

- (15) Public utility offices.
- (16) Water storage tanks and towers.
- (17) Wastewater treatment facilities (publicly owned).

B. Permitted accessory uses.

- (1) Garages for the storage of vehicles used in conjunction with the permitted use.
- (2) Off-street parking and loading.
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker.
- (4) Rental or custodial apartment on a non-ground floor, provided that there is a minimum floor area of 500 square feet for a one-bedroom apartment and minimum floor area of 750 square feet for a two-bedroom or larger apartment.
- (5) Service building and facilities normally accessory to the permitted use.

C. Conditional uses. See Article IV.

D. Lot area and width. Lots shall have a minimum area of one acre and shall be not less than 120 feet in width.

E. Building height. No building or parts of a building shall exceed 35 feet in height.

F. Yards.

- (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
- (2) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
- (3) There shall be a side yard on each side of the parcel not less than 25 feet in width.
- (4) There shall be a rear yard of not less than 40 feet.
- (5) In a B-1 Zoning District there shall be a buffer that conforms to the landscaping and fencing regulations in § 340-59 along any side abutting a residential district. **[Amended 8-5-1999 by Ord. No. 99-6]**

§ 340-24. B-2 Neighborhood Business District. [Added 8-16-2006 by Ord. No. 2006-3]

The B-2 Neighborhood Business District is intended to provide limited commercial uses focusing on accommodating automobile-oriented sales and service establishments with the high level of visibility from the interstate highway. This district is also intended to preserve visual aesthetics of the Town with sufficient parking, landscaping and architectural character as the rear of the businesses is adjacent to the interstate. If a single business consists of more

than one permitted and/or conditional use, the Town of Port Washington Plan Commission has the authority to determine if, and how, the multiple uses are compatible.

A. Permitted uses.

- Bakery
- Beauty salon
- Bookstore
- Cafe
- Delicatessen
- Dry-cleaning establishment
- Exercise/fitness center
- Florist
- Gift store
- Grocery store
- Hardware store
- Paint store
- Professional office
- Restaurant, without drive-through
- Retail, general
- Sporting goods store
- Travel agency

B. Conditional uses.

- (1) Bar, including on-site microbrewery.
- (2) Drive-through, any category.
- (3) Funeral home.
- (4) Medical office.

C. Permitted accessory uses.

- (1) Services essential and integral to the use.
- (2) Garages for storage of vehicles used in conjunction with the permitted use.
- (3) Ground-mounted and building-mounted earth station dish antennas.
- (4) Off-street parking areas.
- (5) Storage, power supply and other uses normally auxiliary to the principal operation or use.

D. Lot area and width.

- (1) Lots shall be a minimum of 40,000 square feet in area.
- (2) Lots shall not be less than 150 feet in width.

E. Setback and yards.

- (1) A minimum street yard (setback) of 40 feet from an existing or planned public street right-of-way shall be required.
- (2) There shall be a minimum side yard of 20 feet in width.
- (3) There shall be a minimum rear yard of 20 feet.
- (4) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
- (5) In a B-2 Zoning District there shall be a buffer that conforms to the landscaping and fencing regulations in § 340-59 along any side abutting a residential district.

F. Building.

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) Buildings shall not exceed 40,000 square feet of gross floor area, except that following a public hearing the Plan Commission may approve larger buildings.

§ 340-25. TSD Town Square District. [Added 8-16-2006 by Ord. No. 2006-3]

The TSD Town Square District is intended to provide for commercial and retail development while preserving the character of the Town with architectural style, shared parking, trail access, plentiful landscaping, and a central meeting/open space where residents as well as visitors are welcome to congregate. This district is further intended to cluster multi-tenant and single-tenant buildings surrounding the open/outdoor meeting space with pedestrian-friendly walking paths. The TSD Town Square District is also intended to provide a sense of place through architecturally pronounced buildings at key locations. These locations include high-visibility locations as well as corner tenants of multi-tenant buildings. If a single business consists of more than one permitted and/or conditional use, the Town of Port Washington Plan Commission has the authority to determine if, and how, the multiple uses are compatible.

A. Permitted uses.

Bakery
 Barbershop
 Beauty salon
Bicycle sales/rental
 Bookstore
 Cafe
 Clothing store

Delicatessen
Dry-cleaning establishment
Electronic sales
Exercise/fitness center
Florist
Gift store
Hardware store
Insurance office
Jewelry store
Music store
Photographer
Pottery studio and gallery
Real estate office
Restaurant without drive-through
Retail, general
Shoe store
Travel agency

B. Conditional uses.

- (1) Bar, including on-site microbrewery.
- (2) Cocktail lounge.
- (3) Day care.
- (4) Dental office.
- (5) Drive-through, any category.
- (6) Drugstore.
- (7) Fruit and vegetable stand.
- (8) Medical office.
- (9) Professional office.

C. Permitted accessory uses.

- (1) Services essential and integral to the use.
- (2) Garages for storage of vehicles used in conjunction with the permitted use.
- (3) Ground-mounted and building-mounted earth station dish antennas.
- (4) Off-street parking areas.

- (5) Storage, power supply and other uses normally auxiliary to the principal operation or use.

D. Lot area and width.

- (1) Lots shall be a minimum of three acres in area.
- (2) Lots shall not be less than 150 feet in width.

E. Setback and yards.

- (1) A minimum street yard (setback) of 40 feet from an existing or planned public street right-of-way shall be required.
- (2) There shall be a minimum side yard of five feet on a side, and the combined total side yard shall not be less than 15 feet.
- (3) There shall be a minimum rear yard of 20 feet.
- (4) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
- (5) In a TSD Zoning District there shall be a buffer than conforms to the landscaping and fencing regulations in § 340-59 along any side abutting a residential district.

F. Building.

- (1) No building or parts of a building shall exceed 45 feet in height.
- (2) Buildings shall not exceed 40,000 square feet of gross floor area, except that following a public hearing the Plan Commission may approve larger buildings.

§ 340-26. BP-1 Business Park District. [Amended 8-5-1999 by Ord. No. 99-6; 8-16-2006 by Ord. No. 2006-31

The BP-1 Business Park District is intended to provide for the development of an attractive and aesthetically pleasing grouping of both office and larger, more regional commercial uses and activities in a unified park-like setting. The district is intended to be used in areas identified for office/business park in the adopted Town of Port Washington Knellsville Land Use Plan. Locations for both office and regional commercial uses must be in accordance with the Knellsville Land Use Plan. If a single business consists of more than one permitted and/or conditional use, the Town of Port Washington Plan Commission has the authority to determine if, and how, the multiple uses are compatible. The district is further intended to promote the provision of sufficient off-street, shared parking and loading areas while integrating open space, landscape planting screens, and pedestrian paths throughout the development.

A. Permitted uses.

Advertising agency

Appliance sales and repair
Bakery
Bank/credit union
Barbershop
Beauty salon
Bookstore
Business and management consulting services
Clothing store
Computer/software design
Contractor's office
Delicatessen
Department store
Drugstore
Dry-cleaning establishment
Electronics store
Exercise/fitness center
Financial institution
Furniture store
Government office
Grocery store
Hardware store
Health or professional office
Holding and investment services
Insurance office
Jewelry store
Manufacturing representative, agents or corporate headquarters
Office equipment, sales and service
Organization headquarters
Professional offices, including but not limited to engineering, architecture, planning, accounting and legal services
Real estate office
Restaurant without drive-through
Retail, general
Shoe store
Sporting goods store
Travel agency

B. Conditional uses.

- (1) Bar, including on-site microbrewery.
- (2) Cocktail lounge.
- (3) Day care.
- (4) Dental office.
- (5) Drive-through, in any category.
- (6) Hotel.
- (7) Laboratory.
- (8) Medical office.

