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Summary of Area Yard, Height, and Lot Coverage Requirements

CHAPTER 17
ZONING ORDINANCE FOR THE
VILLAGE OF THIENSVILLE, WISCONSIN

SECTION 17.0100 INTRODUCTION

17.0101 AUTHORITY

This Ordinance is adopted under the authority granted by Section 61.35, 61.351, 62.23(7), 87.30 and 144.26 of the Wisconsin Statutes as amended.

17.0102 TITLE

This Ordinance shall be known as, referred to, and cited as the "ZONING ORDINANCE, VILLAGE OF THIENSVILLE, WISCONSIN" and is herein after referred to as the "Ordinance."

17.0103 PURPOSE

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Village of Thiensville, Wisconsin.

17.0104 INTENT

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and waters; and to:

- A. Regulate Lot Coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- B. Regulate Population Density and Distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- C. Regulate Parking, Loading and Access so as to lessen congestion in and promote the safety and efficiency of streets and high ways;
- D. Secure Safety from fire, flooding, pollution, contamination, and other dangers;
- E. Stabilize and Protect existing and potential property values;
- F. Preserve and Protect the beauty of the Village of Thiensville;
- G. Prevent and Control Erosion, sedimentation, and other pollution of the surface and subsurface waters;
- H. Prevent Flood Damages to persons and property;
- I. Minimize Expenditures for flood relief and flood control projects;

- J. Further the Maintenance of safe and healthful water conditions;
- K. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- L. Provide for the administration and enforcement of this Ordinance and to provide penalties for the violation of this Ordinance.
- M. To implement the policies and proposals of the Village of Thiensville Land Use Plan prepared and adopted by the Plan Commission in accordance with Section 62.23 and 61.35 of the Wisconsin Statutes, and other regional or water shed plans;
- N. To preserve and enhance the community's history, heritage and character;
- O. To insure that development occurs at a pace consistent with the Villages financial capability to provide municipal services;
- P. To encourage balanced economic development;
- Q. To establish administrative procedures whereby the Village may objectively and equitably phase development based upon its fiscal and environmental impacts upon the surrounding area and the Village as a whole.

17.0105 ABROGATION AND GREATER RESTRICTIONS

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

17.0106 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 Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Thiensville.

17.0107 SEVERABILITY AND NON-LIABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

17.0108 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection provided by the Ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by manmade or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this Ordinance does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and the associated flood damages. Nor shall this Ordinance create a liability on the part of, or a cause of action against, the Village of Thiensville or any office or employee thereof for any flood damages that may result from reliance on this Ordinance.

17.0109 REPEAL

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

SECTION 17.0200 GENERAL PROVISIONS

17.0201 JURISDICTION

The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the corporate limits of the Village of Thiensville.

17.0202 COMPLIANCE

No structure, land, water, or air shall hereafter be used or developed; and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or substantially, improved without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

17.0203 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 required permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12(4)(a) of the Wisconsin Statutes applies.

17.0204 USE REGULATIONS

Only the following uses and their essential services may be allowed in any district.

- A. Principal Uses specified for a district.
- B. Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction.
- C. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 17.1205. When a use is classified as a Conditional Use at the date of adoption of this Ordinance, it shall be considered a legal use without further action of the Village. Changes to or substitution of Conditional Uses shall be subject to review and approval by the Plan Commission in accordance with Section 17.1205.
- D. Uses Not Specified in this Ordinance and which are found to be similar in character to principal uses permitted in the district may be permitted by the Plan Commission.

- E. Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Plan Commission as a conditional use after review, public hearing, and approval in accordance with Section 17.1205 of this Ordinance.
- F. Performance Standards listed in Section 17.0900 shall be complied with by all uses in all districts.

17.0205 SITE REGULATIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

- A. All Lots shall abut upon a public street or other approved way, and each lot shall have a minimum frontage of 40 feet.
- B. All Principal Structures shall be located on a lot; and only one (1) principal structure shall be located, erected or moved onto a lot in the single-family and two-family residential districts. The Plan Commission may permit more than one (1) structure per lot in other districts where more than one (1) principal structure is needed for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may allow common wall construction on the lot or access adjacent lots or may impose additional yard requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.
- C. No Zoning Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. A Buffer Yard shall be created and maintained around all business districts created after the effective date of this Ordinance. Buffer yards created prior to the effective date of this Ordinance shall be maintained, at a minimum, in their existing condition. Buffer yards

shall occupy a minimum of 10 percent of the area of the lot on which they are located and shall be not less than 10 feet in width. Buffer yards shall screen a business from adjoining lands in such a manner that:

- (1) If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than 2 years and during all seasons of the year.
- (2) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such fence or wall to create an attractive view from the residential side. Any wall or fence shall be not less than 4 feet or more than 6 feet in height.
- (3) Where the land adjacent to the buffer yard is a parking lot, the buffer screen shall be sufficiently opaque to prevent the penetration of headlight glare. All landscaping shall be maintained by the owner or operator to the satisfaction of the Plan Commission.
- (4) No signs shall be permitted on or in any part of the buffer yard.

17.0206 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

SECTION 17.0300 ZONING DISTRICTS

17.0301 ESTABLISHMENT

For the purpose of this Ordinance, the Village of Thiensville is hereby divided into the following 12 basic zoning districts and 3 overlay districts:

- R-1 Single-Family Residential District
- R-2 Single-Family Residential District
- R-3 Two-Family Residential District
- R-4 Multiple-Family Residential District
- R-5 Multiple-Family Residential District
- B-1 Central Business District
- B-2 Shopping Center Business District
- B-3 Office and Professional Business District
- B-4 Highway Business District
- I-1 Institutional District
- P-1 Park District
- FW Floodway District
- FFO Floodplain Fringe Overlay District
- PDO Planned Development Overlay District
- SWO Shoreland Wetland Overlay District

