

ARTICLE V. APPROVAL OF BUILDING, SITE AND OPERATIONAL PLANS

Sec. 94.134. Introduction.

(a) *Where required.* In the case of certain uses, the character of which could have substantial adverse impact on surrounding property enjoyment, values or upon public highway and other utility facilities by reason of the arrangement of structures and related uses on the land including the total appearance and function of such arrangement, or by the arrangement of access from public streets to off-street parking and loading facilities, such uses may be required as a qualifying condition to their permissibility to submit for approval by the planning commission their proposed building, site and operational plans.

(b) *Use by right not infringed.* Such required approval shall be limited solely to reasonable compliance with design, locational and operational requirements and shall not, except in the case of performance standards as regulated in section 94.133, involve the basic permissibility of the use where such use is permitted as a use by right.

(c) *Criteria.* In determining with the permit applicant the mutual acceptability of the building, site or operational plans, the planning commission shall take into consideration the following standards as well as any others they deem related.

(Ord. of 11-18-1991; Ord. No. 17-98-1, § 1(a), 11-16-1998)

Sec. 94.135. General site planning standards.

(a) *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:

- (1) 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 location of any public streets, railroads, major streams or rivers and other major features within 1000 feet of the site.
- (2) 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 (>69KV), steep slopes greater than 15%, and brownfields.
- (3) A conceptual site plan, at a scale of no less than one inch = 40 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 trees and shrubs to remain should also be included, along with any other significant features.

- (4) A storm water management plan identifying the proposed patterns of major stormwater runoff, locations of stormwater infiltration areas and other significant stormwater best management practices (see also Sec. 94.124).
- (5) Identification of the architectural style(s) and the accompanying site design style(s). The design style should be conveyed with drawings or computer simulations of typical proposed building elevations (including dimensions of building height and width, and facade treatment). Building materials and colors should be documented and samples provided if available.
- (6) A written report that provides general information about the covenants, conservation easements, or agreements, which will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives.
- (7) Any other information deemed necessary by the Village in order to evaluate plans. A copy of the above information shall be submitted plus one reduced set 11 x 17 inches in size.

(b) *Traffic and off-street parking.* Site plans should minimize dangerous traffic movements and congestion, while achieving efficient traffic flow and providing the minimum number of off-street parking spaces in accordance with village standards.

- (1) The number of curb cuts should be minimized and located as far as possible from intersections.
- (2) Traffic studies may be required by the village. Such traffic studies should address:
 - a. Projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
 - b. Projected traffic flow patterns, including vehicular movements at all major intersections likely to be affected by the proposed use of the site;
 - c. Impact of traffic upon abutting roads in relation to existing road capacities; and

d. Combined traffic impact of approved, but not yet fully developed projects within the village.

(3) Every lot shall have sufficient access for emergency vehicles.

(4) Off-street parking areas shall not be allowed to dominate the image of any development.

(c) *Service/utility areas.* All service and utility areas which include, but are not limited to, loading docks, exterior storage areas, dumpsters and mechanical equipment such as plumbing vent stacks, HVAC transformers, fans and cooling towers, shall be screened from view by:

(1) Locating all service/utility areas away from public rights-of-way and concealing them from building entrances, pedestrian areas and adjacent residential structures.

(2) Providing for joint use of service areas by multiple adjoining buildings.

(3) Incorporating trash enclosures into building design.

(4) Screening utility service areas from public view with building elements/materials similar in appearance to the main structure.

(5) Providing below ground utility connections for all new developments.

(6) Locating mechanical equipment such as air conditioners/exchangers out of view from public rights-of-way and circulation paths, and away from residential living or sleeping areas.

(7) Screening rooftop mechanical equipment from view from adjoining properties by building elements such as parapet walls.

(d) *Public spaces and paths.* Public spaces and paths intended for pedestrian use should be designed to incorporate natural features, building and landscape elements to create safe, comfortable and attractive environments.

(1) All areas intended for pedestrian use shall be well-lighted.