C. Permitted accessory uses.

- (1) Services essential and integral to the use.
- (2) Garages for storage of vehicles used in conjunction with the permitted use.
- (3) Ground-mounted and building-mounted earth station dish antennas.
- (4) Off-street parking areas.
- (5) Storage, power supply and other uses normally auxiliary to the principal operation or use.

D. Lot area and width.

- (1) Lots shall be a minimum of 1.5 acres in area.
- (2) Lots shall not be less than 150 feet in width.

E. Setback and yards.

- (1) A minimum street yard (setback) of 40 feet from an existing or planned public street right-of-way shall be required.
- (2) There shall be a minimum side yard of not less than 20 feet in width.
- (3) There shall be a minimum rear yard of not less than 20 feet.
- (4) There shall be a shore yard of 75 feet from the high-water elevation of any navigable water.
- (5) In a BP-1 Zoning District there shall be a buffer than conforms to the landscaping and fencing regulations in § 340-59 along any side abutting a residential district.

F. Building.

- (1) No building or parts of a building shall exceed 45 feet in height.
- (2) Buildings shall not exceed 40,000 square feet of gross floor area, except that following a public hearing the Plan Commission may approve larger buildings.

§ 340-27. BP-2 Transitional Business Park District. [Added 8-16-2006 by Ord. No. 2006-3]

The BP-2 Transitional Business Park District is intended to provide for the development of an attractive and aesthetically pleasing grouping of office uses, limited regional commercial uses, and light industrial uses in a unified park-like setting. The district is intended to be a transition into a business park setting while accommodating the variety of both existing and future uses in locations within the Knellsville area as delineated in the ICnellsville Land Use Plan. If a single business consists of more than one permitted and/or conditional use, the Town of Port Washington Plan Commission has the authority to determine if, and how, the multiple uses are compatible. The district is further intended to promote the provision of sufficient off-street, shared parking and loading areas while integrating open space, landscape planting screens, and pedestrian paths throughout the development.

A. Permitted uses.

- Advertising agency
- Appliance sales and repair
- Bakery
- Bank/credit union
- Barbershop
- Beauty salon
- Bedding manufacture
- Beverage bottling and manufacture
- Brewery, brewing and distribution only
- Bookstore
- Building contractors
- Business and management consulting services
- Candle manufacture
- Catalog order store
- Catering, on-site food preparation for off-site distribution
- Cleaning, pressing, and dyeing
- Clothing store
- Computer/software design
- Contractor's office
- Delicatessen
- Department store

Drugstore
Dry-cleaning establishment
Electronic appliance manufacture
Electronics store
Exercise/fitness center
Financial institution
Furniture store
Glass products manufacture
Government office
Grocery store
Hardware store
Health or professional office
Holding and investment services
Insurance office
Jewelry store
Leather products manufacture
Lumber sales and storage
Machine manufacture
Machine shop
Manufacturing, general
Manufacturing representative, agents, or corporate headquarters
Metal fabrication
Office equipment, sales and service
Organization headquarters
Packing and packaging
Plastic products manufacture
Plumbing sales and service
Printing
Professional offices, including but not limited to engineering, architecture, planning, accounting, legal services
Publisher
Radio station and television studios
Real estate office
Restaurant without drive-through
Retail, general
Shoe store
Sporting goods store
Tool making, cabinetry, and repair shops
Travel agency

Vinyl products manufacture
Wood products manufacture

B. Conditional uses.

- (1) Automobile repair.
- (2) Bar, including on-site microbrewery.
- (3) Building material sales and storage.
- (4) Cocktail lounge.
- (5) Day care.
- (6) Dental office.
- (7) Drive-through, in any category.
- (8) Gas station.
- (9) General warehousing.
- (10) Hotel.
- (11) Laboratory.
- (12) Medical office.

C. Permitted accessory uses.

- (1) Services essential and integral to the use.
- (2) Garages for storage of vehicles used in conjunction with the permitted use.
- (3) Ground-mounted and building-mounted earth station dish antennas.
- (4) Off-street parking and loading areas.
- (5) Offices, storage, power supply and other uses normally auxiliary to the principal industrial operation.
- (6) Storage, power supply and other uses normally auxiliary to the principal operation or use.

D. Lot area and width.

- (1) Lots shall be a minimum of 1.5 acres in area.
- (2) Lots shall not be less than 150 feet in width.

E. Setback and yards. [Amended 12-27-2012 by Ord. No. 2012-051]

- (1) A minimum street yard (setback) of 40 feet from an existing or planned public street right-of-way shall be required.
- (2) There shall be a minimum side yard of not less than 20 feet in width.
- (3) There shall be a minimum rear yard of not less than 20 feet.
- (4) There shall be a shore yard of 75 feet from the high-water elevation of any navigable water.
- (5) In a BP-2 Zoning District, there shall be a buffer that conforms to the landscaping and fencing regulations in § 340-59 along any side abutting a residential district.

F. Building.

- (1) No building or parts of a building shall exceed 45 feet in height.
- (2) Buildings shall not exceed 40,000 square feet of gross floor area, except that following a public hearing the Plan Commission may approve larger buildings.

G. Offensive uses. The following uses are considered to be offensive and incompatible with the character of the Town of Port Washington and are thus prohibited from use in the BP-2 District. Any of these uses which existed upon the adoption of this section shall be considered nonconforming uses and be subject to the requirements of Article IX of this chapter. **[Amended 6-4-2007 by Ord. No. 2007-1-B]**

- (1) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizer or glue.
- (2) Rendering plant, refineries, or tanneries.
- (3) Stockyards or slaughterhouses.
- (4) Junk or salvage yards.
- (5) Storage of explosives or petroleum and petroleum products in excess of 50,000 gallons.

§ 340-28. M-1 Industrial District. [Amended 8-5-1999 by Ord. No. 99-6; 8-16-2006 by Ord. No. 2006-3; 10-12-2011 by Ord. No. 2011-05]

The M-1 Industrial District is intended to provide for manufacturing, industrial, warehousing, and ancillary uses of a limited nature, limited intensity, and limited size in appropriate locations within the Town of Port Washington.

A. Permitted uses.

Automobile repair and restoration
 Bedding manufacture
 Beverage bottling and manufacture

Brewery, brewing and distribution only
Building contractors
Candle manufacture
Catalog order store
Catering, on-site food preparation for off-site distribution
Cleaning, pressing, and dyeing
Contractor's office
Electronic appliance manufacture
Glass products manufacture
Leather products manufacture
Light assembly
Lumber sales and storage
Machine manufacture
Machine shop
Manufacturing, general
Metal fabrication
Packing and packaging
Plastic products manufacture
Plumbing sales and service
Printing
Professional offices, including but not limited to engineering, architecture, planning, accounting and legal services
Publisher
Radio station and television studios
Self storage facilities
Tool making, cabinetry and repair shops
Vinyl products manufacture
Wood products manufacture

B. Conditional uses.

- (1) Building material sales and storage.
- (2) Drive-through, any category.
- (3) Gas station.
- (4) General warehousing.
- (5) Laboratory.
- (6) Medium to heavy assembly.

- (7) Commercial greenhouses.

C. Permitted accessory uses.

- (1) Garages for storage of vehicles used in conjunction with the operation of the permitted use.
- (2) Off-street parking and loading areas.
- (3) Offices, storage, power supply and other uses normally auxiliary to the principle industrial operation.