- A. Boundaries of these Districts are hereby established as shown on the map entitled "Zoning Map-Village of Thiensville, Wisconsin, dated October 1, 2000 which map accompanies and is hereby made a part of this Ordinance.
- B. The District Boundaries in all districts except the FW Floodway District, the FFO Floodplain Fringe Overlay District, and the SWO Shoreland Wetland Overlay District shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- C. Boundaries of the Floodland Districts are shown on the map entitled, Flood Insurance Rate Map, Ozaukee County, Wisconsin, and Incorporated Areas, (Panel 79 of 9 and Panel 80 of 95) dated March 18, 1991, which maps accompany and are herewith made a part of this Ordinance. The boundaries of the FW floodway district shall be determined by use of the scale contained on the Maps. The boundaries of the FFO floodplain fringe overlay district shall be determined by the floodplain elevations referenced on the Flood Insurance Rate Maps. The flood stages, under floodway conditions, contained on the Supplementary Floodland Zoning Maps were developed from technical data contained in the Flood Insurance Study--Ozaukee County Wisconsin and Incorporated Areas,

published by the Federal Emergency Management Agency (FEMA), and dated March 18, 1991. Where a conflict exists between the floodland limits as shown on the Flood Insurance Rate Maps and actual field conditions, the elevations from the 100-year recurrence interval flood profile shall be the governing factor in locating the regulatory floodland limits.

- D. Boundaries of the SWO Shoreland Wetland Overlay District are based on the Wisconsin Wetland Inventory Map for the Village of Thiensville, dated January 24, 1990, and stamped "FINAL", and include, but are not limited to, all shoreland wetlands, five acres or greater in area shown on that map.
- E. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

17.0302 ZONING MAP

A Certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall be available to the public in the office of the Village Clerk.

17.0303 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

The R-1 Residence District is intended to provide for single-family residential development, at densities not to exceed 3.2 dwelling units per net acre, served by municipal sanitary sewer facilities.

A. Permitted Principal Uses

- (1) Single-family dwellings.
- (2) Essential services.
- (3) Community living arrangements for eight (8) or fewer persons, subject to limitations set forth in Wisconsin Statutes 62.23 15(i).

B. Permitted accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds incidental to the residential use.
- (3) Home occupations are subject to the following:
 - a. General Conditions. Home occupations shall comply with the following general conditions:
 - 1) The total area devoted to such home occupations shall not exceed twenty five percent of the gross area of the dwelling unit involved and shall be located within a principal structure.

- 2) Offensive noise, vibration, dust, odors, pollution or interference with radio or television reception shall not be permitted to emanate from the dwelling.
 - 3) Persons operating a home occupation shall employ no more than one (1) nonresident employee in the home occupation.
 - 4) Materials used in or produced by an authorized home occupation may not be stored or displayed outside or be displayed so as to be visible from outside the premises.
 - 5) The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be in excess of what is compatible with the normal traffic pattern of the neighborhood.
 - 6) All authorized home occupations shall meet fire and building safety requirements.
 - 7) Persons conducting home occupations must furnish such information as required by municipal officials with respect to procedures and processes, equipment, materials, chemicals and any other items utilized in the home occupation.
 - 8) A home occupation includes uses such as babysitting, sewing, dressmaking, laundering and crafts, but does not include display of goods or retail sales, nor any occupation such as dance schools, real estate brokerage or photographic studios.
- (4) Satellite dish antennas located on the roof of the principal structures or in the rear yard.
 - (5) Roof mounted solar collectors.
 - (6) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Utility substations.
- (2) Solar collectors erected as an accessory structure.
- (3) Professional home offices; residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, real estate agents, insurance brokers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and no more than 2 non-resident individuals are employed. The principal use of the structure must remain residential in nature. Professional home offices are subject to the general conditions listed under B(3).

D. Lot Area and Width

- (1) Lots shall be a minimum of 13,500 square feet in area and shall be not less than 95 feet in width.

E. Building Height and Area

- (1) No principal building or part of a principal building shall exceed 35 feet in height. The total floor area of a dwelling shall be not less than 1,200 square feet.

F. Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure not less than 10 feet in width
- (3) There shall be a rear yard of not less than 25 feet.

17.0304 R-2 SINGLE-FAMILY RESIDENCE DISTRICT

The R-2 Residence District is intended to provide for single-family residential development, at densities not to exceed 6.4 dwelling units per net acre, served by municipal sanitary sewer facilities.

A. Permitted Principal Uses

- (1) Single-family dwelling.
- (2) Essential services.
- (3) Community living arrangements for eight (8) or fewer persons, subject to limitations set forth in Wisconsin Statutes 62.23 15(i).

B. Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds incidental to the residential use.
- (3) Home occupations are subject to the following:
 - a. General Conditions. Home occupations shall comply with the following conditions:
 - 1) The total area devoted to such home occupations shall not exceed twenty five percent of the gross area of the dwelling unit involved and shall be located within a principal structure.
 - 2) Offensive noise, vibration, dust, odors, pollution or interference with radio or television reception shall not be permitted to emanate from the dwelling.
 - 3) Persons operating a home occupation shall employ no more than one (1) nonresident employee in the home occupation.
 - 4) Materials used in or produced by an authorized home occupation may not be stored or displayed outside or be displayed so as to be visible from outside the premises.
 - 5) The volume of vehicular or pedestrian traffic or parking shall not result in congestion or

be in excess of what is compatible with the normal traffic pattern of the neighborhood.

- 6) All authorized home occupations shall meet fire and building safety requirements.
 - 7) Persons conducting home occupations must furnish such information as required by municipal officials with respect to procedures and processes, equipment, materials, chemicals and any other items utilized in the home occupation.
 - 8) A home occupation includes uses such as babysitting, sewing, dressmaking, laundering and crafts but does not include display of goods or retail sales, nor any occupation such as dance schools, real estate brokerage or photographic studios.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
 - (5) Roof mounted solar collectors.
 - (6) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Boarding houses.
- (2) Utility substations.
- (3) Professional home offices; residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, real estate agents, insurance brokers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and no more than 2 non-resident individuals are employed. The principal use of the structure must remain residential in nature. Professional home offices are subject to the general conditions listed under B(3).
- (4) Solar collectors erected as an accessory structure.

D. Lot Area and Width

- (1) Lots shall have a minimum area of 6,800 square feet in area and shall be not less than 60 feet in width.

E. Building Height and Area

- (1) No principal building or part of a principal building shall exceed 35 feet in height. The total floor area of a residential dwelling shall be not less than 1,000 square feet.