(2) Pedestrian paths or sidewalks should be clearly distinguished from vehicular paths by landscaping, paving materials or architectural elements.

(3) All pedestrian paths shall be handicap accessible, using ramps and curb cuts conforming to state and federal A.D.A. standards.

(e) *Site design within the context of the surrounding environment.* Visual continuity between new and existing development shall be maintained by:

- (1) Parking setbacks. Any parking located within a front yard building setback area should be located no closer to the right-of-way than 15 feet in business zoning districts, and no closer than 25 feet in industrial zoning districts.
- (2) Shared access. In business and industrial areas adjoining arterial roads, vehicular access shall be minimized and used jointly where feasible. Site to site access shall be granted through cross-access easement agreements, where feasible.

(Ord. of 11-18-1991; Ord. No. 17-98-1, § 1(a), 11-16-1998; Ord. of 2-24-2006)

Sec. 94.136. Landscape plan standards.

(a) *Minimum planning standards.* The following shall establish the standards for the preparation and submission of required plans for landscape and buffering. A landscape plan shall be required for all projects requiring plan review approval under this article.

(b) *Contents of plan.* At a minimum, all landscape plans shall include or have attached thereto the following information:

- (1) Titled: "Landscape Plan," name and location of project, name and address of project developer, location and names of abutting streets and rights-of-way, graphic and written scale, date of plan and any subsequent revision. The landscape plan shall be drawn at a scale not smaller than one foot to 20 feet.
- (2) The location and dimensions of all existing and proposed property lines, buildings, structures, parking lots and driveways, roadways and rights-of-way, easements, sidewalks, bicycle paths, ground signs, refuse disposal areas, fences, freestanding electrical equipment, light fixtures, other structures, signs and other freestanding structural features, recreational facilities, setbacks and easements.
- (3) The location, quantity, installation size, mature size, and both scientific and common names of all proposed plant materials.
- (4) Existing and proposed contours, including the location, slope ratios (horizontal:vertical) of all proposed berming, at one-foot contour intervals. Location, extent and general elevations and slope ratios of all detention and retention areas and drainageways. The elevations at top and bottom of all proposed retaining and screening walls and fences. The Marathon County coordinate system shall be utilized.

- (5) The designation, location, type and size of all existing trees eight inches and larger in diameter measured four feet above natural grade. Any trees to be removed should be clearly identified. If a significant number of trees exist in concentrated areas on the site, the boundaries of the tree grove/forest or woodland area shall be shown with only trees ten inches and larger in diameter indicated within the woodland area.
- (6) Details of all fences and walls proposed to be constructed on the site.
- (7) Elevation, cross sections and other site or construction details determined to be necessary by the planning commission.
- (8) Quantities indicating the number and total square feet of parking areas, percentage and number of square feet of the interior parking lot landscape area, total linear length of buffer yards, plant quantities provided within buffer yards, and number of square feet provided for property's interior open space.

(c) *Method for determining future use of vacant land.* For the purposes of determining landscaping and buffering requirements of this section, whenever a site is adjacent to or across from vacant or undeveloped agricultural land, the method to be used to determine the future use of vacant land shall be as follows:

- (1) Incorporated lands. The future use of land within the corporate limits of the village shall be that as shown on the village's official zoning map.
- (2) Unincorporated lands. For properties not within the corporate limits of the village, the future use of land shall be that as shown in the village's master plan.

(Ord. of 11-18-1991; Ord. No. 17-98-1, § 1(a), 11-16-1998)

Sec. 94.137. Landscape improvement standards.

