base Zoning District and this Chapter 100 shall apply. However, any aspect of the development regulations of the Base Zoning District or Chapter 100 not addressed in the Village Center Overlay Zoning District may conflict with and restrict a new use, redevelopment or new development that otherwise meets the intent of, is permitted in, and conforms to other standards of the Village Center Overlay Zoning District. When a conflict in regulation is identified, upon finding that the intent of the Village Center Overlay Zoning District is maintained, the Plan Commission may waive the conflicting regulation or establish alternative criteria for the new use, redevelopment or new development to adhere to.

- (2)** The bulk standards of lot size and lot width and/or frontage of Section 100-153 (g) supersede any similar requirement of Chapter 45, Land Division, of Village of Mukwonago Municipal Code.
- (3)** Including standards elsewhere within this Section 100-153 addressing nonconforming uses, the following shall apply to nonconforming uses.
 - a. Any businesses currently existing and permitted in the Base Zoning District as of June 29, 2017 that may not be allowed as a permitted use or a conditional use within the sub-district of this Village Center Overlay Zoning District may nonetheless continue within the existing space, and shall be allowed to continue to improve the business, such as façade improvements and change of and use of signs in compliance with Chapter 64. However, the floor space of a nonconforming business shall not be expanded. If the business vacates the floor space, or if an existing business changes its business model, the new business occupying the floor space shall be either a permitted use or a conditional use with the sub-district.
 - b. A building with a use or uses that may not be allowed as a permitted use or a conditional use within the sub-district of this Village Center Overlay Zoning District may nonetheless expand without changing the nonconforming use or uses. However, occupancy of the expansion must be a permitted use or a conditional use within the sub-district. An example of this occurrence is if a building in the Retail Center sub-district is expanded or remodeled on the upper floors to add residential dwelling units. In that case, any nonconforming 1st floor business use may remain.
 - c. A building with a use or uses that may not be allowed as a permitted use or a conditional use within the sub-district of this Village Center Overlay Zoning District may nonetheless complete façade improvements without changing the nonconforming use or uses.
- (4)** The terms existing use, existing condition or similar term means the property use or uses, building, or conditions that existed at the time of adoption of this Section 100-153.
- (5)** Within this Section 100-153, the terms building and structure are applied interchangeably.
- (6)** The Zoning Administrator shall be responsible for administration of this Section 100-153, along with the Plan Commission when site plan or architectural plan approval are required. The Zoning Administrator may refer any matter pertaining to the

interpretation of any standard this Section 100-513 to the Plan Commission for advice or recommendation.

- (7)** Any person aggrieved by a decision of the Zoning Administrator or Plan Commission in the administration of this Section 100-153 may appeal the decision to the Village of Mukwonago Board of Zoning and Building Appeals.