F. Yards

- (1) There shall be a minimum building setback of 25 feet from the street right-of-way.

- (2) There shall be a side yard on each side of the principal structure not less than five (5) feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

17.0305 R-3 TWO-FAMILY RESIDENCE DISTRICT

The R-3 Residence District is intended to provide for two-family residential development, at densities not to exceed 5.8 dwelling units per net acre, served by municipal sanitary sewer facilities.

A. Permitted Principal Uses

- (1) Two-family dwellings.
- (2) Essential services.
- (3) Community living arrangements which have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23 15(i) of the Wisconsin Statutes.

B. Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds incidental to the residential use.
- (3) Home occupations are subject to the following:
 - a. General Conditions. Home occupations shall comply with the following conditions:
 - 1) The total area devoted to such home occupations shall not exceed twenty five percent of the gross area of the dwelling unit involved and shall be located within a principal structure.
 - 2) Offensive noise, vibration, dust, odors, pollution or interference with radio or television reception shall not be permitted to emanate from the dwelling.
 - 3) Persons operating a home occupation shall employ no more than one (1) nonresident employee in the home occupation.
 - 4) Materials used in or produced by an authorized home occupation may not be stored or displayed outside or be displayed so as to be visible from outside the premises.
 - 5) The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be in excess of what is compatible with the normal traffic pattern of the neighborhood.
 - 6) All authorized home occupations shall meet fire and building safety requirements.
 - 7) Persons conducting home occupations must furnish such information as required by municipal officials with respect to procedures and processes, equipment, materials, chemicals

and any other items utilized in the home occupation.

- 8) A home occupation includes uses such as babysitting, sewing, dressmaking, laundering and crafts but does not include display of goods or retail sales, nor any occupation such as dance schools, real estate brokerage or photographic studios.
- (4) Satellite dish antennas located on the roof of the principal structure or the rear yard.
- (5) Roof-mounted solar collectors.
- (6) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Boarding houses.
- (2) Utility substations.
- (3) Professional home offices; residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, real estate agents, insurance brokers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and no more than 2 non-resident individuals are employed. The principal use of the structure must remain residential in nature. Professional home offices are subject to the general conditions listed under B(3).
- (4) Solar collectors erected as an accessory structure.

D. Lot Area and Width

- (1) Lots shall have a minimum of 15,000 square feet and shall be not less than 100 feet in width.

E. Building Height and Area

- (1) No principal building or parts of a principal building shall exceed 35 feet in height. The total floor area of a residential dwelling shall be not less than 1,000 square feet per dwelling unit.

F. Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure not less than 10 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

17.0306 R-4 MULTIPLE-FAMILY RESIDENCE DISTRICT

The R-4 Residence District is intended to provide for multiple family residential development in structures housing 8 dwelling units or less, at densities not to exceed 11.5 dwelling units per net acre, served by municipal sanitary sewer facilities.

A. Permitted Principal Uses

- (1) Two-family dwellings.
- (2) Multiple-family dwellings not to exceed 8 dwelling units per structure.
- (3) Essential services.
- (4) Community living arrangements that have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(15)(i) of the Wisconsin Statutes.

B. Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds incidental to the residential use.
- (3) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
- (4) Roof-mounted solar collectors.
- (5) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Housing for the elderly, not to exceed 22 units per net acre.
- (2) Boarding Houses.
- (3) Utility substations.

D. Lot Area and Width

- (1) Lots shall have the minimum of the larger of 15,000 square feet in area or 3,800 square feet per unit.
- (2) Lots shall not be less than 100 feet in width.

E. Building Height and Area

- (1) No principal building or part of a principal building shall exceed 35 feet in height. Efficiency and one bedroom dwelling units shall provide a living area of not less than 900 square feet per unit in the Town Center area. All other areas zoned R-4 must provide not less than 525 square feet per unit. Two-bedroom or larger dwelling units shall provide a living area of not less than 675 square feet per unit, except in the Town Center area, where the square feet per unit must be 1,200 square feet.

F. Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

G. Site Plans to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for multiple-family use shall, before a building permit is issued, present detailed site plans pertaining to the proposed structure to the Village Plan Commission, subject to submittal requirements stated in Section 17.1208, which will approve said plans only after determining that the proposed building will comply with Sections 17.1208 Site Plan Requirements, Section 17.1209 Criteria for Review and Approval and Section 17.1210 Architectural Review.

17.0307

R-5 MULTIPLE-FAMILY RESIDENCE DISTRICT

The R-5 Residence District is intended to provide for general multiple-family residential development, at densities not to exceed 14.0 dwelling units per net acre served by municipal sanitary sewer facilities.

A. Permitted Principal Uses

- (1) Multiple-family dwellings not to exceed 12 dwelling units per structure.
- (2) Essential services.
- (3) Community living arrangements that have a capacity for eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(15)(i) of the Wisconsin Statutes.

B. Permitted Accessory Uses

- (1) Private garages and carports.
- (2) Gardening, tool and storage sheds incidental to the residential use.
- (3) Satellite dish antennas located on the roof of the principal structure or the rear yard.
- (4) Roof-mounted solar collectors.
- (5) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Housing for the elderly, provided that the density of such housing shall not exceed 22 units per acre.
- (2) Boarding houses.
- (3) Utility substations.

D. Lot Area and Width

- (1) Lots shall have the minimum of the larger of 15,000 square feet in area or 3,800 square feet per unit.
- (2) Lots shall not be less than 100 feet in width.

E. Building Height and Area

- (1) No principal building or part of a principal building shall exceed 40 feet in height. Efficiency and one bedroom dwelling units shall provide a living area of not less than 900 square feet per units in the Town Center area. All other areas zoned R-5 must provide not less than 525 square feet per unit. Two-bedroom or larger dwelling units shall provide a living area of not less than 675 square feet per unit, except in the Town Center area, where the square feet per unit must be 1,200 square feet.

F. Yards

- (1) There shall be a minimum building setback of 25 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

G. Site Plans to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for multiple-family use shall, before a building permit is issued, present detailed site plans pertaining to the proposed structure to the Village Plan Commission, subject to submittal requirements stated in Section 17.1208, which will approve said plans only after determining that the proposed building will comply with Sections 17.1208 Site Plan Requirements, Section 17.1209 Criteria for Review and Approval and Section 17.1210 Architectural Review.