D. Lot area and width.

- (1) Lots shall have a minimum area of one acre.
- (2) Lots shall not be less than 145 feet in width.

E. Yards.

- (1) A minimum street yard (setback) of 50 feet from the highway or road right-of-way shall be required.
- (2) There shall be a side yard on each side of the parcel not less than 20 feet in width.
- (3) There shall be a rear yard of not less than 40 feet.
- (4) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
- (5) In a M-1 Zoning District there shall be a buffer that conforms to the landscaping and fencing regulations in § 340-59 along any side abutting a residential district.

F. Building.

- (1) No building or parts of a building shall exceed 45 feet in height.
- (2) Buildings shall not exceed 40,000 square feet of gross floor area, except that following a public hearing the Plan Commission may approve larger buildings.

G. Offensive uses. The following uses are considered to be offensive and incompatible with the character of the Town of Port Washington and are thus prohibited from use in the M-1 Industrial District. Any of these uses which existed upon the adoption of this chapter shall *be* considered nonconforming uses and be subject to the requirements of Article IX of this chapter.

- (1) Manufacture of cement, lime, gypsum, plaster of paris, acid, explosives, fertilizer or glue.
- (2) Rendering plants, refineries, or tanneries.
- (3) Stockyards or slaughterhouses.
- (4) Junk or salvage yards.

- (5) Storage of explosives or petroleum and petroleum products in excess of 50,000 gallons.

§ 340-29. I-1 Institutional District. [Added 8-16-2006 by Ord. No. 2006-31

The I Institutional District is intended to protect lands that are or will be occupied by uses that serve the public good.

A. Permitted uses.

- (1) Golf courses.
- (2) Municipal offices.
- (3) Parks.
- (4) Playgrounds.
- (5) Protection of natural resources.
- (6) Government and cultural uses (such as fire and police stations, municipal buildings, community centers, libraries, and public emergency shelters).

B. Conditional uses.

- (1) Airports.
- (2) Colleges, universities, and public and private schools.
- (3) Cemeteries.
- (4) Churches and other places of worship.

C. Permitted accessory uses.

- (1) Services essential and integral to the use.
- (2) Garages for storage of vehicles used in conjunction with the permitted use.
- (3) Ground-mounted and building-mounted earth station dish antennas.
- (4) Off-street parking areas.
- (5) Storage, power supply and other uses normally auxiliary to the principal operation or use.

D. Lot area and width.

- (1) Lots shall be a minimum of 40,000 square feet in area.
- (2) Lots shall not be less than 150 feet in width.

E. Setback and yards.

- (1) A minimum street yard (setback) of 40 feet from an existing or planned public street right-of-way shall be required.
- (2) There shall be a minimum side yard of 20 feet.
- (3) There shall be a minimum rear yard of 20 feet.
- (4) A minimum shore yard of 75 feet from the high-water elevation of any navigable water shall be required.
- (5) In the I-1 Institutional Zoning District there shall be a buffer than conforms to the landscaping and fencing regulations in § 340-59 along any side abutting a residential district.

F. Building.

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) Buildings shall not exceed 40,000 square feet of gross floor area, except that following a public hearing the Plan Commission may approve larger buildings.

§ 340-30. P-1 Park and Recreation District.

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

A. Permitted principal uses.

- Boat access sites
- Botanical gardens and arboretums
- Forest preserve
- Golf courses without country club/restaurant facilities
- Historic and monument sites
- Sportsmen clubs
- Outdoor ice-skating and hockey rinks
- Parks (leisure and ornamental)
- Picnic areas
- Play fields or athletic fields
- Playgrounds
- Play lots or tot lots
- Skiing and tobogganing slopes
- Swimming beaches
- Tennis courts

B. Permitted accessory uses.

- (1) Any structure necessary for the operation or use of a permitted use.
- (2) Off-street parking areas.

C. Conditional uses. (See also Article IV.)

Amphitheaters
Archery ranges
Arenas and field houses
Bathhouses and swimming pools
Conservatories
Exhibition halls
Fairgrounds
Golf courses with country club/restaurant facilities
Golf driving ranges
Gymnasiums
Marinas
Museums
Music halls
Polo fields
Recreation centers
Riding academies
Skeet and trap shooting ranges, provided that the firing of rifled arms and shotgun slugs shall not be permitted toward or over any highway, road, or navigable water, or toward any building or occupied structure, or directly toward any occupied land within 600 feet of the site
Stadiums
Wildlife preserves
Zoological facilities

D. Lot area and width.

- (1) Lots **in the P-I District shall provide sufficient area for any principal structure or accessory structures as well as necessary off-street parking and loading areas.**
- (2) Lots shall not be less than 80 feet in width at the principal street access.

E. Building height and size.

- (1) No building or parts of a building shall exceed 35 feet in height.
- (2) The sum total of the floor area of all buildings shall not exceed 10% of the total park area.

F. Setback and yards. No building or structure shall be erected, altered, or moved closer than 40 feet to a lot line.

G. Parking and loading space.

- (1) There shall be sufficient off-street parking space provided to accommodate users of the park or recreation area.
- (2) There shall be no on-street parking in the P-1 District.

H. Minimum utility service. Electricity, wastewater treatment and disposal facilities, and water supply system shall be installed as required by the Wisconsin Department of Natural Resources and/or the Ozaukee County Health Department.

I. Special regulations.

- (1) To encourage a park use environment that is compatible with the adjacent use, Town permits for permitted uses in the P-1 District shall not be issued without prior review by and approval of plans for such use by the Town Plan Commission.
- (2) Said review and approval shall be concerned with adjacent uses, general layout, building site and operation plans, building materials, need for public wastewater treatment and water supply facilities, ingress, egress, parking, loading and unloading, and screening and landscape **plans**.

§ 340-31. PRD Planned Residential District Overlay.

A. The PRD Planned Residential District Overlay is intended to allow flexibility in the planning and development of residential uses in R-1 and R-2 Residential Districts. The use of this overlay district is **to** benefit the community and be done with **the consent of** the developer. The district requires a minimum parcel size of 10 acres. The PRD Planned Residential District requirements are laid over the R-1 and R-2 Districts. Application of the developer for rezoning and an execution of an agreement should establish a PRD with the Town. The district is further intended to:

- (1) Allow for an architecturally integrated subdivision.
- (2) Facilitate adequate provisions for transportation, pedestrian walkways, water, sewerage, drainage, public open space, and other public facilities.
- (3) Allow for flexibility in the placement of residential uses on the land to conserve the existing and potential value of the land, water, air and other public improvements.

B. Permitted uses.

- (1) All uses allowed in R-1 and R-2 Districts.
- (2) Two-family dwellings.

- C. Density. The lot area, width, and yard requirements of the underlying R-1 and R-2 Residential District may be modified; however, overall density shall be no greater than that permitted in that residential district.
- D. Conditional uses (see also Article IV). Those uses allowed in the underlying R-1 and R-2 Residential District.
- E. Lot area and width. No lot shall provide for an area less than 1/2 of the area or width required in the underlying R-1 and R-2 Residential District.
- F. Building height and area. Those required in the underlying R-1 and R-2 Residential District.
- G. Setbacks and yards. The setback and yard requirements of the underlying R-1 and R-2 Residential District may be modified as follows:
 - (1) No structure shall be closer than 25 feet to any street right-of-way.
 - (2) No residential structure shall be closer than 15 feet to another residential structure.
 - (3) No residential structure shall have a rear yard of less than 25 feet.