The following shall establish standards for the landscape improvements required to be installed as part of the development of new buildings, structures and uses of land governed by this article:

- (1) *Planting standards.* A minimum number of species of shade trees and/or shrubs may be required on each parcel in order to provide visual diversity, seasonal interest and to reduce the chance for extensive plant loss as a result of insect infestation and the spread of disease within a given species. The quantities of species shall be as follows:

<i>Size of Parcel</i>	<i>Quantity of Shade Tree</i>	<i>Quantity of Shrub Species</i>
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	<i>Species</i>	
0 up to, but not including, 1.5 acres	Not applicable	Not applicable
From 1.5 acre up to, but not including, 5 acres (e.g., convenience foodstore or small office building)	2	3
<i>Size of Parcel</i>	<i>Quantity of Shade Tree Species</i>	<i>Quantity of Shrub Species</i>
From 5 acres up to, but not including, 15 acres (e.g. small strip center or moderate size office building)	4	5
From 15 acres up to, but not including, 30 acres (e.g., major shopping center with large primary anchor or large office building complex)	5	7

* More species may be required by the planning commission for parcels over 30 acres.

(2) *Minimum size.* Unless otherwise specified, the minimum size for plant materials installed to meet the requirements of this section shall be as follows:

- a. Shade trees: three-inch caliper, measured six inches above the ground.
- b. Evergreen trees: six feet in height
- c. Ornamental trees:
 1. Single trunk: two-inch caliper, measured six inches about the ground.
 2. Multitrunk: six feet in height
- d. Large shrubs: 36 inches in height.
- e. Small shrubs: 24 inches in height.
- f. Selection of plant material. Plant material shall be selected for its form, texture, color and concern for its ultimate size and shape. The use of the following trees shall be prohibited in the public right-of-way and/or within 15 feet of a lot line, and in a parking lot island or around the parking lot perimeter.

1. Ailanthus (Tree of Heaven).
 2. Box Elder.
 3. Catalpa.
 4. Cottonwood (however these are permitted along water edges).
 5. European Mountain Ash.
 6. European White Birch.
 7. Fruit-bearing Trees (excluding crabapples).
 8. Lombard Poplar.
 9. Mulberry.
 10. Russian Olive.
 11. Siberian Elm.
 12. Silver Maple.
 13. Walnut.
 14. Willow (however these are permitted along water edges).
 15. Evergreen trees shall be prohibited in the public right-of-way.
 16. Other weak-wooded, messy trees as determined by the zoning administrator.
- g. Planting trees under overhead utility wires. Plants located under overhead utility wires shall be selected for a mature height that is at least five feet less than the height of the wires.
 - h. Energy conservation. Deciduous trees are encouraged on the southwest and east sides of buildings to provide shade from the summer sun, and evergreens are encouraged on the northwest side of buildings to dissipate the effect of winter winds where practical.
 - i. Preservation of existing plants. Existing plant material and other landscape features of a quality and of a size as required by this section shall be

incorporated into the landscape treatment of a site and be protected according to the requirements set forth in this section.

- j. *Berming.* Earthen berms and existing topography should, wherever practical, be incorporated into the landscape treatment of a site, and should vary in height to avoid a monotonous "walled" effect. The maximum slope for any berm constructed on a site shall be three-foot run, one-foot rise.
- k. *Fences.* All fences shall be oriented with posts or other visible supports oriented toward the inside of the subject property. The finished side shall face a public right-of-way.

(3) *Right-of-way landscaping.* Where a parcel abuts a dedicated public right-of-way, landscaping shall be provided in accordance with the following provisions:

a. *Right-of-way trees.*

1. *Quantity.* Trees shall be planted on a maximum 40 feet and a minimum 25 feet spacing such that the total number of trees equal or exceed the ratio of one for each 35 feet of street frontage.

2. *Location.* Trees shall be planted in the right-of-way along all streets no closer than ten feet from driveways and 40 feet from the corner of an intersection, as measured from the right-of-way lines extended. In addition, no trees shall be planted within ten feet of a fire hydrant or other aboveground public utility.

b. *Exception.* When conditions are such that the required spacing cannot be satisfied in the right-of-way or, if in the opinion of the village zoning administrator the right-of-way is not wide enough to support trees growth, trees shall be planted within the first ten feet inside the sidewalk line, subject to approval by the subject property owner.

c. *Sodding.* The unpaved portion of a public right-of-way abutting a parcel shall be sodded with a salt tolerant grass equivalent to a mixture containing 30 percent alkali grass.

