

ORDINANCE NO. 1917

A Zoning Ordinance to Implement the Central District  
Master Plan that Amends the Shorewood “Zoning Map”,  
Amends, Repeals and Creates Various Sections of the  
Zoning Code and Adopts Shoreland Zoning Regulations

WHEREAS, the Village of Shorewood initiated a planning process in 2005 to create a Master Plan for the community’s Central District located along both sides of Oakland Avenue and Capitol Drive and a large greenbelt along the Milwaukee River that extends through Shorewood from Edgewood Street/River Park to just north of Capitol Drive. To assist in this planning process, the Village engaged The Lakota Group, a planning and design firm, and S.B.Friedman & Company, a real estate and development advisory firm; and

WHEREAS, the Village considered this planning an important opportunity to: (a) craft viable development strategies based on sound market analysis; (b) identify commercial and residential redevelopment opportunities; (c) improve parking for employees, visitors, shoppers, and restaurant patrons; (d) identify opportunities for expanded residential options within the District; and, (e) evaluate and create a clear, documented vision for the Central District’s future public and private improvement and development initiatives; and

WHEREAS, after considerable review and study by the Community Development Authority and the Plan Commission, the Village Board held a public hearing and adopted the Central District Master Plan on July 10, 2006; and

WHEREAS, to implement the Central District Mater Plan and pursuant to the powers granted under Chapters 61, 62 and 66 of the Wisconsin Statutes, including but not limited to the powers to adopt and amend zoning ordinances under Section 62.23 (7), Wis Stats., the Village Board determines that for the purpose of promoting health, safety, esthetics, prosperity, morals and the general welfare of the community through the comprehensive regulation of land, structures, air and water and the uses thereof, it is necessary to adopt this ordinance to amend the Shorewood Zoning Map, the Shorewood Zoning Code and to adopt Shoreland zoning regulations; and

WHEREAS, after public hearing on October 23, 2006, duly had before the Village Board of the Village of Shorewood, upon notice and after consideration by the Shorewood Plan Commission, it is hereby determined that the general health, safety and welfare will be promoted and preserved by amending the zoning code and the Zoning Map and adopting Shoreland zoning regulations as described below.

NOW THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, held on the 23<sup>rd</sup> day of October, 2006, a quorum being present and a majority of the Board voting therefore, said Board does ordain as follows:

## SECTION 1

That the **Definitions** in Subsection 8-302A of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood are amended to add the following definitions and the Village Clerk is authorized to renumber all of the **Definitions** in Subsection 8-302 A in alphabetical order after this ordinance is adopted:

**“BUILD-TO LINE.** A line within a lot parallel to the adjacent street curb line or lot line along which at least 50% of a building façade must be built. A build-to line is established to create an even (or more or less even) building façade line on a street.

**FACADE.** The vertical surface of a building that is set along a build-to line.

**CURRENCY EXCHANGE.** In accordance with Sec. 218.05, Wis. Stats., any business establishment except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., pursuant to a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

**FINANCIAL INSTITUTION.** Any business establishment authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions. This term does not include a currency exchange, a payday loan business or a title loan business.

**PAYDAY LOAN BUSINESS.** Any business establishment providing loans in exchange for personal checks as collateral, including those businesses licensed pursuant to Sec. 218.05, Wis. Stats., or Sec. 138.09, Wis. Stats., that accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

**TITLE LOAN BUSINESS.** Any business establishment providing loans to individuals in exchange for receiving titles to the borrower’s motor vehicles as collateral.”

## SECTION 2

That Subsection 8-303C, of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood be amended and supplemented by creating Subsection 8-303C.8., to read as follows:

### **“8. RIVER SHORELANDS**

- a. **FINDINGS OF FACT.** Uncontrolled use of the shorelands and pollution of the navigable waters in the Village of Shorewood would adversely affect the public health, safety, convenience, and general welfare and impair the tax base.
- b. **PURPOSE.** For the purpose of promoting the public health, safety, convenience and welfare, this section has been established to:
  1. Further the Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution through:
    - a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
    - b. Controlling filling and grading to prevent serious soil erosion problems.
  2. Protect Spawning Grounds, Fish and Aquatic Life through:
    - a. Preserving wetlands and other fish and aquatic habitat.
    - b. Regulating pollution sources.
    - c. Controlling shoreline alterations.
    - d. Reducing effluent and controlling nutrients.
  3. Control Placement of Structures and Activities through:
    - a. Prohibiting certain activities detrimental to the shoreland area.
    - b. Regulating building setbacks from the river.
  4. Preserve Shore Cover and Natural Beauty through
    - a. Restricting the removal of natural shoreland cover.
    - b. Preventing shoreline encroachment by structures.
    - c. Controlling shoreland excavation and other earth moving activities.
- c. **AREAS TO BE REGULATED.**
  1. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the Village of Shorewood which are located within the described boundaries:

South of Capitol Drive: The Milwaukee County Park System Trail to the east, East Capitol Drive to the north, the ordinary high water mark of Milwaukee River to the west, and Village limits to the south.

North of Capitol Drive: Estabrook Parkway Road, Village limits to the north, the ordinary high water mark of Milwaukee River to the west, and East Capitol Drive to the south.