§ 340-32. PUD Planned Unit Development Overlay District. [Added 12-4-2000 by Ord. No. 2000-7]

- A. The Planned Unit Development (PUD) 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 and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicular 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 Planned Unit Development (PUD) Overlay District under this chapter 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 as set forth in the underlying base zoning district. The Planned Unit Development (PUD) Overlay District shall be applicable only within the Town Center District and Highway 33 Corridor District as depicted in the Land Use Plan. The unified and planned development of a site in a single, partnership 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 Town upon specific petition, with such development encompassing one or more principal uses or structures and related accessory uses or structures, when all regulations and standards as set forth in this section have been met.
- B. Designated areas. Areas designated as Planned Unit Development (PUD) Overlay District shall be under single or corporate ownership or control and shall contain a minimum development area as follows:

| Principal Uses | Minimum Area of PUD (acres) |
|-----------------------|--|
| Residential PUD | 10 |
| Commercial PUD | 4 |
| Industrial PUD | 10 |
| Mixed compatible use | 15 |

C. Density requirements. The lot area, width and yard requirements of the underlying base use district may be modified.

D. Lot area and width.

- (1) Individual lot sizes required by the underlying base use district may be modified in order to make use of special topographic features of the site, provide common open space or achieve the goals and policies of the Land Use Plan.
- (2) Individual lot widths required by the underlying base use district may be modified.

E. Setbacks and yards.

- (1) Setbacks required by the underlying base use district may be modified in planned unit development districts.
- (2) No principal structures in planned developments shall be located closer than 20 feet to another structure (subject to approval for emergency access).
- (3) Structures in planned residential developments shall have a rear yard of not less than 20 feet.

F. Procedure.

- (1) Pre-petition conference. Prior to official submittal of the petition for approval of the designation of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Town Planner to discuss the scope and proposed nature of the contemplated development.
- (2) The petition. Following the pre-petition conference, the owner or his agent may file a petition with the Town Plan Commission for an amendment to the Town's zoning district map designating and adding a Planned Unit Development Overlay District to the underlying base use zoning district, thereby permitting the application of the provisions of this section to the designated area. Such petition shall be accompanied by the appropriate fee as well as the following information:
 - (a) A statement which sets forth the relationship of the proposed Planned Unit Development Overlay District to the Town's adopted Land Use Plan or any adopted component thereof and the general character of and the uses to be included in the proposed Planned Unit Development Overlay District, including the following information:

- [1] Total area to be included in the Planned Unit Development Overlay District, 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 owners' or management 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 Town zoning, land division and sign regulations of this chapter, other Town regulations or administrative rules or other universal guidelines.
 - [5] The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- (b) A general development plan which shall include, in addition to those site plan and architectural review requirements set forth in Article V of this chapter, the following:
- [1] A preliminary plat illustrating plan of development of the planned unit development. The preliminary plat shall include all additional information as required by § 340-117 of this chapter.
 - [2] A legal description of the boundaries of lands included in the proposed Planned Unit Development Overlay District.
 - [3] A description of the relationship between the lands included in the proposed Planned Unit Development Overlay District and the surrounding properties
 - [4] The location of public and private roads, driveways and parking facilities.
 - [5] The size, arrangement and location of any individual building sites and proposed building groups on each individual lot.
 - [6] The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 - [7] The type, size and location of all structures.
 - [8] General landscaping treatment.

- [9] Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
 - [10] The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 - [11] The existing and proposed location of all private utilities or other easements.
 - [12] Characteristics of soils related to contemplated specific uses.
 - [13] Existing topography on site with contours at no greater than two-foot intervals.
 - [14] Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 - [15] If the development is to be staged, a staging plan.
- G. Land divisions. Any proposed division which is part of the proposed Planned Unit Development Overlay District shall be subject to the requirements of Article XI of this chapter.
- H. Referral to Plan Commission. The petition for a Planned Unit Development Overlay District shall be referred to the Plan Commission for its review and recommendation. The Plan Commission may add any additional conditions or restrictions which it may deem necessary or appropriate to promote the spirit and intent of this chapter and the purpose of this section.
- I. Public hearing. Upon receipt of the Plan Commission's recommendation, the Town Board shall, before determining the disposition of the petition, hold a public hearing pursuant to the provisions of Article XIV of this chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.
- J. Basis for approval.
- (1) The Town Plan Commission in making its recommendations and the Town Board in making its determinations shall consider:
 - (a) Whether the petitions for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development of the designated Planned Unit Development Overlay District within 12 months following the approval of the petition for a Planned Unit Development Overlay District and that the development will be carried out according to a reasonable construction schedule satisfactory to the Town.
 - (b) Whether the proposed Planned Unit Development Overlay District is consistent in all respects with the purpose of this section and with the spirit and intent of this chapter, is in conformity with the Land Use Plan or component plans thereof for community development and would not be contrary to the general welfare and economic prosperity of the Town or of

the immediate neighborhood and that the benefits and improved design of the resultant development justify the establishment of a Planned Unit Development Overlay District.

- (2) The Plan Commission and the Town Board shall not give their respective recommendations or approvals unless it is found 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 and administrative regulations of the Town.
 - (e) Adequate water and sanitary facilities shall be provided.
 - (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservations and maintenance or by dedication to the public.
- K. Changes or additions. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Town Plan Commission, and if in the opinion of the Town Plan Commission such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Town Board shall be required and notice thereof be given pursuant to the provisions of Article XIV of this chapter.
- L. Termination. If a building permit is not issued within one year of receiving the PUD zoning, the PUD and underlying district zoning for the property shall be automatically discontinued and replaced with the zoning designation that existed prior to the PUD rezoning.
- M. Developer agreement and restrictive covenants. The terms and conditions of the planned unit development (PUD) shall be set forth in a developer agreement and restrictive covenants as deemed necessary by the Town.

§ 340-33. KOD Knellsville Overlay Development Standards District. [Added 8-16-2006 by Ord. No. 2006-341

- A. Location. The development standards within this Knellsville Overlay Development Standards District shall apply to all properties within the two specific areas of the Town of Port Washington as identified in the Knellsville Land Use Plan approved by the Plan Commission on March 15, 2006.
- B. Purpose. The full intent is to provide for quality development within Knellsville, which includes safe, attractive, and aesthetically pleasing grouping of office, light industrial, and commercial uses with open spaces for people to gather, while promoting creative ideas and quality design in a highly landscaped setting free of outside storage or display as described in the Knellsville Land Use Plan. Requirements and standards of the base zoning district shall remain applicable. Where conflicts arise, the more restrictive shall apply.
- (1) The success of Knellsville will be determined by the quantity and quality of future development. Because Knellsville has a defined boundary, the quantity of development is simply determined by the square footage of future uses. The quality of future development relates to the atmosphere of future Knellsville. The atmosphere refers to the look, feel, and comfort of both the buildings as well as visitors to the area. Businesses are more likely to locate and people are more likely to revisit an area if it is safe, aesthetically pleasing, comfortable, and meets their needs. Examples of quality development that will promote businesses, as well as attract visitors, can be seen in Exhibit A. The Knellsville Overlay Development Standards District is meant to be supplemental to the existing development standards in place for the entire Town.
 - (2) According to the Settlement Agreement Between the City of Port Washington and the Town of Port Washington To Provide for Orderly Land Development, Boundary Agreements and Shared Services, the Town must apply the minimum business park development standards of the City of Port Washington. These standards utilize the city standards as a base of information and enhanced to further implement the Knellsville Land Use Plan.
- C. General development guidelines. Site development plans shall: **[Amended 6-4-2007 by Ord. No. 2007-1-B]**
- (1) Enhance the pedestrian experience by providing a visually pleasing, safe, and socially stimulating destination for merchants and businesses, as well as employees and visitors.
 - (2) Facilitate well-planned, coordinated, quality private development throughout the entire cooperative planning area.
 - (3) Encourage flexible and individual creativity rather than uniformity.
 - (4) Enhance existing Town of Port Washington ordinances and policies.