(4) *Nonresidential parking lot landscaping.*

a. *Perimeter parking lot landscaping.*

1. *Across from residential property.* Where a parking lot is located across a dedicated public right-of-way from property zoned for residential use, a continuous hedge shall be provided across 100 percent of the parking lot perimeter, exclusive of driveways to a minimum height of three feet. The

shrubs shall be planted at a maximum of four feet on center. Approximately 50 percent of the shrubs shall be evergreen.

2. *Across from nonresidential zoned property.* Where a parking lot is located across a dedicated public right-of-way from property zoned for nonresidential use, shrub clusters shall be provided across 100 percent of the parking lot, exclusive of driveways to a minimum height of three feet. The shrubs shall be planted at a maximum of four feet on center.

3. *Abutting residential property.* Where a parking lot abuts a property zoned for residential use, shrub clusters shall be provided across 100 percent of the parking lot to a minimum height of six feet. Plant material shall consist of approximately 50 percent evergreen plants and 50 percent deciduous material. Shrubs shall be spaced at a maximum of four feet on center. A solid screen may be achieved by clustering shrubs beneath shade or ornamental trees, by using evergreen trees, or any mix thereof, or by providing a six-foot high solid commercial grade wood fence along the length of the property, including with shade trees placed inside the fence at the equivalent of one trees for every 50 lineal feet. All required plantings shall be placed on the residential side of the fence.

4. *Abutting nonresidential property.* Where a parking lot abuts a property zoned for nonresidential use, landscaping shall be provided across 50 percent of the parking lot. Such landscaping shall include shrub clusters to a minimum height of three feet. The shrubs shall be planted at a maximum of four feet on center. In addition, a mix of shade trees, ornamental or evergreen trees shall be planted at the equivalent of one for every 70 lineal feet.

5. *Sod, seed and ground cover.* Front and corner side yards shall be sodded or hydroseeded. Side and rear yards may be sodded or seeded.

6. *Curb, gutter, and surfacing.* All parking lots and driveways leading into parking lots shall have a bituminous asphalt or concrete surface and shall have six inch high curb and gutter around the perimeter. The planning commission may allow a mountable v-type curb in certain areas to facilitate snow plowing.

b. Interior parking lot landscaping; landscaped islands; for R-3, R4, B-1, B-2, B-3, B-4 and B-P zoning districts.

1. The interior of parking lots shall be planted with shade trees at a ratio of one tree for every ten parking spaces or fraction thereof. The shade trees shall be evenly dispersed throughout the parking lot. No shade trees shall be required on island containing a light pole, but in no event shall islands containing light poles be counted toward fulfilling the required number of landscaped islands in a given parking lot.

2. The minimum area of a landscaped island shall be equivalent to the square footage of one parking stall. These landscaped islands shall have a minimum width of eight feet excluding curbs and shall be curbed with a six-inch wide barrier curb. Landscaped islands may be combined to create larger planting islands within the parking lot.

3. The entire island shall be landscaped with live plant material, excluding mulch around the base of plants. Such live plant material may include small shrubs, flowers, groundcover and/or salt-tolerant sod. All plant material other than required shade trees shall be limited to a maximum mature height of three feet. Such plants shall be set back a minimum of 2.5 feet from the curb to avoid damage from overhanging car fenders and doors.

4. Curbed planting island shall be provided at the end of each row or parking, where practical. These islands shall be equivalent to the square footage of one parking stall. These islands shall meet the same requirement as the other parking lot islands.

(5) Loading docks, service yards and exterior work areas adjacent to nonindustrial uses. Service yards, loading docks and exterior work areas adjacent to nonindustrial uses shall be screened from view from adjacent business and residential properties and the public right-of-way. The screening shall consist of either of the following:

- a. Solid fence constructed of commercial-grade wood or masonry wall, of a design approved by the village, with a minimum height of six feet; or
- b. One hundred percent landscaping consisting of at least 75 percent evergreen plant material, to a minimum height of six feet.

(6) Open storage yards.