2. The area regulated by this section, generally described herein, is shown on a map dated October 1, 2006, that is maintained and available for inspection at the Village Hall. This map shall be known as the "Shoreland Zoning Map". "Ordinary highwater mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- d. **COMPLIANCE.** The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, dredging of any lands, the cutting of shoreland vegetation, and the subdivision of lots, shall be in full compliance with the terms of this section and other applicable local, state or federal regulations. Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this section. Property owners and their agents or lessees including builders and contractors are responsible for compliance with the terms of this section.
  - e. **PERMIT.**
    1. Persons and entities seeking a permit under this section shall submit an application on a form provided and with the information and certifications as described in this section.
    2. The applicant shall reimburse the Village for all of the Village's costs and expenses including professional and attorney's fees as may be incurred in reviewing the application.
    3. If the permit application is disapproved the Village shall detail in writing all deficiencies or reasons for disapproval.
  - f. **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 of Shorewood and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.
  - g. **CERTIFICATION BY A PROFESSIONAL ENGINEER.** Within the area regulated by this ordinance, a registered professional engineer hired by the owner of the lot shall certify to the Village that any grading or earth moving, construction of footings, buildings or structures, the methods of construction and the materials used therein are adequate from an engineering standpoint so as not to:

1. Adversely affect the slope stability of the bluff,
2. Increase the runoff of water on the surface of the bluff,
3. Create or add to a problem of erosion on the shoreland or bluff, and
3. Adversely affect the structural integrity of any structure located on adjoining or adjacent lots.

**h. SETBACKS.**

1. All setbacks are measured on a horizontal plane from the roof overhang and any cantilevered portions of the structure at the point of the structure that is nearest to the ordinary high water mark or bluffline. Except as may be allowed under 8-303C.8.h. 3 and 4, all buildings and structures shall be set back the greater of:
  - a. 20 feet measured horizontally to the east from the bluffline, or
  - b. 75 feet as measured horizontally from the ordinary high water mark; or
  - c. Such distance as to not adversely impact the stability of the bluff slope; sufficient distance from the bluff area as to prevent injury or damage to adjacent property; sufficient distance from the bluff area to provide for the natural runoff of surface water or provide for an approved drainage according to applicable law.
2. The “bluffline” is defined as the line along the top of the bluff where the slope riverward is 12% or more as measured horizontally for a distance of not more than 50 feet or less than 25 feet. Portions of the bluffline defined herein have been surveyed and marked on the Shoreland Zoning Map, dated October 1, 2006.
3. Conditional Use Permit Application: Property owners and their agents and lessees including builders and contractors must apply for and obtain a conditional use permit under the procedures established in Section 8-305 before commencing activities within the area between the river ordinary highwater mark and the setbacks described within 8-303C.8.h.1 including:
  - a. filling, excavation, alteration or modification of the land or modification to grade;
  - b. removal of vegetation as described in 8-303C.8. i and k;
  - c. temporary access uses when these described areas may be affected by construction or other activities in the adjacent area;
  - d. construction of any building or structures.

4. Conditional Use Permit Consideration: In considering an application for conditional use permit the Plan Commission shall follow the process for review and approval established in Section 8-305C, taking into account the purposes of this section as described in 8-303C.8.b and those standards contained in Section 8-305C.3 as may be applicable.
- i. **SHORELINE CUTTING.** Tree and shrubbery cutting is prohibited without a conditional use permit in the area bound by the ordinary high water mark of the Milwaukee River and the bluffline described within 8-303C.8.h.2 or, in those portions where there is no bluffline, in the area 75 feet inward from the ordinary high water mark.
    1. The cutting of dead, diseased, or dying trees or shrubbery shall be subject to Village approval.
    2. Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other native vegetation that is equally effective in minimizing runoff, preventing erosion and preserving natural beauty.
    3. The removal of vegetation requires an application for a conditional use permit where the following information shall be provided:
      - a. Existing vegetation with a tree inventory of all trees larger than 4 inch DBH (diameter at breast height),
      - b. Identification of any species on the Wisconsin Department of Natural Resource's Natural Heritage Inventory Working List;
      - c. Proposed cutting and vegetation removal, and
      - d. Proposed maintenance, landscaping and replanting plan.
  - j. **SHORELINE GRADING.** Any grading, excavation or filling in the area bound by the ordinary high water mark of the Milwaukee River and the setbacks described within 8-303C.8.h.1 is prohibited without a conditional use permit.
  - k. **GRADING INLAND OF THE BLUFFLINE.** Any grading within the area regulated by this section, but inland of the bluffline described within 8-303C.8.h.2 shall require a permit and approval. In addition to the requirements of the Erosion Control Ordinance (Sections 9-301 to 9-309), the following conditions shall be met:
    1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
    2. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

3. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
4. Bare ground shall be stabilized according to accepted engineering standards.
5. Grading shall comply with local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
6. Grading shall comply with State and Federal regulations pertaining to adverse impacts on wetlands.

### SECTION 3

That Subsection 8-303D. 2. of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

- “2. **Uses Unclassified.** In the event that there is a question as to the classification of a use, the question shall be submitted to the Plan Commission for determination. Any use not specifically listed as either a permitted or prohibited use shall be considered to be a conditional use if the Plan Commission determines that the use is substantially similar to a permitted use or an existing conditional use allowed in that district. If a proposed use in the B-1 through B-4 districts is determined not to be substantially similar to a permitted use or an existing conditional use that use may be considered as a conditional use if the Plan Commission determines that the use is consistent with the Central District Master Plan as approved by the Village Board as well as any other applicable law or ordinances. If at anytime the Plan Commission determines that the use is a conditional use, the provisions of Sec. 8-305 of this article shall govern. If the Plan Commission does not determine that the use is a conditional use then the use is prohibited.”