D. General approval standards.

- (1) The Plan Commission shall approve site development in accordance with this chapter, including building architecture, landscaping, lighting, signage, access, circulation, and parking.
- (2) The architectural design of all buildings shall be subject to Plan Commission approval.
- (3) Project elements, such as architecture, landscaping, lighting, signage, access, circulation, parking, and utilities, shall be designed and constructed in a coordinated manner to create the sense of a unified development throughout the Knellsville area.
- (4) In approving or disapproving proposed locations and uses in Knellsville, the Plan Commission shall give due consideration to the character of the use and its suitability in relationship to other nearby uses and shall also base its decision on such evidence as may be presented to the Plan Commission regarding traffic generation, heavy vehicular traffic, soil limitations, emission of noise, smoke, dust or dirt, or odorous or noxious gases attributed to the proposed use, conformance with the Knellsville Overlay Development Standards, and conformance with all Town of Port Washington ordinances.
- (5) The expansion or alteration of existing developed sites or structures in the Knellsville Overlay Development Standards District shall meet the standards of this section to the extent practicable. In approving or disapproving the project elements of a proposed expansion or alteration of an existing developed site or structure, the Plan Commission shall give due consideration to the character of the existing structure and site and the suitability of the proposed building and site design in relationship to the existing structure and other nearby uses. **[Added 11-13-2013 by Ord. No. 2013-03]**

E. General requirements.

- (1) Development shall be designed and sized in such a manner that is architecturally, aesthetically and operationally harmonious with surrounding development.
- (2) All business, servicing, processing or storage, except off-street parking, shall be conducted within completely enclosed buildings.
- (3) No external nuisance which is offensive by reason of odors, lighting, smoke, fumes, dust, vibrations, noise, or pollution or which is hazardous by reason of excessive danger of fire or explosion shall be permitted.
- (4) Sidewalks and street furnishings shall be provided throughout developments to enhance pedestrian experience.
- (5) Multistory buildings with quality architectural design shall be constructed at key locations to create a landmark identity.
- (6) Multiple buildings per development site shall be allowed and encouraged.

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- (7) Site plans shall be designed to allow uniformity of design with neighboring developments per the Knellsville Land Use Plan.

F. Building standards.

- (1) Buildings shall not exceed 40,000 square feet of gross floor area, except that following a public hearing the Plan Commission may approve larger buildings based on their location within the Knellsville Overlay Development Standards District.

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- (2) The maximum height of principal structures shall not exceed 45 feet.
- (3) The maximum height of accessory structures shall not exceed 30 feet.
- (4) All buildings constructed in Knellsville shall convey an impression of durability. Materials such as masonry, stone, stucco, glass, Dryvit, and precast walls are permitted. Metal, aluminum, wood, and vinyl siding are not allowed as the primary exterior building material but may be used for accents with a maximum of 10% coverage. Metals may also be used for mansards.
- (5) Exterior building colors shall be nonreflective, subtle, neutral, or earth tone. Building trim and architectural accent elements may feature brighter colors, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and copy areas.
- (6) Buildings shall incorporate four-sided architecture as all or portions of buildings will be visible from all four sides.
- (7) The building orientation shall be designed to accommodate and utilize the natural site features
- (8) Building massing that creates modulation and articulation is encouraged.
- (9) Buildings shall include changes in relief of the facade.
- (10) Buildings shall incorporate features such as arcades, roofs, porches, alcoves, porticoes, and awnings to protect pedestrians from the rain and sun.
- (11) Multistory buildings that allow for a mix of retail and smaller office uses are encouraged in the Town center area.
- (12) Buildings shall incorporate windows that allow for views of interior activity or display areas.

G. General performance restrictions.

- (1) No activity shall produce a sound level at the site boundary line that exceeds the decibel level in the following table as measured by a sound-level meter:

| Time of Day | Decibels |
|-------------------------|----------|
| 7:00 a.m. to 10:00 p.m. | 65 |
| 10:00 p.m. to 7:00 a.m. | 55 |

- (a) All noise shall be muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.
- (b) Noises exempt from the requirements of this section include:

- [1] Noises of vehicles, when utilized in normal vehicle use activities, as the vehicles were originally intended.
 - [2] Home appliances, when utilized as intended.
 - [3] Chain saws, lawn mowers, and snowblowers in private use (not including commercial repair services), when utilized as intended.
 - [4] Occasionally used safety signals, warning and emergency signals, and emergency pressure-relief valves.
 - [5] Unamplified human voice, when not intended to disrupt the peace.
 - [6] Temporary construction operations, not earlier than 7:00 a.m. or later than 9:00 p.m.
- (2) No person or activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to substantially contribute to exceeding state or federal air pollution standards.
- (3) Except for temporary construction activities, no activity shall cause or create a displacement in excess of the permitted steady state vibration displacement for the frequencies set forth in the following table. The displacement shall be measured with a three-component measuring system.

Maximum Permitted Steady State Vibration Displacement

| Frequency (cycles per second) | Displacement (inches) |
|--|----------------------------------|
| 0 to 10 | 0.0020 |
| 10 to 20 | 0.0010 |
| 20 to 30 | 0.0006 |
| 30 to 40 | 0.0004 |
| 40 to 50 | 0.0003 |
| 50 and over | 0.0002 |

- (a) For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.
 - (b) Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section, provided that steady state vibrations and impact vibrations shall not exceed twice the permitted displacement for permanent operations.
- (4) No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(⁵) No merchandise shall be handled for sale, materials produced, or service rendered on the premises except that which is incidental or accessory to the principal permissible use of the premises.

H. Site standards.

(¹) The minimum lot dimensions and setbacks in the Knellsville Overlay Development Standards District shall be as follows: **[Amended 12-27-2012 by Ord. No. 2012-051]**

| | BP-1 Business Park | BP-2 Transitional Business Park | TSD Town Square District | B-2 Neighborhood Business | I Institutional |
|---------------------|-----------------------------------|--|---|--|------------------------|
| Lot area | 1.5 acres feet | 1.5 acres | 3 acres | 40,000 square | 40,000 square feet |
| Lot width (feet) | 150 | 150 | 150 | 150 | 150 |
| Setbacks (feet) | | | | | |
| Street | 40 | 40 | 40 | 40 | 40 |
| Side | 20 | 20 | 5* | 20 | 20 |
| Rear | 20 | 20 | 20 | 20 | 20 |
| Shore | 75 | 75 | 75 | 75 | 75 |

Notes:

* Minimum of five feet on a side, and the combined total side yard shall not be less than 15 feet.

A minimum of 30% of each lot shall be open space.

All utilities, including but not limited to electrical, cable, and telephone, shall be underground.

Vehicular circulation shall be oriented to internal circulation drives with limited access provided to county trunk highways or Town roads as per plan.

Loading docks shall generally not face an open or visible area and be screened from adjacent right-of-way. Loading docks on property adjacent to a residential property shall not face the residential property.

All exterior equipment shall be located, screened, and painted to minimize visibility from streets and adjacent sites.