17.0308 B-1 CENTRAL BUSINESS DISTRICT

The B-1 Business District is intended to provide for the orderly appropriate regulations to ensure the compatibility of the diverse uses typical of the "downtown" area without inhibiting the potential for maximum development of commercial, cultural, entertainment, and other urban activities which contribute to its role as the "heart" of the Village. This district is intended to enhance and promote traditional design elements as stated in Section 17.1210 and the Village's Architectural Guideline. This district is also encouraging the development of businesses adjacent to the right-of-way with parking located behind existing and proposed structures. One hundred percent of the floor area of the first floor of buildings in the B-1 District shall be used for commercial use only.

A. Permitted Uses:

- (1) Antique and collectors stores.
- (2) Art galleries.
- (3) Bakeries.
- (4) Banks, savings and loan associations, and other financial institutions.
- (5) Barber shops.
- (6) Bars and taverns.
- (7) Beauty shops.
- (8) Book or stationery stores.
- (9) Business offices.
- (10) Camera and photographic supply stores.
- (11) Clinics.
- (12) Clothing stores.
- (13) Commercial daycare centers.
- (14) Confectioneries.
- (15) Delicatessens.
- (16) Dental clinics.
- (17) Department stores.
- (18) Drug stores.
- (19) Electronic equipment sales, service and repair.
- (20) Fish markets.
- (21) Florists.
- (22) Fruit stores.
- (23) Furniture stores.
- (24) Furriers and fur apparel.
- (25) Gift stores.
- (26) Hardware stores.
- (27) Hobby and craft stores.
- (28) Hotels.
- (29) Insurance sales offices.
- (30) Interior decorator/design.
- (31) Jewelry stores.
- (32) Law offices.
- (33) Medical clinics.
- (34) Music stores.
- (35) Newspaper and magazine stores.
- (36) Office supplies and business machine stores.
- (37) Optical stores.
- (38) Packaged beverage stores.
- (39) Paint, glass, and wallpaper stores.
- (40) Parking lots.
- (41) Physical fitness centers.
- (42) Plumbing and heating supplies
- (43) Professional offices.
- (44) Real estate sales offices.
- (45) Restaurants, not including restaurants with drive in and drive through lanes.
- (46) Self-service laundries and dry cleaning establishments.
- (47) Shoe stores and leather goods stores.
- (48) Soda fountains and ice cream stores.
- (49) Sporting goods stores.
- (50) Stationery stores.

- (51) Tailor or dressmaking shops.
- (52) Tobacco stores.
- (53) Travel agency.
- (54) Variety stores.
- (55) Vegetable stores.
- (56) Videotape sales and rental.

B. Permitted Accessory Uses

- (1) Garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (4) Rental efficiency and one-bedroom apartments on a nonground level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment, and 450 square feet for a one-bedroom apartment.
- (5) Essential services
- (6) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Utilities.
- (2) Satellite dish antennas.
- (3) Solar collectors.
- (4) Outdoor display of retail merchandise.
- (5) Accessory walk-in cooler for retail use.
- (6) Apartment units located above the primary business, which may be rented to persons other than those specified in Section 17.0308 B.(3) above.
- (7) Banks with drive in and drive through lanes.
- (8) Restaurants with drive in and drive through lanes.
- (9) All structures containing over 20,000 square feet of area.
- (10) Structures containing over 17,000 square feet of area for the wholesale and retail sale of clothing, motorcycle accessories and motorcycle parts, the display of motorcycles as part of the accessory sales process, the assembly of motorcycles prior to delivery, the dry storage of motorcycles and minor repair of small engines not involving the manufacture of motorcycle parts. The minor repair of small engines may be performed within no more than five percent (5%) of the total land area subject to this section.
- (11) Temporary tent structures, not exceeding 4,500 square feet, immediately adjacent to a permanent structure holding a catering business for use as a temporary event facility

D. Lot Area and Width

- (1) Lots shall be a minimum of 7,200 square feet in area and shall not be less than 60 feet in width.

E. Building Height

- (1) No principal building or part of a principal building shall exceed 45 feet in height.

F. Setback and Yards

- (1) When remodeling existing buildings, the setback from the street right-of-way will be at the discretion of the Plan Commission as necessary to maintain or enhance the architectural and/or historical character of the building concerned.
- a. No minimum side yard is required for all new construction, however, where a side yard is provided, it shall not be less than 10 feet in width.
 - b. All new construction will require a minimum rear yard of not less than 25 feet.

G. Site Plans to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for use in the central business district shall, before a building permit is issued, present detailed plans pertaining to the proposed structures to the Village Plan Commission, subject to submittal requirements stated in Section 17.1208, which will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, will comply with Sections 17.1208 Site Plan Requirements, Section 17.1209 Criteria for Review and Approval and Section 17.1210 Architectural Review.

17.0309

B-2 SHOPPING CENTER BUSINESS DISTRICT

The B-2 Business District is intended to provide for individual and small groups of retail and customer service establishments. This type of district is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities, making such facilities more compatible with the character of adjacent residential neighborhoods. One hundred percent of the first floor of buildings in the B-2 District shall be used for commercial only.

A. Permitted Uses

- (1) Antique and collectors stores.
- (2) Appliance Stores.
- (3) Art Galleries.
- (4) Bakeries.
- (5) Banks, savings and loan associations, and other financial institutions.
- (6) Barber shops.
- (7) Bars and taverns.