### SECTION 4

That Subsection 8-304A. 1. of Article 3, Zoning Districts, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to revise the titles of the Districts as follows:

- “B-2 Mixed Use Residential District
- B-3 Mixed Use Commercial District
- B-4 River District
- B-5 Estabrook Homes Business District”

### SECTION 5

That pursuant to the provisions of Sec 8-304B the “Zoning Map, Village of Shorewood, Wisconsin” is hereby amended so as to reflect the rezoning of property as more particularly set forth on the map marked “Village of Shorewood Zoning Map”, approved and certified this 23<sup>rd</sup> day of October, 2006, by the Village President and Village Clerk which accompanies and is

made a part of this Ordinance; said map and all notations, references and other information shall be as much a part of this Ordinance as though the matters and information thereon were fully described herein and Subsection 8-304A. 2. is amended to insert the date of October 23, 2006 as the date of the Zoning Map.

## SECTION 6

That Subsections 8-304E. 1., B-1 Commercial Use District of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

“1. **B-1 Commercial Use District:** The B-1 Commercial District is intended to provide the Village a mix of retail, service, restaurant, office, and residential uses in a pedestrian-friendly, active shopping environment. Building massing, scale, and appearance, and the general character of this District should be oriented toward a “small town,” “Main Street,” pedestrian character. To encourage further retail development within the District, especially in the core blocks extending from the Capitol and Oakland intersection, first-floor commercial is required.

Principal Use: Commercial use only on 1st floor (ground level);  
Commercial use or apartment use above first floor; Selling  
and Storing only within the premises (within the building)

The following uses are permitted provided that they shall be retail establishments and primarily selling and storing new merchandise and except that the sale or display of firearms or ammunition suitable for use in a firearm is prohibited:

### *Permitted Retail Uses:*

1. Appliance Stores
2. China Glassware & Crockery Stores
3. Bakeries, employing not over 7 employees
4. Candy & Ice Cream Shops
5. Clothing Stores
6. Delicatessens
7. Department Stores
8. Drug Stores
9. Electronic Stores
10. Florists
11. Food Stores
12. Furniture Stores
13. Gift Stores
14. Hardware & Home Improvement Stores
15. Hobby Shops
16. Jewelry Stores
17. Medical Equipment Stores
18. Music Stores
19. Office Supplies
20. Optical Stores

21. Packaged Beverage Stores & Wine Shops
22. Paint Stores
23. Pet Shops
24. Photographic Supply Stores
25. Sporting Goods Stores
26. Supermarkets
27. Specialty Retail Stores
28. Specialty Grocery Stores

In addition to the uses permitted above, the following service-oriented uses shall also be permitted:

*Service-Oriented Permitted Uses*

29. Barber Shops
30. Beauty Shops
31. Business Offices
32. Caterers
33. Clothing Repair & Tailoring
34. Dance Instruction Studios
35. Financial Institutions
36. Fine Arts Studios & Galleries
37. Furniture Upholstery Shops
38. Newspaper Offices
39. Printing Shops
40. Private Schools
41. Professional Offices
42. Self-Service and Pick-up Laundry & Dry Cleaning Establishments, employing not over 7 employees.
43. Restaurants, other than carry-out, drive-in or drive-through

Uses Prohibited:

- a. Buildings that are solely residential in use.
- b. Any land or lot on which there is located a residence of four families or less shall not be subdivided for business purposes.
- c. Any building used as a residence of four families or less shall not be added to, altered or converted for business purposes.
- d. Manufacturing, repairing, processing or storing of goods, wares, merchandise, machinery, equipment or materials except such manufacturing, repairing, processing, or storing of said goods, wares, merchandise, machinery, equipment or materials as is customarily incidental to the principal use of the property that is conducted solely within the building and in such manner that is not in conflict with the requirements of Section 8-308 of the Village Code.
- e. Vehicular Sales, service and detailing.
- f. Gasoline service stations.

Conditional Uses: As allowed pursuant to Sec. 8-305

1. Bookstores
2. Clinics
- 3 Drive-in or drive through businesses other than drive in or drive through restaurants
4. Funeral Homes
5. Hotels and Motels subject to the provisions of Article 12, Chapter 10, of the Village Code.
6. Restaurants - Carry Out, subject to the provisions of Article 11, Chapter 10, of the Village Code.

Building: Height           Maximum: See Sec. 8-304E. 6, - Building Heights  
Area                       No Minimum

Lot: Width                Minimum: 40 feet  
Area                       Minimum: 4500 square feet

Setback: Street           Build-to line of 15 feet from street curb  
line unless lot line is at a distance greater than 15  
feet from the curb line then the build-to line shall be  
the lot line.

Rear                        Minimum of 5 feet from rear lot line or alley except  
where rear lot line is adjacent to a residential  
district the setback is 10 feet.

Side                        Zero, unless applicable building code requirements  
for dwelling units require a greater distance and  
except it shall be 10 feet for a lot that borders a  
single or two family residential district;

Corner lots - a build to line of 20 feet, except the  
side yard set back on corner lots shall be reviewed  
by the Plan Commission to determine whether a 20  
foot build to line or another corner lot side yard  
build to line is appropriate due to parking  
considerations and the lay out of the intersection;  
provided further that the corner lot side yard build-  
to line at the intersection of Capitol Drive and  
Oakland Avenue is 15 feet.