(⁷) Development must be bicycle and pedestrian friendly to promote interaction between the Ozaukee Interurban Trail and future uses. Bicycle storage facilities must be made available to employees and customers.

I. Garbage and refuse storage.

- (1) Garbage and refuse containers shall be screened from view from streets and open spaces by an enclosure with walls a minimum of six feet in height.
- (2) Garbage and refuse enclosure walls shall be constructed of masonry compatible with materials used on the principal building.
- (3) Garbage and refuse enclosures shall have access gates with opaque screening material.
- (4) Garbage and refuse enclosures shall be placed in a discrete location and screened from view with landscaping materials.
- (5) The Plan Commission shall approve the size, height, location, design, and construction materials of the garbage and refuse enclosure.

J. Parking standards.

- (1) Required parking spaces.

| | |
|---|---|
| Financial institutions, business offices, and government and professional offices | 3 spaces per 1,000 square feet |
| Restaurants, taverns, places of entertainment, lodges and clubs, and repair shops | 1 space per every 100 square feet of customer service area |
| Retail and service stores | 6 spaces per 1,000 square feet (unified development less than 40,000 square feet)* |
| | 5 spaces per 1,000 square feet (unified development from 40,000 to 80,000 square feet)* |
| | 4 spaces per 1,000 square feet (unified development greater than 80,000 square feet)* |
| Light industrial | 3 spaces per 1,000 square feet (uses less than 40,000 square feet) |
| | 2 spaces per 1,000 square feet (uses greater than 40,000 square feet) |

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Notes:

* A unified development includes a proposed development under single ownership or neighboring uses with cross-access easements.

- (2) Parking requirements set forth in § 340-53 of this chapter shall apply. Where a conflict exists, the more restrictive requirements shall apply.
- (3) Parking areas shall be set back from the ultimate right-of-way a minimum of 25 feet.
- (4) No driveway or parking shall be located closer than 20 feet to a side or rear lot line unless specifically waived by the Plan Commission, except that where property is adjacent to an existing or proposed residential property no parking space or access driveway shall be closer than 50 feet.
- (5) No driveway (excluding the portion of driveway required for road access) or parking area shall be located closer than 25 feet to the ultimate road right-of-way.
- (6) Where possible, shared parking areas and access points shall be utilized in order to preserve the safety of all pedestrians.
- (7) Parking lots in which the number of spaces significantly exceeds the minimum number required shall be allowed only with specific and reasonable justification. Parking lots in which the number of spaces is less than the minimum required may be allowed with specific and reasonable justification. **[Amended 12-27-2012 by Ord. No. 2012-05]**
- (8) The location of parking areas must be designed in such a way that if the use within the tenant space or building changes, the parking area can be easily modified to accommodate future uses.

K. Lighting standards.

- (1) At the time any exterior lighting fixture is installed or substantially modified, whenever a site plan application is made, and whenever a conditional use permit is requested, an exterior lighting plan shall be submitted to determine whether the requirements of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting.
- (2) A lighting plan submitted shall have the following elements:
 - (a) A catalog page, cut sheet, or photograph of all external lighting fixtures, including the mounting method.
 - (b) A photometric data test report of the proposed lighting fixture(s) graphically showing the lighting distribution at all angles vertically and horizontally.
 - (c) A plot plan, drawn to a recognizable scale, indicating the location of the lighting fixture(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This

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may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.

- (d) A graphic depiction of the lighting fixture lamp (or bulb) concealment and light cutoff angles.

In order to preserve the rural character of the Town, the Plan Commission must review and approve all lighting plans prior to installation in order to minimize light pollution.

All outdoor lighting fixtures shall be shielded, except incandescent fixtures 150 watts or less and other sources of 70 watts or less. Total cutoff luminaries with angles of less than 90° shall be required for all pole and building security lighting. More than the minimal level of shielding may be required.

The height of light poles, including the luminaires, as measured from surface of adjacent grade to top of luminary, shall be 25 feet. For luminaires within 50 feet of a residential property or residential district, the top of the luminary shall be 12 feet.

All outdoor lighting shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES) given below.

| Level of Activity | Examples | General Parking and Pedestrian | | | Vehicle Use Only | | |
|-------------------|--|--------------------------------|-------------------------|-----------------------|------------------|------------|-----------------------|
| | | Avg | Min | Uniformity (avg/ min) | Avg | Min | Uniformity (avg/ min) |
| High | Major cultural or civic events | 3.6 fc | 0.9 fc | 4:1 | 1.8 fc | 0.6 fc | 3:1 |
| | Regional shopping centers | 60,000 111 ¹ | 15,000 111 ¹ | | 30,000 lui | 10,000 lui | |
| | | 750 W | 185 W | | 375W | 125 W | |
| | | MH | MH | | MH | MH | |
| | | 750W | 185W | | MH | 125W | |
| | | HPS | HPS | 375 HPS | HPS | | |
| | | 375W | 90 W LPS | 375 LPS | 65 W LPS | | |
| | | LPS | | | | | |
| Medium | Community shopping enters | 2.4 fc | 0.6 fc | 4:1 | 0.9 fc | 0.3 fc | 3:1 |
| | Cultural, civic or recreational events | 40,000 lul | 10,000 lul | | 15,000 lui | 5,000 lui | |
| | Office parking | 500W | 125W | | 185 W | 60 W MH | |
| | Hospital parking | MH | MH | | MH | 60 HPS | |
| | Transportation parking | 500W | 125W | | MH | 30 LPS | |
| | Fast-food facilities | HPS | HPS | | 185 W | | |
| | (Airports, commuter lots, etc.) | 250W | 65 W LPS | | HPS | | |
| | Residential complex parking | LPS | | | 90W | | |
| | | | | | LPS | | |
| | | | | | | | |
| Low | Neighborhood shopping | 0.9 fc | 0.18 fc | 4:1 | 0.45 fc | 0.12 fc | 4:1 |
| | Industrial employee parking | 15,000 1u ¹ | 3,000 lul | | 7,500 lui | 2,000 lui | |
| | Educational facility | 185W | 35 W MH | | 90W | 25 W MH | |
| | Church parking | MH | 35 HPS | | MH | 25 W HPS | |
| | | 185W | 18 LPS | | 90W | 15 WLP | |
| | | HPS | | | HPS | | |
| | 90 W LPS | | 45 LPS | | | | |

Notes:

- I Assumes light is at a height of 20 feet.

- (7) The lighting level at any property line shall be zero footcandles as designed and illustrated on a photometric plan.
- (8) No lighting shall cause glare visible from adjacent rights-of-way and/or properties.
- (9) Metal halide fixtures shall be filtered. Filtering means any outdoor light fixture which has a glass or acrylic enclosure. Quartz glass does not meet this requirement.
- (10) Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.
- (11) All architectural lighting shall be of 150 watts or less (incandescent) or 70 watts or less (other types) and be extinguished no later than 11:00 p.m. Lights shall have at least 90% of their light falling on the illuminated structure.
- (12) No new mercury vapor outdoor lighting fixtures shall be installed.