- a. Open storage yards shall be screened on all sides by solid walls or fences (including solid doors or gates) and shall be at least eight feet tall, but in no case lower in height than the materials stored.
- b. If stored materials exceed eight feet in height, then landscaping shall be provided along the outside perimeter of that portion of the fence or wall visible from the adjacent property or public right-of-way. The landscaping shall be in addition to the fence or wall. The installed height of the landscaping shall be equal to or greater than the height of the materials being screened.

(7) Miscellaneous landscaping.

- a. Retention and detention ponds.
 - 1. Landscaping shall be provided around the perimeter of retention and detention ponds generally above the high water level. Only plants which are adapted to temporary flooding may be planted below high water level.
 - 2. Landscaping shall be provided along a minimum of 30 percent of the shoreline of a retention or detention area. Such landscaping shall consist of at least 50 percent shade trees. The balance may be landscaped with any mix of ornamental and evergreen trees and shrubs.
 - b. Ground level air conditioning units and mechanical equipment. Ground level air conditioning units and other mechanical equipment shall be landscaped on all sides visible from the public right-of-way to a minimum height of 30 inches. The plants used shall have a mature height which will meet or exceed the height of the equipment which it is screening.
 - c. *Satellite dishes*. Satellite dishes located on the ground shall be screened from the view of the public right-of-way and adjacent properties with a solid planting of evergreen trees to a minimum height of six feet. This section applies to satellite dishes five feet or greater.
 - d. Ground signs and ground lights.
 - 1. *Ground signs*. The foundation of ground signs shall be planted with shrubs, ground cover or perennial flowers. Plants shall be selected for a mature height which will not exceed that of the sign's message.
 - 2. *Ground lights*. Ground lights for signs shall be screened from view of the public right-of-way with evergreen shrubs or ground cover to a minimum height equal to that of the lights.
 - e. *Refuse receptacle*. Refuse receptacles and waste removal areas shall be screened from view on three sides. The screening shall consist of a solid fence constructed of masonry, or commercial-grade wood fencing and shall be a minimum of six feet and a maximum of eight feet tall. Shrub and ground cover plantings along such screens are desirable to help soften their appearance. Refuse receptacles shall be enclosed on the fourth side with a gate to contain trash or other debris. The gate side of the waste receptacle shall be oriented toward the interior of the site, i.e., toward the building and away from view from the public right-of-way and adjacent sites.
- (8) *Substitutions and changes*. Once a landscape plan has been approved and a building permit issued, the zoning administrator may authorize minor revisions to the approved landscape plan. As such, revisions must be made in writing accompanied by revised landscape plans, and will require the written

approval of the zoning administrator. A revision shall be considered minor when there is no reduction in the quality of plant material, no significant change in size or location of plant material, and substitute plant material, no significant change in size or location of plant material, and substitute plants of the same category (i.e., shade trees, ornamental, evergreen trees, large or small shrubs, ground cover, etc.) and have the same general design characteristics (mature size, spread, density) as the materials being replaced.

(Ord. of 11-18-1991; Ord. No. 17-98-1, § 1(a), 11-16-1998; Ord. of 4-21-2003; Ord. of 12-23-2011, § 1)

Sec. 94.138. Lighting and building appearance standards.

- (a) *Exterior Lighting standards.* Exterior lighting is intended to promote a safe and attractive character throughout the Village without creating a nuisance to adjacent properties. All exterior lighting shall comply with the following standards.
- (1) Vehicular areas shall be illuminated using high cutoff luminaries which keep off-site overspill and night sky lighting to a minimum.
 - (2) Size and scale of light and luminate should match site and building scale, color and theme.
 - (3) Location of fixtures should emphasize intersections and pedestrian access routes, yet provide a uniform level of illumination.
 - (4) Scale of fixtures should be lowered in pedestrian areas to emphasize walking surface.
 - (5) All outdoor lighting for commercial, industrial and multi-family uses shall be designed, located and mounted so that the maximum illumination, as measured horizontally at the lot line, does not exceed 1.0 foot-candles.
 - (6) All fixtures shall meet dark sky friendly guidelines.