Design Guidelines:       Central District design guidelines, (See Sec 8-304E.  
7) shall apply to construction of new buildings, the  
structural alterations or additions of existing  
building and any substantial modifications to the  
exterior of any buildings in this district.”

## SECTION 7

That Subsection 8-304E. 2., B-2 Mixed Use District of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

“2. **B-2 Mixed Use Residential District:** The B-2 Mixed-Use Residential District is intended to provide opportunities for mixed-use development while encouraging residential development. The District allows buildings of exclusively residential use as well as mixed-use buildings with residential uses on upper floors and retail, office, service, or restaurant uses on the first floor. Buildings of exclusively commercial use are not permitted. This District will allow additional shopping opportunities while adding residents and vitality to the Village.

**Permitted Uses:** All uses permitted in the B-1 District;  
Multi-family residential use on all floors;  
Mixed Use building, commercial first floor only.

Uses Prohibited:

- a. Commercial use on all floors.
- b. 1 and 2 family dwellings.
- c. Any land or lot on which there is located a residence of four families or less shall not be subdivided for business purposes.
- d. Any building used as a residence of four families or less shall not be added to, altered or converted for business purposes.
- e. Manufacturing, repairing, processing or storing of goods, wares, merchandise, machinery, equipment or materials except such manufacturing, repairing, processing, or storing of said goods, wares, merchandise, machinery, equipment or materials as is customarily incidental to the principal use of the property that is conducted solely within the building and in such manner that is not in conflict with the requirements of Section 8-308 of the Village Code.
- f. Vehicular Sales, service and detailing.
- g. Gasoline Service Stations.

Conditional Uses: As allowed pursuant to Sec. 8-305

1. Bookstores
2. Clinics
3. Drive-in or drive through businesses other than drive in or drive through restaurants
4. Funeral Homes
5. Hotels and Motels subject to the provisions of Article 12, Chapter 10, of the Village Code.
6. Restaurants - Carry Out, subject to the provisions of Article 11, Chapter 10, of the Village Code.

Building:	Height Area	See Sec. 8-304E. 6, - Building Heights No Minimum
Lot:	Width Area	Minimum: 40 feet Minimum: 4500 square feet
Setback:	Street	Build-to line of 15 feet from street curb line unless lot line is at a distance greater than 15 feet from the curb line then the build-to line shall be the lot line.
	Rear	Minimum of 5 feet from rear lot line or alley except where rear lot line is adjacent to a residential district the setback is 10 feet.
	Side	Zero, unless applicable building code requirements for dwelling units require a greater distance and except it shall be 10 feet for a lot that borders a single or two family residential district <u>Corner lots</u> - a build to line of 20 feet, except the side yard set back on corner lots shall be reviewed by the Plan Commission to determine whether a 20 foot build to line or another corner lot side yard build to line is appropriate due to parking considerations and the lay out of the intersection.
Design Guidelines:		Central District design guidelines, (See Sec 8-304E. 7) shall apply to construction of new buildings, the structural alterations or additions of existing building and any substantial modifications to the exterior of any buildings in this district.”

## SECTION 8

That Subsection 8-304E. 3., B-3 Estabrook Homes Business District of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is repealed, renumbered Subsection 8-304E. 5., and recreated as follows:

“5. **B-5 Estabrook Homes Business District:** The B-5 Business District zone is designed to allow for all of the uses permitted in the B-1 Commercial District. The intent for this district is to allow for development patterns consistent with the B-2 District. The B-2 District allows for apartment use on the first floor, as areas under this classification are characterized by a high concentration of established apartment buildings. This zone differs only in the building bulk and setback requirements meant to preserve the characteristics of this area.

Principal Uses:	Commercial or apartment use on all floors. All uses permitted in the B-1 District; apartments constructed shall comply with R-10
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Uses Prohibited:

- a. No building or land shall be used and no building shall be erected or structurally altered except for business purposes or for apartment houses designed for and used by more than four families.
- b. Manufacturing, repairing, processing or storing of goods, wares, merchandise, machinery, equipment or materials except such manufacturing, repairing, processing, or storing of said goods, wares, merchandise, machinery, equipment or materials as is customarily incidental to the principal use of the property that is conducted solely within the building and in such manner that is not in conflict with the requirements of Section 8-308 of the Village Code.
- c. Vehicular Sales, service and detailing.

Conditional Uses: See Sec. 8-305

Building:	Height	Maximum: 25 feet
	Area	No Minimum

Lot:	Width	40 feet
	Area	4500 square feet

Setback:	Minimum: 15 ft. on Idlewild
	3 ft. on Wilson
	3 ft. all others”

SECTION 9

That Subsection 8-304E. 3., B-3 Mixed Use Commercial District of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is created as follows:

“3. **B-3 Mixed Use Commercial District:** The B-3 Mixed Use Commercial District is intended to provide opportunities for mixed use development while encouraging commercial development. This District provides maximum flexibility by allowing buildings with exclusively commercial uses, buildings with exclusively residential uses, and mixed use buildings with commercial on the first floor.

Permitted Uses:	All uses permitted in the B-1 District.
	Multi-family or commercial use on all floors.
	Mixed Use building, commercial first floor only.