- (8) Beauty shops.
- (9) Book or stationary stores.
- (10) Bowling alleys.
- (11) Business offices.
- (12) Camera and photographic supply stores.
- (13) Clinics.
- (14) Clothing stores.
- (15) Confectioneries.
- (16) Delicatessens.
- (17) Department stores.
- (18) Drug stores.
- (19) Electronic equipment sales, service and repair.
- (20) Equipment rental centers.
- (21) Fish Markets.
- (22) Florists.
- (23) Fruit stores.
- (24) Funeral homes.
- (25) Furniture stores.
- (26) Furriers and fur apparel.
- (27) Gift stores.
- (28) Grocery stores.
- (29) Hardware stores.
- (30) Hobby and craft shops.
- (31) Hotels and motels.
- (32) Insurance sales offices.
- (33) Interior decorator/design
- (34) Janitorial services.
- (35) Jewelry stores.
- (36) Lodges and clubs.
- (37) Meat markets.
- (38) Music stores.
- (39) Newspaper and magazine stores.
- (40) Office supplies and business machine stores.
- (41) Optical stores.
- (42) Packaged beverage stores.
- (43) Paint, glass and wallpaper stores.
- (44) Parking lots and structures.
- (45) Physical fitness centers.
- (46) Plumbing and heating supplies.
- (47) Professional offices.
- (48) Public utility offices.
- (49) Publishing houses.
- (50) Real estate sales offices.
- (51) Restaurants, not including restaurants with drive in and drive through lanes.
- (52) Self-service laundries and dry cleaning establishments.
- (53) Shoe stores and leather goods stores.
- (54) Soda fountain and ice cream stores.
- (55) Sporting good stores.
- (56) Supermarkets
- (57) Tailor or dressmaking shops.
- (58) Theatres.
- (59) Tobacco stores.
- (60) Travel agency.
- (61) Variety stores.
- (62) Vegetable stores.
- (63) Videotape sales and rental.

B. Permitted Accessory Uses

- (1) Garages for storage of vehicles used in conjunction with the operation of business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (4) Essential Services.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
- (6) Roof-mounted solar collectors.
- (7) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Utilities.
- (2) Printing.
- (3) Banks with drive in and drive through lanes.
- (4) Meat lockers.
- (5) Solar collectors erected as an accessory structure.
- (6) Outdoor display of retail merchandise.
- (7) Processing and assembling of final products where the space for the manufacturing process does not exceed 1,000 square feet.
- (8) Apartment units located above the primary business, which may be rented to persons other than those specified in Section 17.0308(B)(3) above.
- (9) Restaurants with drive in and drive through lanes.
- (10) All buildings containing over 20,000 square feet of area.
- (11) Utilities.

D. Lot Area and Width

- (1) Shopping center sites or districts shall contain a minimum of four acres and shall be not less than 200 feet in width.
- (2) Individual business sites in the B-2 Business District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards. There is no required minimum site width.

E. Building Height

- (1) No principal building or parts of a principal building shall exceed 35 feet in height.

F. Setback and Yards

- (1) When remodeling existing buildings, the setback from the street right-of-way will be at the discretion of the Plan Commission as necessary to maintain or enhance the architectural and/or historical character of the building concerned, but no less than five(5)feet.

- a. All new construction will require a minimum setback from the street right-of-way not less than five (5) feet.
- b. All new construction will require a minimum offset from side lots a distance of 15 feet.
- c. All new construction will require a minimum rear yard of not less than 25 feet.

G. Site Plans to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for use in the business district shall, before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Plan Commission, subject to submittal requirements stated in Section 17.1208 who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, will comply with Sections 17.1208 Site Plan Requirements, Section 17.1209 Criteria for Review and Approval and Section 17.1210 Architectural Review.

17.0310

B-3 OFFICE AND PROFESSIONAL BUSINESS DISTRICT

The B-3 Business District is intended to provide for individual or limited office, professional, and special service uses where the office activity would be compatible with other neighborhood uses and not exhibit the intense activity of other business districts.

A. Permitted Uses

- (1) Administrative and public service offices.
- (2) Professional offices of an architect, landscape architect, lawyer, accountant, doctor, Christian science practitioner, dentist, clergy, engineer or other similarly recognized profession.
- (3) Studios for photography, painting, music, sculpture, dance or other recognized fine art.
- (4) Real estate and insurance offices.
- (5) Banks or financial institution.
- (6) Interior decorator.
- (7) Medical Clinics.
- (8) Barber shops and beauty shops.

B. Permitted Accessory Uses

- (1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking areas.
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
- (5) Roof mounted solar collectors.
- (6) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Funeral homes and crematoriums.
- (2) Utilities.
- (3) Radio and television transmitting and receiving stations.
- (4) Banks with drive in and drive through lanes.
- (5) Apartment units located above or adjacent to the primary business, which may be rented to persons other than those specified in Section 17.0308 B.(3) above.
- (6) All buildings containing over 20,000 square feet.

D. Lot Area and Width

- (1) Lots shall have a minimum area of 10,000 square feet and shall have a minimum lot width of 75 feet at the building line.

E. Building Height

- (1) No principal building or parts of a principal building shall exceed 45 feet in height.

F. Setback and Yards

- (1) When remodeling existing buildings, the setback from the street right-of-way will be at the discretion of the Plan Commission as necessary to maintain or enhance the architectural and/or historical character of the building concerned, but no less than five(5) feet.
 - a. All new construction will require a minimum setback from the street right-of-way not less than five (5) feet.
 - b. All new construction will require a minimum offset from the rear lot line a distance of not less than 25 feet.
 - c. There shall be a side yard on each side of all buildings not less than 15 feet in width.

G. Site Plans to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for use in the office and professional district shall before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Plan Commission, subject to submittal requirements stated

in Section 17.1208 who will approve said plans only after determining that the proposed building will comply with Sections 17.1208 Site Plan Requirements, Section 17.1209 Criteria for Review and Approval and Section 17.1210 Architectural Review.

17.0311 B-4 HIGHWAY BUSINESS DISTRICT

The B-4 Business 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.

A. Permitted Uses

- (1) Any use permitted in the B-2 Shopping Center Business District.
- (2) Motels and motor hotels.
- (3) Building supply stores excluding lumber yards.
- (4) Automotive, aircraft, and marine sales and service.
- (5) Restaurants, not including restaurants with drive in and drive through lanes.
- (6) Convenience food stores.
- (7) Interior decorator/design.

B. Permitted Accessory Uses

- (1) Accessory garages for storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (4) Essential Services.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
- (6) Roof-mounted solar collectors.
- (7) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.
- (8) Garden Shop.