Steps shall be taken to minimize glare to the maximum extent practicable, such as by orienting the lights away from abutting residential properties or planting trees to block other properties from the glare.

- (b) *Building appearance standards.*

- (1) The exterior walls of each building shall be constructed with face brick, or comparable material approved by the village, to cover a minimum of 60 percent of the wall area in a contiguous manner, including the building rear.

Exterior Insulation Finishing Systems (EIFS) (e.g. “Dry-vit”, “Sto”, “Cement Board”, etc.) are permitted as an accent material only and will not be permitted as the predominant exterior material on any façade without the approval of the Planning Commission. The use of EIFS as an accent material should incorporate the use of color, detail, pattern, and texture to take advantage of the design flexibility it affords. EIFS can be used on canopies, spandrels, fascias, soffits, accent bands and trim.

- (2) Exterior rear wall coverage may, upon approval from the village, be exempt from subsection (1) when a 100 percent landscape screen is employed to a minimum height of six feet to obstruct the lines of sight to the rear of the building; or, when the structure is located on an interior lot away from intersecting public streets and when the rear of the structure is oriented towards the rear or side walls of adjacent or compatible uses.
- (3) Unfaced concrete block, structural concrete and the like shall not be permitted. Pole buildings shall not be permitted as a principal structure.
- (4) Any structure more than 200 feet in length shall use two or more distinct colors of brick, and/or other materials approved by the village, in an attractive manner with the intention of breaking up the monotonous visual expanse of the structure.
- (5) In the MI zoning classification, the sides and rear of all buildings shall be finished in an attractive manner in keeping with the accepted standards used for industrial and commercial buildings subject to the approval of the village. Buildings must be of approved construction in conformity with all applicable building codes.
- (6) Building elevations. All elevations of the building shall be designed in a consistent and coherent manner. Changes in material, color and/or texture shall occur at points relating to the massing, fenestration and overall design concept of the building.
- (7) Building location. All buildings shall be sited on the lot to present their most desirable face to the street and, where possible, should be related to buildings on adjoining lots.

(Ord. of 11-18-1991; Ord. No. 17-98-1, § 1(a), 11-16-1998; Ord. of 9-20-99, Ord. of 10-26-04; Ord. of 6-20-05)

Sec. 94.139. Approval process.

(a) *Form of submittal.* Before issuing a building or zoning permit, the zoning administrator shall submit the necessary building, site and operational plans to the

planning commission for their consideration. Such plans shall be in reasonable detail to enable the commission to properly evaluate them and shall specifically include the following:

- (1) General building plans including either elevations, or perspective drawings, or photos, showing the planned exterior appearance.
- (2) A site plan of the property accurately dimensioned showing the location of all existing and proposed structures and use areas, including existing and proposed grades as appropriate.
- (3) A statement describing the basic operational characteristics of the proposed use. (Also see section 94.131(b) for additional information the commission may request.)

(b) *Staged approvals.* With the concurrence of the permit applicant, the planning commission may grant its approval in stages so as to cause the least amount of delay to initial construction, such as by granting approval to the building location and lighting fixture brightness and glare control in a later stage, but in no case may the commission and applicant agree to delay for total approvals beyond the point where an occupancy permit is requested.

(c) *Expedited review.* The planning commission shall approach this duty and power in a manner intended to cause the least delay to the overall process of zoning permit issuance and development, while making its best effort to ensure the public health, safety and welfare. Accordingly, it shall:

- (1) Publish its meeting schedule at least quarterly and the latest date it will accept materials for review at each meeting.
- (2) Publish a checklist of the items to be reviewed under each of the major categories of building, site and operations so that applicants may adequately prepare for commission review.
- (3) Delegate to village professional staff the authority to conduct preliminary review of materials submitted to ascertain adequacy of submittal and likely conformance to commission policies based upon previous actions of the commission, so that both the applicant and the commission are made aware of possible discrepancies.
- (4) Delegate to village professional staff the power to accept on behalf of the commission a corrected application that fulfills all conditions and agreements arrived at during the review meeting.