Uses Prohibited:

- a. 1 and 2 family dwellings
- b. Any land or lot on which there is located a residence of four families or less shall not be subdivided for business purposes.
- c. Any building used as a residence of four families or less shall not be added to, altered or converted for business purposes.
- d. Manufacturing, repairing, processing or storing of goods, wares, merchandise, machinery, equipment or materials except such manufacturing, repairing, processing, or storing of said goods, wares, merchandise, machinery, equipment or materials as is customarily incidental to the principal use of the property that is conducted solely within the building and in such manner that is not in conflict with the requirements of Section 8-308 of the Village Code.

Conditional Uses:

1. Animal Hospitals
2. Bookstores
3. Clinics
4. Clubs, lodges and other similar meeting places
5. Drive-in or through businesses other than restaurants
6. Funeral Homes
7. Gasoline Service Stations
8. Hotels and Motels subject to the provisions of Article 12, Chapter 10, of the Village Code.
9. Payday loan, currency exchange or title loan businesses subject to all of the requirements of this Article including all of the provisions of Section 8-305.C and the following additional conditions:
  - a. No other currency exchange, payday loan or title loan business is located within 1,500 feet of the proposed use.
  - b. The proposed use will not be located within 150 feet of a single-family zoning district, a 2-family residential zoning district or a School, Church and Public Building District
  - c. The proposed use will not be located within 50 feet of a Planned Development District, unless the Plan Commission specifically finds that the proposed use would be consistent with the uses in that planned Development District and would not impede the normal and orderly development and improvement of the property in that Planned Development District.
  - d. No Currency exchange, payday loan, or title loan businesses may be open between the hours of 9:00 P.M. and 7 A.M.
10. Resale Shops
11. Restaurants - Carry Out, subject to the provisions of Article 11, Chapter 10, of the Village Code.
12. Vehicular Washing and Repair Stations, and Garages

Building:	Height Area	See Sec. 8-304E. 6, - Building Heights No Minimum
Lot:	Width Area	Minimum: 40 feet Minimum: 4500 square feet
Setback:	Street  Rear  Side	Build-to line of 15 feet from street curb line unless lot line is at a distance greater than 15 feet from the curb line then the build-to line shall be the lot line. Minimum of 5 feet from rear lot line or alley except where rear lot line is adjacent to a residential district the setback is 10 feet  Zero, unless applicable building code requirements for dwelling units require a greater distance and except it shall be 10 feet for a lot that borders a single or two family residential district <u>Corner lots</u> - a build to line of 20 feet, except the side yard set back on corner lots shall be reviewed by the Plan Commission to determine whether a 20 foot build to line or another corner lot side yard build to line is appropriate due to parking considerations and the lay out of the intersection.
Design Guidelines:		Central District design guidelines, (See Sec 8-304E. 7) shall apply to construction of new buildings, the structural alterations or additions of existing building and any substantial modifications to the exterior of any buildings in this district.”

**SECTION 10**

That Subsection 8-304E. 4, B-4 Commercial Industrial District of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

“4. **B-4 River District:** The B-4 River District is intended to be a multi-family residential district. However, the Village also seeks to encourage a high quality planned development that incorporates views of the Milwaukee River and a sensitive design approach toward the natural features of the river corridor. These Village objectives can be implemented by means of a Planned Development District (Section 8-304F). In the absence of a Planned Development District the provisions of this subsection are applicable. No lots in the B-4 district may be divided or subdivided unless the property is rezoned Planned Development District.

To promote coordination and connectivity between land uses, development sites, and buildings, an Area Plan should be submitted to the Village in addition to the specific site plan that is being proposed for actual development. This Area Plan should be a diagram that indicates the following general features on land surrounding the subject development site:

- Existing Land Uses
- Potential Land Uses
- Existing Densities
- Potential Densities
- Major Easements (existing and proposed)
- Parks and Open Space
- Regional/Village Trails and Greenways
- Broad Floodplains and Large Wetlands
- Bluffline
- Large Water Features (Lakes, Creeks, Ponds, Rivers)
- Proposed Site Plan

Site plans should maintain or enhance a green, wooded appearance from the Milwaukee River with lower building heights nearer to the river and taller building heights away from the river and nearer the Oak Leaf Trail. Access points, driveways, and streets should be planned for the entire River District so that they are consolidated and shared with all properties within the District. Such points, driveways, and streets shall be indicated on both the Area Plan and Site Plan, and coordinated between sites. Parking shall be predominately underground or within a structure. At a minimum twenty percent (20%) of the buildable area (i.e. not including setback area) shall be maintained as landscaped green space.

Permitted Uses:		Multi family residential dwellings with at least two (2) floors
Uses Prohibited:		1 and 2 family dwellings
Conditional Uses:		No conditional uses except as authorized by Plan Commission; See Sec. 8-303D.2 and Sec 8-305
Building:	Height Area	See Sec. 8-304E. 6, - Building Heights No Minimum
Lot:	Width Area	Minimum: 40 feet Minimum: 4500 square feet
Setback:	Street River and/or Bluff line Oak Leaf Trail (right of way) Property Line	Minimum: 15 feet  Per Shoreland ordinance, Sec 8-303C.8.h Minimum: 5 feet Minimum: 15 feet”

## SECTION 11

That Subsection 8-304E of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended and supplemented by creating 8-304E.6., **Building Height Overlay** to read as follows:

“6. **Building Height Overlay:** The maximum and minimum building heights in the B-1 through B-4 districts shall be as follows:

- a. In the B-1 through B-3 districts: A maximum of 70 feet not to exceed 5 stories:
  1. Along Wilson Drive
  2. Along Capitol Drive between the Oak Leaf Trail and Frederick Avenue.
  3. Along Oakland Avenue between 120 feet north of Capitol Drive and 120 south of Capitol Drive.
  4. Along Oakland Avenue between Edgewood Avenue and Menlo Boulevard.
- b. In the B-1 through B-3 districts: A maximum of 60 feet not to exceed 4 stories:
  1. Along Oakland Avenue between border with Whitefish Bay and 120 feet north of Capitol Drive.
  2. Along Oakland Avenue between 120 feet south of Capitol Drive and Menlo Boulevard.
  3. Along Capitol Drive between Frederick Avenue and Downer Avenue.
- c. In the B-4 district (Area bordered by Capitol Drive, Oak Leaf Trail, Hubbard Park and Milwaukee River) different building heights will apply depending upon distance the buildings will be located from the river or bluffline setback under 8-303C.8.h.:
  1. The maximum shall be 60 feet not to exceed 4 stories in the buildable area between the setback line under 8-303C.8.h. and a line that runs parallel to and 70 feet from the setback line under 8-303C.8.h.
  2. The maximum shall be 84 feet not to exceed 6 stories in the buildable area not included in subd c. 1. immediately above.
- d. A minimum of 2 stories for B-1, B-2, B-3 and B-4 districts.

## SECTION 12

That Subsection 8-304E, of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended and supplemented by creating 8-304E.7, **Central District Design Guidelines** to read as follows:

“7. **Central District Design Guidelines.** The Central District Master Plan Design Guidelines, dated October 17, 2006, approved by the Village Board of the Village of Shorewood on October 23, 2006, are hereby incorporated by reference as part of this ordinance as if fully set forth herein and are adopted and created as the Central District Design Guidelines, subject to the following provisions:

- a. The Central District Design Guidelines shall be applicable in the B-1 through B-4 Zoning Districts to:
  1. Any construction, additions and structural alterations of buildings or parking facilities in the B-1 through B-4 Districts.
  2. Alteration of the exterior surface materials, color or design of existing buildings.
  3. The location and appearance of exterior lighting and signage.
  4. Landscaping related to the activities of sub.1 immediately above and any material modifications to existing landscaping.
  
- b. Compliance with the Design Guidelines:
  1. No permits including building permits under Article 9 of the Village Code shall be issued for any use of property until it has been determined by the Design Review Board that the building and/or property is in compliance with the Design Guidelines.
  2. The Village Manager or the Village Manager's designee is authorized to enforce the Design Guidelines and to direct the Building Inspector to issue citations for violations pursuant to the provisions of 8-303.
  
- c. Design Review Board Oversight:
  1. In the event that there is a dispute over the applicability or interpretation of the Design Guidelines the matter shall be referred to the Design Review Board for review and a determination of the applicability and interpretation of the guidelines to the proposed building or use of property.
  2. Any person aggrieved by a decision of the Design Review Board under this subsection may appeal to the Plan Commission. Decisions made hereunder by the Plan Commission may be appealed to the Board of Appeals in accordance with the provisions of Sec. 8-310E and F. The Board of Appeals, after a hearing, may affirm, reverse or remand with recommendations any order, requirement, decision or determination of the Plan Commission made under this subsection. The Board of Appeals shall decide all appeals under this subsection within 30 days after final hearing and shall transmit a signed copy of the Board's decision to the appellant and to the Department of Inspection and Zoning Services.

### SECTION 13

That Subsection 8-304F.3.b., PDD Planned Development District of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

- “b. **Lot area.** The minimum lot area which may be permitted for application of the Planned Development District shall be 75,000 square feet, except when undertaken in conjunction with a public improvement, in which case 25,000 square feet will be the minimum.”

## SECTION 14

That Subsection 8-304F.3.e.4.(a)ii., PDD Planned Development District of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

- ii. The area to be developed is not less than 75,000 square feet, or that it is undertaken in connection with a public improvement, in which case it is not less than 25,000 square feet and will be developed in an efficient and economically satisfactory manner, and will contribute to the improvement of the area in which the development is to be located;

## SECTION 15

That Subsection 8-305.E. (Conditional Uses) Commercial Uses, of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

- E. **Commercial Uses.** The following commercial uses shall be conditional uses and may be permitted as specified:
1. Animal Hospitals in the B-3 District.
  2. Bookstores in the B-1, B-2, B-3 and B-5 Districts.
  3. Drive-in or drive-through businesses other than restaurants in the B-1 through B-3 Districts.
  4. Clinics in the B-1, B-2 and B-3 Districts.
  5. Clubs, lodges and other similar meeting places in the B-3 District.
  6. Funeral Homes in the B-1, B-2, B-3 and B-5 Districts.
  7. Gasoline Service Stations in the B-3 District.
  8. Hotels and Motels in the B-1 through B-3 Districts subject to the provisions of Article 12, Chapter 10, of the Village Code.
  9. Payday loan, currency exchange, or title loan businesses in the B-3 District subject to all of the requirements of this Article including all of the provisions of Section 8-305.C and the following additional conditions:
    - (a) No other currency exchange, payday loan or title loan business is located within 1,500 feet of the proposed use.