C. Conditional Uses

- Buildings over forty (4) years old which were originally constructed for residential use may be used for up to 100% residential use provided however that the residential use may not be expanded.
- (1) Gasoline service stations provided that all service islands and pumps shall meet the setback requirements.
 - (2) Banks with drive in and drive through lanes.
 - (3) Restaurants with drive in and drive through lanes.
 - (4) Solar collectors erected as an accessory structure.
 - (5) Lumber yards.
 - (6) Crematory services.
 - (7) Utilities.
 - (8) Printing.
 - (9) Outdoor display of retail merchandise.
 - (10) Meat lockers.

- (11) Processing and assembling of final products where the space for the manufacturing process does not exceed 2,000 square feet.
- (12) Apartment units located above the primary business, which may be rented to persons other than those specified in Section 17.0308B.(3) above.
- (13) All buildings containing over 20,000 square feet.
- (14) No more than four (4) outdoor sand Volleyball Courts not to exceed 30 feet by 60 feet in playing area, provided that said Courts are associated with and supported by businesses engaged in providing recreational activities.

D. Lot Area and Width

- (1) Lots shall have a minimum area of 10,000 square feet and shall have a minimum lot width of 75 feet at the building line.

E. Building Height

- (1) No principal building or parts of a principal building shall exceed 35 feet in height.

F. Setback and Yards

- (1) When remodeling existing buildings, the setback from the street right-of-way will be at the discretion of the Plan Commission as necessary to maintain or enhance the architectural and/or historical character of the building concerned, but no less than five (5) feet.
 - a. All new construction will require a minimum setback from the street right-of-way a distance equal to the average of the setback of buildings on both sides of the lot concerned, but not less than five (5) feet.
 - b. There shall be a side yard not less than 20 feet in width.
 - c. There shall be a rear yard of not less than 25 feet.

G. Site Plans to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for use in the highway business district shall before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Plan Commission, subject to submittal requirements stated in Section 17.1208 who will approve said plans only after determining that the proposed building will comply with Sections 17.1208 Site Plan Requirements, Section 17.1209 Criteria for Review and Approval and Section 17.1210 Architectural Review.

17.0312

I-1 INSTITUTIONAL DISTRICT

The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

A. Permitted Uses

- (1) Public or private schools, colleges, and universities.
- (2) Churches.
- (3) Commercial day care centers.
- (4) Post office.
- (5) Hospitals, sanatoriums and nursing homes.
- (6) Libraries, museums, and art galleries.
- (7) Public administrative offices, and public service buildings, including fire and police stations.
- (8) Public utility offices.
- (9) Water storage tanks and towers.
- (10) Fraternal lodges.

B. Permitted Accessory Uses

- (1) Residential quarters for caretakers or clergy.
- (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (3) Off-street parking and loading areas.
- (4) Service buildings and facilities normally accessory to the permitted uses.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
- (6) Roof-mounted solar collectors.
- (7) Private swimming pools provided that such pool construction is in compliance with Section 14.433 of the Village of Thiensville Building Code.

C. Conditional Uses

- (1) Utilities.
- (2) Solar collectors erected as an accessory structure.
- (3) Communication towers.

D. Lot Area and Width

- (1) Lots in the I-1 district shall be a minimum of 15,000 square feet in area with a minimum lot width of 100 feet.

E. Building Height

- (1) No building or parts of a building shall exceed 35 feet in height. The total floor area of a dwelling shall be not less than 1,200 square feet.

F. Setback and Yards

- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure not less than 15 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

G. Site Plans to be Submitted to Plan Commission

- (1) Every builder of any building hereafter erected or structurally altered for institutional uses shall,

before a building permit is issued, present detailed site plans pertaining to the proposed structure to the Village Plan Commission, subject to submittal requirements stated in Section 17.1208 who will approve said plans only after determining that the proposed building will comply with Sections 17.1208 Site Plan Requirements, Section 17.1209 Criteria for Review and Approval and Section 17.1210 Architectural Review.

17.0313 P-1 PARK DISTRICT

The P-1 Park District is used to provide for areas where the open space and recreational needs, both public and private, of the citizens can be met without undue disturbance of natural resources and adjacent uses.

A. Permitted Uses

- (1) Botanical gardens and arboretums.
- (2) Fairground.
- (3) Forest reserves (wilderness areas).
- (4) Historic and monument sites.
- (5) Ice skating.
- (6) Parks-general recreation.
- (7) Parks-leisure and ornamental.
- (8) Picnicking areas.
- (9) Playfields or athletic fields.
- (10) Play lots or tot lot.
- (11) Recreation center
- (12) Swimming pools.
- (13) Tennis courts.

B. Accessory Uses

- (1) Building accessory to the permitted recreational use.
- (2) Satellite dish antennas located on the roof of the principal structure or in the rear yard.
- (3) Roof-mounted solar collectors.

C. Conditional Uses

- (1) Archery range.
- (2) Gymnasiums.
- (3) Public pools.
- (4) Solar collectors erected as an accessory structure.

D. Lot Area and Width

- (1) Lots in the P-1 Park District shall provide sufficient area for the principal structure and its accessory structures, offstreet parking and loading areas as required by Section 17.0500 of this Ordinance, and all required yards.

E. Building Height

- (1) No building or parts of a building shall exceed 35 feet in height.

F. **Setback and Yards**

- (1) There shall be a minimum setback of 40 feet from the street right-of-way.
- (2) There shall be a side yard on each side of all buildings not less than 40 feet in width.
- (3) There shall be a rear yard of not less than 40 feet.

17.0314

FW FLOODWAY DISTRICT

The FW Floodway District is intended to be used to protect people and property from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Permitting use of the floodway would increase damages in the broader floodplain by increasing flood stages. In delineating the FW District, the effects of development within the associated flood fringe shall be computed. No increase in flood stage shall be permitted that is equal to or greater than 0.01 foot unless the Village of Thiensville has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until the Village and all such affected units of government have amended their water surface profiles and floodland zoning maps to reflect the increased flood elevations. Under no circumstances shall the cumulative effect of flood stage increases raise the regional flood profile in excess of 1.0 foot.