L. Landscaping standards.

- (1) The minimum number of trees on a site shall be calculated based on both the principal street frontage and total lot area.
 - (a) One tree is required for each 20 linear feet of street frontage. Street frontage is measured along the property line and includes driveways and all other paved areas.
 - (b) One tree is required for every 8,712 square feet of total lot area (five per acre).
 - (c) Example: five-acre site that is 350 feet wide: 350 divided by 20 equals 17.5 or 18 trees; five times five equals 25 trees. A total of 43 trees is the minimum number of trees required on the site.
- (2) Landscaping plans are subject to Plan Commission review and approval. The Plan Commission may request additional trees to meet the purpose and intent of the Knellsville Overlay Development Standards District.
- (3) Future development abutting an existing residential area shall provide a planting screen in accordance with § 340-59B of this chapter.
- (4) All landscaping shall be completed within nine months following issuance of an occupancy permit.
- (5) Landscaped areas and/or open space, including existing site natural areas, shall account for at least 30% of the total lot area. Site area used for stormwater management/water quality shall not count towards this requirement. Site area used for stormwater infiltration (i.e., rain gardens) may count towards this requirement.
- (6) All proposed plants shall be native or introduced species that are adaptable to the local environment.

- (7) All proposed plants shall meet the standards of the American Standard for Nursery Stock, ANSI Z60.1-2004, by the American Nursery and Landscape Association.
- (8) Selected plantings shall provide multiseasonal interest, and ornamental plant features shall be selected to compliment building colors and other site features.
- (9) All plantings must be maintained. If at any time required plantings shall die or be damaged or destroyed, such plantings must be replaced in the original location.
- (10) New trees shall be:
 - (a) Deciduous shade trees (i.e., maple, ash, oak, etc.) shall be a minimum of 2 1/2 inches in caliper at the time of planting.
 - (b) Ornamental trees (i.e., flowering crab, serviceberry, magnolia, etc.) shall be a minimum of 1 1/2 inches in caliper (single stem) or six feet in height (multistem clump) at the time of planting.
 - (c) Coniferous trees (i.e., spruce, pine, fir, etc.) shall be a minimum of six feet in height at the time of planting.
 - (d) The term "caliper" shall mean the measurement of a tree trunk's diameter in inches at a height six inches above the ground for trees up to and including four inches in caliper and at a height 12 inches above the ground for trees exceeding four inches in caliper.
 - (e) All trees shall be hardy, urban tolerant, and disease resistant.
 - (f) Species mix. To prevent the spread of insects and disease amongst the trees on a development site and to trees on adjacent development sites and to provide a mix of trees appropriate for each site, species diversity is required in the tree planting schedule. Extensive species monocultures are prohibited. All development must meet the following minimum tree species diversity requirements:

Tree Planting Schedule

| Number of Proposed Trees on Site | Maximum Percentage of Any One Species |
|---|--|
| 10 to 20 | 50% |
| 21 to 40 | 40% |
| 41 to 60 | 30% |
| 61+ | 20% |

- (11) New shrubs.
 - (a) All shrubs shall be a minimum of 24 inches in height or 18 to 24 inches in diameter at the time of planting.
 - (b) A minimum of 25% of all proposed shrubs shall be evergreen.

- (c) All shrubs used for screening purposes shall be a minimum of 36 inches in height at the time of planting.
- (d) Shrubs shall not constitute a tree for the purpose of the minimum number of trees. Shrubs are used for screening and foundation plantings and are necessary for review.
- (12) Efforts to protect and retain existing trees shall be noted on the landscape plan.
- (13) All deciduous trees of four-inch caliper or larger to be removed and all existing coniferous trees six feet or greater in height to be removed shall be noted as to species and location on the landscape plan.
- (14) All mechanical equipment and dumpsters shall be screened from view to the maximum extent possible.
- (15) Landscaping shall not obstruct Fire Department view of external fire alarms or access to the building and shall not obstruct vision triangles for both external or internal traffic flow.
- (16) Plant species that are prohibited include:

| | |
|--------|---|
| Trees | Box elder (<i>Acer negundo</i>) Silver maple (<i>Acer saccharinum</i>) Russian olive (<i>Elaeagnus angustifolia</i>) Ginkgo, female (<i>Ginkgo biloba</i>) Cottonwood (<i>Populus deltoides</i>) Common buckthorn (<i>Rhamnus cathartica</i>) Glossy/columnar buckthorn (<i>Rhamnus frangula</i>) Black locust (<i>Robinia pseudoacacia</i>) Willow, all species (<i>Salix</i>) Siberian elm (<i>Ulmus pumila</i>) |
| Shrubs | Japanese barberry (<i>Berberis thunbergii</i>) European barberry (<i>Berberis vulgaris</i>) Burning bush (<i>Euonymus alatus</i>) Common privet (<i>Ligustrum vulgare</i>) Belle honeysuckle (<i>Lonicera x bella</i>) Morrow honeysuckle (<i>Lonicera morrowi</i>) Tartarian honeysuckle (<i>Lonicera tatarica</i>) Multiflora rose (<i>Rosa multiflora</i>) European cranberry bush (<i>Viburnum opulus</i>) |

| | |
|-------|---|
| Forbs | Goutweed (<i>Aegopodium podagraria</i>) Crown vetch (<i>Coronilla varia</i>) Cut-leaved teasel (<i>Dipsacus laciniatus</i>) Common teasel (<i>Dipsacus sylvestris</i>) Dame's rocket (<i>Hesperis matronalis</i>) Moneywort (<i>Lysimachia nummularia</i>) Purple loosestrife (<i>Lythrum salicaria</i>) Japanese luitotweed (<i>Polygonum cuspidatum</i>) Garden heliotrope (<i>Valeriana officinalis</i>) |
| Vines | Round-leaved bittersweet (<i>Celastrus orbiculatus</i>) Wintercreeper (<i>Euonymous fortunei</i>) Japanese honeysuckle (<i>Lonicera japonica</i>) |

(17) Prior to issuance of any building permit for the subject property, a letter of credit shall be submitted to the Town in a form acceptable to the Town Attorney. The letter of credit shall be in the amount of the estimated cost of landscape materials and installation, plus an additional 10% for Town administrative costs (refundable if landscaping is completed by the applicant), with said estimated cost verified by a representative of the Town. If landscaping is installed in phases, the Town may reduce the letter of credit to an amount of the remaining estimated cost. However, the Town shall retain 25% of the original letter of credit amount for one full year from the date of full landscape plan installation. Should landscaping not be completed within nine months of occupancy, or if landscape materials that do not survive one full growing season are not replaced, the Town shall draw upon the letter of credit as funds to complete or replace landscaping.

M. Signage standards.

(1) The intent of the signage standards is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors, within the Town of Port Washington and Knellsville. The signage standards are also to promote the public safety, area development, preservation of property values and the general welfare of Knellsville. The Town Board recognizes that the visual environment has an effect on the welfare of the residents of the Town and that careful control of signage can preserve and enhance the community. Examples of signage requirements are illustrated in Exhibit B.

(2) General sign requirements

- (a) Sign requirements set forth in Article VI of this chapter shall apply. Where a conflict exists, the more restrictive standards shall apply.
- (b) No sign shall contain, include or be illuminated by a flashing, blinking, or rotating light.
- (c) No sign shall contain moving letters or parts.

7.Editor's Note: Exhibit B is included at the end of this chapter.