- (b) The proposed use will not be located within 150 feet of a single-family zoning district, a 2-family residential zoning district or a School, Church and Public Building District.
  - (c) The proposed use will not be located within 50 feet of a Planned Development District, unless the Plan Commission specifically finds that the proposed use would be consistent with the uses in that Planned Development District and would not impede the normal and orderly development and improvement of the property in that Planned Development District.
  - (d) No Currency exchange, payday loan, or title loan businesses may be open between the hours of 9:00 p.m. and 7:00 a.m.
10. Resale Shops in the B-3 District.
  11. Restaurants - Carry Out in the B-1 through B-3 Districts, subject to the provisions of Article 11, Chapter 10, of the Village Code.
  12. Restaurants - Drive-In or drive-through in the B-3 District subject to the provisions of Article 11, Chapter 10, of the Village Code.
  13. Vehicular Washing and Repair Stations, and Garages in the B-3 District.”

#### SECTION 16

That Subsection 8-305F.2., (Conditional Uses) Recreational Uses of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is repealed.

#### SECTION 17

That Subsection 8-305G, of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

“G. Parking lots in the R-8 through R-10 Residential Districts, P-1 through P-3 Public, Semi-Public and B-1 through B-5 Zoning Districts.”

#### SECTION 18

That Subsection 8-309C, (Offstreet Parking) Schedule of Requirements of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

#### “C. **Schedule of Requirements**

1. Dwelling and Lodging Uses
  - a. Apartment hotels, hotels, motels and private clubs:

One parking space per room or suite of rooms comprising a lodging unit, plus such additional spaces as may be required herein for affiliated uses such as restaurant and bar facilities, meeting rooms and retail sales areas.

b. Multi-Family Dwelling Units in B-1 through B-4 Districts:

- (1) 1.75 parking space per dwelling unit.
- (2) Minimum of 50% of parking in B-4 shall be underground or in an enclosed parking facility.
- (3) All required parking for multi-family dwelling units, except guest parking, to be provided in an approved garage, except in B-4.

c. Multi-Family Dwelling Units in all Residence Districts R-1 through R-10:

- (1) Efficiency and 1-bedroom units - One parking space per dwelling unit.
- (2) Two-bedroom dwelling units - 1.25 parking spaces per dwelling unit.
- (3) Three or more bedroom units - 1-1/2 parking spaces per dwelling unit
- (4) In addition to the above requirements - one parking space per ten units for guest parking and servicing the facility.
- (5) All required parking for multi-family dwelling units, except guest parking, to be provided in an approved garage.

d. One-and-Two-Family Dwellings:

- (1) Single-Family Dwellings – there shall be a minimum of one parking space in an approved garage.
- (2) Two-Family Dwellings - One parking space in an approved garage per dwelling unit.
- (3) No vehicle except an automobile may be parked in the front setback or between adjacent residences when the parking area parallels an existing residence on the adjoining property. In addition, on corner lots, no vehicle except an automobile may be parked within the front setback of the property where located nor within the front setback of any adjacent property.”

## SECTION 19

That Subsection 8-309C.4., (Offstreet Parking) Schedule of Requirements of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

- “4. Business District Uses. One (1) parking space per 250 square feet of floor area for retail or office uses not specifically listed below.
- a. **Automobile Laundries:** One parking space for each 1.5 employees plus reservoir offstreet standing spaces to accommodate automobiles awaiting entrance to the automobile laundry, equal in number to five times the maximum capacity of the automobile laundry. Maximum capacity in this instance shall mean the greatest possible number of automobiles undergoing some phase of laundering at the same time
  - b. **Automobile Service Stations:** One parking space for each island of gasoline pumps, plus three parking spaces for each service stall.
  - c. **Banks and Savings and Loan Associations:** One parking space for every 300 sq. ft. of floor area, plus one parking space for every three employees.
  - d. **Beauty Parlors:** One parking space for every 100 square feet of floor area.
  - e. **Public Utilities or Public Service Buildings containing machinery and equipment:** One parking space for every employee present at any one time (minimum of three spaces) plus adequate loading and unloading space.
  - f. **Funeral Homes:** One parking space for every 100 square feet of floor area.
  - g. **Medical and Dental Offices:** Four spaces per doctor or dentist, plus one space per each employee at the time the greatest number of employees are present.
  - h. **Restaurants:** Twenty (20) parking spaces per 1,000 square feet of floor area for sit-down restaurants.
  - i. **Other Uses:** Parking spaces for other permitted uses that are not retail, office or not listed herein shall be provided in accordance with the requirements of the use most similar to the use proposed to be determined by the Building Inspector.”

## SECTION 20

That Subsections 8-309E. 1, 2, 6 and 7.b (Offstreet Parking) General Requirements of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood are amended to read as follows:

### **“E. General Requirements for all Areas Used for the Parking of Vehicles**

1. All parking spaces shall be directly accessible to driveways, alleys or streets without passing through other parking spaces. Driveways, truck loading spaces and other required work and open spaces shall not be considered as parking spaces.
2. In the Business Districts B-1 through B-4 at least 25 per cent and in all other districts at least 75 per cent of all parking facilities or spaces required hereunder shall be located on the same premises as the building to which assigned, and shall either be owned by the person, firm or corporation required to provide such parking facilities or spaces pursuant to this article, or such person, firm or corporation shall have use of such parking facilities or spaces during normal business hours and for so long a period as the use exists for which the parking spaces or facilities are required. In the business districts B-1 through B-4 no more than 75 per cent and in all other districts no more than 25 per cent of the parking facilities or spaces required herein shall be located off of the premises of the building to which assigned, and in no case more than 400 feet from said building. More than one person, firm, or corporation may share a parking facility or space required hereunder, but in no event shall the total number of spaces available be less than the total number required under this article for each person, firm, or corporation sharing such facility. Further, in those cases where the person, firm, or corporation required to provide parking facilities or spaces must lease or rent them in order to comply with the parking code provisions, no building or occupancy permit shall be issued until a copy of a written agreement to lease said required facilities or spaces is filed with the Village; said agreement shall be kept in full force and effect for so long as said use and occupancy shall continue.
6. Parking facilities shall provide marked parking spaces no less than nine feet wide and 18 feet in length.
7. Parking lots shall conform to the following additional requirements and regulations:
  - b. The premises shall be screened from any public street upon which it abuts or from any adjoining residential property except for openings for ingress and egress, by:
    - (1) a decorative wall or fence; or
    - (2) a substantial growth of shrubbery; or
    - (3) a berm;

provided, however, that the height of said screening shall be approximately 42 inches, but in no event more than 48 inches; providing further, that any wall or fence constructed hereunder shall be of a natural or manufactured material which shall be compatible with adjacent or adjoining structures, so that such wall or fence will not adversely affect the aesthetic quality or character of the area. Such screening as required hereunder shall all be subject to the approval of the Building Inspector. Where a solidly constructed decorative wall or fence is provided along the interior lot line, the minimum setback for the parking area shall be 5 feet from the said lot line. That fence shall be located a minimum of 1 foot from the said lot line.”

## SECTION 21

That Subsections 8-309G, (Offstreet Parking) Special Exceptions of Article 3, Zoning, Chapter 8, Land Divisions, Zoning and Planning of the General Ordinances of the Village of Shorewood is amended to read as follows:

### “G. **Special Exceptions**

1. The Plan Commission, upon application as required herein, may grant a special exception to the provisions and requirements of Sec. 8-309.
2. Prior to granting a special exception, the Plan Commission shall consider all of the following as applicable:
  - a. The effect the granting of the exception will have on adjacent parking and traffic conditions;
  - b. The effect the granting of the exception will have on the appearance and character of applicant's property, adjacent property and neighboring property;
  - c. The effect the granting of the exception will have on the property values of applicant's property, adjacent property and neighboring property;
  - d. Whether the granting of the exception will serve a public or desirable or useful purpose;
  - e. Whether the spirit and intent of the requirements of Sec. 8-309 are being carried out;
  - f. Recommendations of any boards or committees to which the Plan Commission refers the application for advice;
  - g. Intensity of use, deviation from typical use classifications, access to transit, and physical constraints to meeting parking requirements.

- h. If senior housing is proposed the number of employees on site, the type of senior housing, the parking needs of the residents if any, and the ratios from the Institute of Transportation Engineers Parking Generation report ratios for senior housing should be reviewed;
  - i. Historical conditions and whether additional parking requirements for new or expanded use may be satisfied with incremental increase commensurate with new or expanded use;
  - j. Evidence that actual parking demands may be less than code requirements;
  - k. Availability of shared parking, including satisfactory documentation of shared parking to satisfy the parking demand;
  - l. Alternative transportation that has been reasonably shown to reduce the need for parking;
  - m. Such other matters as the Plan Commission deems relevant and material.
3. Application for a special exception permit may be obtained from the Building Inspector upon the payment of a fee of \$50.00, which shall not be refundable.
  4. The Plan Commission shall either approve or disapprove the application for a special exception hereunder, in accordance with the provisions of this section, shall specify the requirement or requirements that will be expected from application and shall find that the special exception is not inconsistent with the applicable provisions herein.
  5. The Plan Commission’s decision may be appealed to the Board of Appeals in accordance with the provisions of Sec. 8-310E and F. The Board of Appeals, after a hearing, may affirm, reverse or remand with recommendations any order, requirement, decision or determination of the Plan Commission made under this subsection. The Board of Appeals shall decide all appeals under this subsection within 30 days after final hearing and shall transmit a signed copy of the Board's decision to the appellant and to the Department of Inspection and Zoning Services.”

## SECTION 22

That Article 11, Department of Community Development, Chapter 3, Administrative Organization of the General Ordinances of the Village of Shorewood is repealed and the **Department of Inspection and Zoning Services** is created as follows:

### **“Section 3-1101      Creation**

The Department of Inspection and Zoning Services is created. The head of this Department shall be the Building Inspector. The Village Manager shall appoint the Building Inspector.

**Section 3-1102      Duties and Responsibilities**

The Building Inspector shall have such duties as are required under the General Ordinances of the Village of Shorewood and as assigned by the Village Manager.”

SECTION 23

That wherever the words “Department of Community Development” appear in the General Ordinances of the Village of Shorewood they shall be replaced with “Department of Inspection and Zoning Services”; and wherever the words “Director of Community Development” appear in the General Ordinances of the Village of Shorewood they shall be replaced with “Building Inspector” and the Village Clerk is hereby authorized to make those changes to the Village Code.

SECTION 24

That if any subsection, section or portions of this ordinance or the application thereof to any persons as enacted hereunder is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holdings shall not effect the validity of the remaining portions hereof and the validity of the ordinance in all other respects shall not be affected thereby.

SECTION 25

That all ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

SECTION 26

That this ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Village Board of Village of Shorewood, Milwaukee, County, Wisconsin, this 23rd day of October, 2006.

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Guy Johnson, Village President

Countersigned:

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Kathleen E. Greig, Village Clerk