A. **Permitted Uses**

- (1) Drainage.
- (2) Movement of Floodwater.
- (3) Navigation.
- (4) Stream Bank Protection.
- (5) Water Measurement and Control Facilities.
- (6) Any of the following uses are permitted provided that they are permitted uses in the district immediately adjacent to the floodway, and further provided that such use shall not involve the erecting or placing of a structure.
 - a. Grazing.
 - b. Horticulture.
 - c. Open parking and loading areas provided that such uses shall not be subject to inundation depths greater than two feet or flood velocities greater than two feet per second.
 - d. Open Markets.
 - e. Open recreational uses, such as parks, sport fields, beaches, bathing, hunting, fishing, rinks, golf courses, and driving ranges.
 - f. Outdoor Plant Nurseries.

- g. Pasturing.
- h. Sod Farms.
- i. Truck Farming.
- j. Utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, and similar products and services.
- k. Viticulture (grape growing).
- l. Wildlife Preserves.

B. Conditional Uses

- (1) Open space and related uses for the following uses provided that the applicant shows that such use or improvement will not impede drainage, will not cause ponding will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters. When permitted, all structures shall be floodproofed and constructed so as not to catch or collect debris nor be damaged by floodwaters. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood.
 - a. Navigational structures.
 - b. Public water measuring and control facilities.
 - c. Bridges and approaches.
 - d. Marinas.
 - e. Filling as authorized by the Wisconsin Department of Natural Resources to permit the establishment of approved bulkhead lines.
 - f. Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.
- (2) Municipal water supply and sanitary sewerage systems, provided that the system is floodproofed to an elevation of at least two (2) feet above the elevation of the 100-year recurrence interval flood, and is designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood level for the particular stream reach.

C. Dumping and Filling Prohibited

(1) Lands lying within the Floodway District shall not be used for dumping or be filled except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches. Normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.

D. Dangerous Materials Storage Prohibited

(1) Lands lying within the Floodway District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life.

E. Incompatible Uses Prohibited

(1) Lands lying within the Floodway District shall not be used for any solid waste disposal site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the Floodway District.

F. Maintenance of Drainageways

(1) No development in the Floodway District shall adversely affect the channels, floodways, or shorelands of any tributary of the Milwaukee River, Pigeon Creek, drainage ditches, or other lands lying outside the floodlands.

17.0315

FFO FLOODPLAIN FRINGE OVERLAY DISTRICT

The FFO Floodplain Fringe Overlay District is intended to provide for and encourage the most appropriate use of land and water in areas subject to periodic flooding and to minimize flood damage to people and property. In developing floodplain fringe areas, consideration shall be given to the maintenance of flood storage capacity and preventing significant increases in the flood discharges identified in the Village's Flood Insurance Study. The effects of development within the flood fringe shall be computed. No increase in flood stage shall be permitted that is equal to greater than 0.01 foot unless the permit applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, and until all such affected units or government have amended their water surface profiles and floodland zoning maps to reflect the increased flood elevations. Under no circumstances shall the cumulative affect of flood stage increases raise the regional flood profile in excess of 1.0 foot.

A. **Permitted Use**

- (1) Any use of land, except development involving structures, that is permitted in the underlying basic use district. Examples of such use would be required yards in a residential district; or parking or loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two (2) feet or that such areas are not subject to flood velocities greater than two (2) feet per second upon the occurrence of a 100-year recurrence interval flood.

B. **Conditional Use**

- (1) Residential and commercial structures provided that the structures is permitted in the underlying basic use district, and provided that such floodplain fringe areas shall be filled to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood. Such fill shall extend for at least 15 feet beyond the limits of the structure placed thereon. All structures shall be provided with dryland access to lands outside the floodplain. Where existing streets or sewer lines are at elevations which make dry-land access impractical, the Village may permit development where access roads are at or below the 100-year recurrence interval flood stage, provided that the Village has written assurance from appropriate police and fire departments, and emergency service agencies, that rescue and relief service will be provided to properties in the area by wheeled vehicles during a flood event or the Village has an adopted natural disaster plan concurred with by the Wisconsin Division of Emergency Government and approved by the Wisconsin Department of Natural Resources. The finished surface of the lowest floor (excluding basement or crawlway) shall be constructed or placed at an elevation that is at least two (2) feet above the elevation of the 100-year recurrence interval flood. Basement or crawlway floors may be placed at the 100-year recurrence interval flood elevation provided that the basement or crawlway is floodproofed to the flood protection elevation. Residential structures placed on fill may be removed from the Floodplain Fringe Overlay District provided that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in Section 17.1100 of this Ordinance.

- (2) Industrial structures provided that the structure is permitted in the underlying district and provided that the fill requirements and dry-land access requirements for residential structures in the FFO district are complied with. However, when the intent and purpose of this Ordinance cannot be fulfilled by filling the floodplain fringe due to existing and committed development, and when the Village Plan Commission has made a finding to this effect, all new structures and all additions to existing structures in the Floodplain Fringe Overlay District shall be floodproofed to a point two (2) feet above the elevation of the 100-year recurrence interval flood. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood level for the particular stream reach. Structures placed on fill may be removed from the Floodplain Fringe Overlay District provided that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in Section 17.1100 of this Ordinance.
- (3) Structures accessory to a permitted use may be erected below the flood protection elevation provided that they are not attached to the principal structure, are not designed for human habitation, have a low flood damage potential, are constructed and placed to provide minimum obstruction to flood flows (whenever possible, accessory structures should be placed within their longitudinal axis parallel to the flow of floodwaters), are firmly anchored to prevent them from floating away and restricting bridge openings, and have all service facilities (such as electrical and heating equipment) at an elevation that is at least two (2) feet above the 100-year recurrence interval flood.
- (4) Municipal water supply and sanitary sewerage systems provided that the system is floodproofed to an elevation of at least two (2) feet above the elevation of the 100-year recurrence interval flood, and is designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by

a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood level for the particular stream reach.

- (5) Filling to remove lands from the FFO floodplain fringe overlay district provided that such fill shall be to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood and further provided that such lands are contiguous to lands lying outside of the floodlands. No such Floodplain Fringe Overlay District shall be removed from the Supplementary Floodland Zoning Map until the filling is complete and until the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in Section 17.1100 of this Ordinance.