- (d) Color samples of the materials to be used for the sign and structure shall be presented to the Plan Commission.
 - (e) Signs lawfully existing at the time of the adoption of this section may be continued though the size or location does not conform to this section. At such time as the existing sign is modified, regulations set forth by this section become effective and the sign must be brought into conformity.
 - (f) No sign except those permitted in §§ 340-64 and 340-67 shall be permitted to face an existing residential use within 100 feet of such use.
 - (g) A multiple-building or multi-tenant development must submit a master sign plan that includes colors, styles, and location of all signs to be approved by the Town of Port Washington Plan Commission. Following approval of the master sign plan, all future signage must be in conformity with the approved plan unless the plan is amended through the process by which it was first adopted.
- (3) Permitted sign types in general. The following types of signs are permitted in the Knellsville Overlay Development Standards District as specified under Subsection M(4) of this section.
- (a) Directional/wayfinding signs, which are signs that designate entrances, exits, parking areas, and similar functions without advertisements. Such signs shall be no more than six square feet in area, nor more than four feet in height, and shall not contain logos or advertising copy.
 - (b) Projecting signs, which are any signs other than a wall sign affixed to any building or wall, whose leading edge extends more than 12 inches beyond such building or wall. Projecting signs shall be allowed in the Town Square District, shall not exceed six square feet, and shall not be internally lit. Projecting signs are intended to be utilized under awnings or other partially enclosed walkways. No parts of the projecting sign shall be less than 7.5 feet from the walking surface.
 - (c) Monument signs, which are ground signs independent from any building that have a masonry base that is at least as wide as the widest part of the sign face or structure and do not exceed 10 feet in height above the mean building grade. Monument signs shall not exceed 100 square feet of sign area.
 - (d) Structure signs, which are ground signs independent from any building that have a masonry base that is at least as wide as the widest part of the sign face or structure and are taller than 10 feet in height but not greater than 30 feet in height above the mean building grade. Structure signs shall not exceed 100 square feet of sign area
 - (e) Wall signs, which are signs painted or attached parallel to the exterior walls of buildings that do not extend more than 12 inches outside of a building's wall surface and do not exceed the height of the building where they are affixed. Wall signs facing a street shall not exceed in square footage the

linear width of the facade facing the street. Wall signs that do not face a street shall not exceed, in square footage, 25% of the linear width of the corresponding side of the building.

- (f) Window signs, which are signs placed inside of the premises, or upon an interior or exterior window surface to be seen from the exterior of the building. Window signs are permitted for all uses and shall not exceed 25% of the glass area.
- (4) Permitted sign types specifically. The following regulations establish the permitted sign types and locations specifically. Signs are only permitted as set forth in this subsection. Sign area is determined by §§ 340-65, 340-66, and 340-67 of this chapter, as applicable, and by Subsection M(3) with regard to height.
- (a) Retail establishments with frontage on Interstate 43 are permitted a structure sign on the interstate side of the property. A second monument sign at an entrance and a wall sign identifying the business to the passerby on the local roads are also permitted. Multi-tenant buildings with frontage on Interstate 43 shall identify the name of the entire development on a structure sign with visibility from the interstate. A single monument sign indicating the name of the entire development is also allowed at each entrance to the development. Wall signs for multi-tenant buildings along Interstate 43 are allowed on the facade that the individual tenant occupies, subject to size limitations for signs on the sides of buildings as set forth under § 340-65A of this chapter.
 - (b) Single tenant retail or office establishments on parcels less than three acres in size within Knellsville are permitted a monument sign that identifies the establishment and a single wall sign on each street side of the building.
 - (c) Multi-tenant retail establishments on less than three acres are allowed a single monument sign that identifies the entire development. Individual tenant signage is limited to the allowable square footage per tenant based on the tenant's facade width. Signage allowable for an individual tenant may be divided between a single wall sign and a single projecting sign on the facade in which the individual tenant is located. Where shared parking is utilized, directional signage to assist visitors is also permitted, subject to limitations set forth under Subsection M(3)(a) of this section.
 - (d) Multi-tenant office establishments on less than three acres are allowed a single monument sign that identifies the entire development, including an individual tenant sign that shall not exceed 1.5 square feet in total area per tenant to be on the monument sign. Where shared parking is utilized, directional signage to assist visitors is also permitted, subject to limitations set forth under Subsection M(3)(a) of this section.
 - (e) Single-tenant retail or office establishments on parcels three acres or more in size in the Knellsville Overlay Development Standards District are permitted a structure sign identifying the establishment, a single wall sign on each side facing a public street, and directional signage to assist visitors subject to limitations set forth under Subsection M(3)(a) of this section.

- (f) Multi-tenant retail developments encompassing three acres or more are permitted a structure sign that identifies the entire development. Individual tenant signage is limited to the allowable square footage per tenant based on the tenant's facade width. Signage allowable for an individual tenant may be divided between a single wall sign and a single projecting sign on the facade in which the individual tenant is located. Where shared parking is utilized, directional signage to assist visitors is also permitted, subject to limitations set forth under Subsection M(3)(a) of this section.
 - (g) Single-tenant retail establishments on a separate lot, but part of the larger development, are permitted a single monument sign and a wall sign identifying the individual establishment subject to limitations set forth under Subsection M(3)(a) of this section.
 - (h) Retail establishments within a multi-tenant office complex are permitted a single wall sign that identifies the retail establishment without detracting from the office uses that are also located in the complex, subject to wall sign size limitations elsewhere specified. Total allowable wall signage shall be shared between office and retail tenants. Additional signage is not permitted.
 - (i) Light industrial tenants are permitted a single monument sign and a single wall sign on each side of a street facing a public street.
- (⁵) The following types of signs are not allowed in the Knellsville Overlay Development Standards District:
- (a) Pole sign, which is a freestanding sign, usually double-faced, mounted on a round pole, square tube or other fabricated member without any type of secondary support or masonry base.
 - (b) Roof sign, which is a sign structure that is erected on or above the roof or that is installed directly on the roofs surface.
 - (c) Other sign types not listed in this chapter.
- (6) Determining sign area.
- (a) In calculating the area of a sign to determine whether it meets the requirement of this chapter, the sign copy and any border or frame surrounding that copy is measured, but not the sign structure or supports. Signs shall be measured by the outside perimeter of the sign face.
 - (b) Area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
 - (c) For two-sided signs, where the angle separating the two sides is less than 90°, the area of the sign face shall only be counted once.
 - (d) No sign shall have more than three sides.

- (7) Sign lighting and visibility. Any illumination shall be installed so as to avoid glare or reflection into adjacent property or onto a street or alley in such a way that it may create a traffic hazard or nuisance as determined by the Building Inspector and/or Police Department. Signs shall be installed with devices to dim the lights to an acceptable level as determined by the Building Inspector between 10:00 p.m. and 6:00 a.m.
- (8) Sign location.
 - (a) All monument, structure, and directional signs must be set back from the property line by a minimum of 10 feet. Signs shall not be constructed within the approved vision triangle.
 - (b) Off-premises signs are prohibited.

N. Stormwater management and water quality standards.

- (1) Future development shall meet the standards set forth by the Town, county, and the State of Wisconsin Department of Natural Resources.
- (2) Stormwater management practices shall be designed in such a way that coordination between developments is possible to give the impression of a unified development.

0. Shoreland/wetland standards. Future development located within the Ozaukee County shoreland/wetland jurisdiction shall meet all standards set forth by Ozaukee County.

P. Interpretations. Where interpretations of the standards within this section are necessary to adequately administer these standards to all types of applications, the standards shall be interpreted to the benefit of the Town of Port Washington.

ARTICLE IV Conditional Uses

§ 340-34. Permit required.

Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Plan Commission. Conditional use permits shall be done in conformance with this Article IV.

- A. Conditional uses are uses of a special nature as to make impractical their predetermination as a principal use in a district.
- B. Conditional uses are limited to those as defined in Articles III and IV of this chapter.⁶

6. Editor's Note: Former Subsection C, regarding provisions for certain developments deemed to be a conditional use, which immediately followed this subsection, was repealed 11-13-2013 by Ord. No. 2013-04.