C. Incompatible Uses Prohibited

- (1) Land lying within the Floodplain Fringe Overlay District shall not be used for any solid waste disposal site, onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption.

D. Maintenance of Drainageways

- (1) No filling or development in the FFO Floodplain Fringe Overlay District shall adversely affect the channels, floodways, or shorelands of any tributary of the Milwaukee River, Pigeon Creek, drainage ditches, or other lands lying outside the floodlands.

17.0316

PDO PLANNED DEVELOPMENT OVERLAY DISTRICT

The PDO Planned Development Overlay District is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversifies building types and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use

requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village upon specific petition under this section of the Ordinance and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met.

A. Permitted Uses

- (1) Uses permitted in a Planned Development Overlay District shall conform to uses generally permitted in the underlying basic use district or in other districts of this ordinance. Individual structures shall generally comply with the specific building area and height requirements of the underlying basic use district, except where deviation from the specific requirements would further the intent of the PDO ordinance; specifically:
1. A safe and efficient system for pedestrian and vehicle traffic.
 2. Attractive recreation and open spaces as integral parts of the development.
 3. Economic and efficient design in the location of public and private utilities and common facilities.
 4. Adequate standards of construction and planning.
 5. The basis for approval of the Petition in Section 17.0316(D)(1-8).

Setbacks shall be maintained along any boundary street of the project area as required by the existing underlying basic use district except where deviation from the specific requirements would further the interest of the PDO ordinance, as set forth above.

All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing for combined average open spaces and parking space as provided in the approved project plan, except where deviation from the specific requirements would further the intent of the PDO ordinance, as set forth above.

B. Minimum Area Requirements

- (1) Areas designated as Planned Development Overlay Districts shall be under single or corporate ownership or control, and shall contain a minimum development area determined by the Plan Commission for each type of planned development.

Principal Uses

- a. Residential PDO
- b. Commercial PDO
- c. Mixed Compatible Use
- d. Commercial/Multi-Family PDO

C. **Procedural Requirements**

- (1) Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay district, the owner or his agent making such petition shall meet with the Village Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.

- (2) Petition. Following the pre-petition conference the owner or his agent may file a petition with the Village Clerk for approval of a Planned Development Overlay District. Such Petition shall be accompanied by a review fee and the following information:
 - a. A statement which sets forth the relationship of the proposed PDO to the Village's adopted master plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:
 - 1) Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - 2) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - 3) A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - 4) Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations or administrative rules, or other universal guidelines.
 - 5) The expected date of commencement of physical development as set forth in the proposal.
 - 6) A traffic study that verifies that the proposed development will not have an adverse impact on Village, County or State Highways.
 - 7) The application shall include road design information, erosion and sediment control practices, stormwater retention facilities and information concerning the soils so the Village can be assured that the soil conditions are adequate to accommodate the structures and Village roads and whether any special precautions are necessary for basement construction. The Village may modify such proposals subject to conditions of approval as long as such modifications are consistent with good engineering practice and the approval of the Village Board.

- 8) All residential planned unit developments shall provide permanent common open space. Open space may be in corporate ownership or in a private homeowners association, unless the open space is dedicated to the Village as parkland pursuant to the Municipal Code, with an open space easement to assure that the open space will be permanent. Common open space shall be conveniently accessible to all residential dwellings within a planned unit development, available to all occupants of the dwelling units for whom the use of the open space is intended and shall provide a meaningful and useful area for such intended open space. It is the intent of this provision to insure equitable distribution of various land uses to all owners and maintain the maximum of open space. Common open space does not include private lots, street right-of-ways or lands determined unsuitable by the Village Board due to accessibility, common benefits or the intent of the provision. The application shall include what amenities are proposed in the common open space and if they are to be phased during completion of the development.
- 9) General outline of intended organizational structure related to property owners association, architectural review committee, deed restrictions and provisions of utilities and other services.
- 10) A project staging plan that outlines a timetable for project completion including but not limited to: roads, utility hookups, construction, and landscaping.
- 11) Any other information as required by the Village Staff, Plan Commission or Village Board.

b. A general development plan including:

- 1) Names, addresses and daytime phone numbers of the applicant, owner of the site, architect, professional engineer, contractor, principal investors, and designation of the principal representatives and/or contact person during the review of the project.
- 2) A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding properties.
- 3) The location of public and private roads, driveways, and parking facilities.
- 4) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.

- 5) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
 - 6) The type, size, and location of all structures.
 - 7) General landscape treatment.
 - 8) Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
 - 9) The existing and proposed location of public sanitary sewer and water supply facilities.
 - 10) The existing and proposed location of all private utilities or other easements.
 - 11) Characteristics of soils related to contemplated specific uses.
 - 12) Existing topography on the site with contours at no greater than two (2) foot intervals.
 - 13) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- (3) Referral to Plan Commission. The petition for a Planned Development Overlay District shall be referred to the Village Plan Commission for its review and recommendation, including any additional conditions or restrictions, which it may deem necessary or appropriate.
- (4) Public Hearing. The Village Plan Commission before formulating its recommendations to the Village Board shall hold a public hearing pursuant to the requirements of Section 17.1105 of this Ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Development Overlay District.

D. **Basis for Approval of the Petition**

- (1) The Village Plan Commission in making its recommendation and the Village Board in making its determination, shall consider:
- (2) That the petitioners for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following the approval of the petition and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.

- (3) That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
- (4) The Village Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:
 - a. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
 - b. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - c. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - d. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
 - e. Public water and sewer facilities shall be provided.
 - f. The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Ozaukee County.
- (5) That in the case of a proposed residential Planned Unit Development Overlay District:
 - a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

- b. The total net residential density within the Planned Unit Development Overlay District will be consistent with the density permitted in the underlying basic use district.
 - c. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - d. Adequate, continuing fire and police protection is available.
 - e. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - f. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
- (6) That in the case of a proposed commercial Planned Unit Development Overlay District.
- a. The proposed development will be adequately served by off-street parking and truck service facilities.
 - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
 - c. The locations for entrances and exists have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (7) That in the case of a mixed use Planned Unit Development Overlay District:
- a. The proposed mixture of uses produces a unified composite which is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood.