

**ORDINANCE NO. 905**

**AN ORDINANCE TO AMEND CHAPTER 100 OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE, KNOWN AS THE ZONING ORDINANCE, SPECIFICALLY SECTIONS 100-152, 100-154, 100-155 and 100-156 PERTAINING TO THE STANDARDS FOR MIXED-USE DEVELOPMENT IN THE B-2, B-3, B-4 AND B-5 ZONING DISTRICTS**

**WHEREAS**, the Plan Commission and Village Board of the Village of Mukwonago has identified a need to amend the standards of the B-2, B-3, B-4 and B-5 Zoning Districts as it pertains to allowing mixed-use development in certain business districts; and

**WHEREAS**, the Plan Commission and the Village Board has determined that the amendments promote quality developments that efficiently utilizes land, provides housing choices to enhance an active and growing economic base and improves aesthetics of the built environment; and

**WHEREAS**, the Plan Commission at a regularly scheduled meeting of October 13, 2015 recommended to the Village Board that the parking regulations be amended as provided herein.

**NOW, THEREFORE**, the Village Board of Trustees of the Village of Mukwonago, Waukesha and Walworth Counties, Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Sections 100-152, 100-154 and 100-155 and 100-156 shall be amended as appearing in attached as Exhibit A.

SECTION II. All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section shall be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of other portions of the ordinance.

SECTION IV. EFFECTIVE DATE. This ordinance shall take effect upon publication. Passed and adopted this 20<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Fred Winchowky, Village President

Attest:

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Steven A. Braatz, Jr., Village Clerk

Date Adopted:  
Date Published:  
Date Effective:

## EXHIBIT A

### MIXED-USE STANDARDS FOR BUSINESS ZONING DISTRICTS

**A.** Remove Section 100-152(c) in its entirety and in its place insert the following:

(c) Conditional uses.

- (1) Refer to section 100-157 for the list of conditional uses in the B-2 district.
- (2) Other uses similar to the previously referenced conditional use list, subject to approval by the zoning board of appeals.
- (3) Mixed-use development pursuant to the performance standards of Section 100-152 (k).

**B.** Remove Section 100-152(d)(3) in its entirety and in its place insert the following:

(d)(3). Building Size:

a. Maximum Height:

Principal Building: 35 feet

Accessory Building: 20 feet

b. Maximum Building Height with Conditional Use approval for mixed-use development: 4 stories up to a maximum roof height of 60 feet.

c. Minimum Floor Area (principal building): 2,000 square feet

**C.** Add Section 100-152(k) to include the following:

(k) *Performance Standards for Mixed-Use Approval.* It is the purpose of these performance standards to allow mixed-use development as a conditional use within business/commercial settings where the addition of residential dwelling units enhances the business/commercial environment, efficiently utilizes land, provides housing choices to enhance an active and growing economic base and improves aesthetics of the built environment. Mixed-use development maybe within a single building or within a unified development blending a combination of business (commercial, retail, office or other related uses) with dwelling units on upper floors or in a separate building where those functions are physically and functionally integrated. Generally, mixed-used developments are intended for a carefully planned, deliberately designed mix of compatible uses within the same site, building, and/or development, including housing, shopping, employment, and recreation uses, with a range of densities, and formats depending on the subcategory and zoning. Specifically, a mixed-use development has the following characteristics:

1. Is compact;
2. Provides a mix of uses, including residential, with a sufficient proportion of commercial, civic, and open space uses in close proximity to one another;
3. The first floor or ground level, is dedicated to a nonresidential use;
4. Has adequate off-street covered parking;
5. Is aesthetically synergistic with village atmosphere and its respective business district.

The following shall be the performance standards for allowing mixed-use as a conditional use:

- a. General Approval Process. A detailed development plan for a well-balanced mixed use project shall be presented to the Village of Mukwonago for review and approval. A Conditional Use permit is required for mix use developments. A separate conditional Use permit is required for projects exceed height restrictions in addition to a separate conditional Use for density of the project. Conditions of approval and restrictions, including applicant responsibility of public improvements, shall be shall be stated in a Developer's Agreement approved by the Village Board and signed by the applicant. Other information/documentation may be requested and approved by the Village, including but not limited to Declaration of Covenants, Development Restrictions, and any Homeowners Association documents.
- b. Dwelling Unit Density. Subject to conditional use approval by the planning commission and village board; the number of dwelling units within a mixed use building shall not be limited to any maximum dwelling unit density per acre when being considered for its conditional use by the planning commission. In addition, there is no maximum building coverage or floor area ratio standards. The allowable number of dwelling units shall be a function of site size, building size, required building setbacks of the base zoning district, number of surface parking spaces needed and/or provided, the amount of area need for on-site storm water management and water quality design, and so forth.
- c. Building, Greenspace and Driveway Setbacks. Minimum building, greenspace and driveway setbacks shall be the required setbacks for the base zoning district.
- d. Proportion. Building length (in feet) shall be at least 2.0 times the maximum height (in feet) of the building.
- e. Ingress/Egress. Two routes of ingress/egress to an external public right-of-way shall be provided. A boulevard-style driveway shall count may count as two routes; however, a secondary emergency ingress/egress route shall be provided. The Mukwonago Fire Chief may require additional ingress/egress routes.
- f. Parking. The minimum number of parking spaces as required for business and multi-family in Article V of this Chapter 100 shall be provided, including handicapped parking spaces. In addition, a minimum of one parking space per dwelling unit of at least 200 square feet shall be enclosed in an underground garage or other common space or individual garage parking spaces attached to each building. No detached garage parking spaces are permitted.
- g. Driveway and Parking Design. All internal driveways and parking lots shall be completed with a solid paved and dustless surface. All internal driveways and parking lots shall be completely surrounded by concrete curb and gutter, except for pedestrian ramps and openings for storm drainage and except when parking spaces abut to pedestrian sidewalks raised from the surface of the driveway or parking.
- h. Public Safety Access. The site shall be designed to allow police and fire access to each building, including that Mukwonago Fire Department ladder apparatus can correctly positioned on a flat and paved surface to reach unit porches and/or windows on the top floor surrounding 75% of each building exterior.
- i. Landscaping. The following standards apply to landscaping of a multiple-family development. In addition, the minimum greenspace on a multiple-family property approved under these performance standards shall be 25% in the B-2 and B-3 zoning districts, and 35% in the B-4 and B-5 zoning districts.
  - (i) Areas not covered by buildings, pavement and sidewalks, and storm water and water quality management facilities shall be landscaped with a suitable, permanent ground cover with the planting of deciduous and coniferous trees,

decorative trees, scrubs/bushes and flowers. The use of benches, fountains, tables, monuments, etc. are encouraged to enhance the overall landscape and aesthetics of the development.

- (ii) There shall be planted at a minimum 0.25 deciduous and/or coniferous tree per dwelling unit in addition to scrubs/bushes and floors. The Plan Commission may require additional plantings to enhance appearance and create buffers.
  - (iii) The use of berms and decorative fencing shall be utilized to enhance the landscaping to buffer neighboring uses.
  - (iv) Storm water management and water quality run-off control features shall be incorporated into the overall landscape plan and utilized as a site amenity. The use of rain gardens, green roofs and/or other infiltration storm water design is strongly encouraged.
  - (v) The entire site shall be designed so that each dwelling unit from its interior has views of outside landscaping and amenities.
  - (vi) Preserved environmental features on a site shall be incorporated into the landscape plan for viewing and/or passive enjoyment by residents of the development.
  - (vii) All landscaping and landscaping enhancements shall be maintained in good condition after installation at all times. Property owner or owners shall replace any plant material within 90 days that becomes diseased, deteriorated or no longer growing.
  - (viii) The landscaping plan shall conform to standards of Chapter 34 of Municipal Code for the preservation and planting of trees.
- j. Architectural Design of Buildings. The following standards apply to the architectural design of buildings of a mixed-use development.
- (i) Exterior building colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, black, or fluorescent colors shall be prohibited. 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.

The building design shall be composed of a suitable mix of the allowed materials shown within the following chart.

Building Materials	Allowable for use as or at: (X means material is allowed)				
	Base/Bottom of Building	Middle of Building	Top of Building	Trim/Accent Material	Additional Standards (see below)
Brick (Face/Veneer/Tile)	X	X	X	X	
Concrete Panels, Tilt-up or Precast	X	X	X	X	A
EIFS/Synthetic Stucco			X	X	B
Fiber-Cement Siding/Panels	X	X	X	X	
Glass Curtain Wall System	X	X	X	X	

Glass Storefront	X	X	X	X	
Metal Panels		X	X	X	C
Reflective Glass/Spandrel				X	D
Split Face Block	X	X	X	X	E
Stone/Stone Veneer	X	X	X	X	
Stucco; Hand-Laid			X	X	B
Vinyl Siding				X	F, D
Wood/Wood Composite		X	X	X	F

A—Shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.

B—Shall not be within three (3) feet from the floor of common access pedestrian areas or where high pedestrian traffic is anticipated as well as at least one floor above ground level.

C—Shall be used in conjunction with a palette of materials; shall be a heavy gauge (20 gauge or higher) metal, and; shall be non-reflective.

D—Shall be used in limited quantities as an accent material.

E—Shall be used in conjunction with a palette of materials and shall not comprise more than 33% of any building wall adjacent to a public street or walkway.

F—Shall be used in limited quantities (maximum 10% coverage) due to its limited durability.

(ii) Four-Sided Architecture. All four sides of the building shall be similar in articulation and use of materials.

(iii) Façade Articulation. Consistent with the design of traditional storefront buildings, new buildings shall be divided into smaller increments through articulation of the façade. This can be achieved through combinations of the following techniques and other techniques that may meet the intent of this standard:

- a. Stepping back or extending forward a portion of the façade, called façade modulation.
- b. Vertical divisions using different textures or materials, although materials may be drawn from a common palette.
- c. Division of the first floor exterior into storefronts, with separate display windows and entrances.
- d. Variation in roof lines by alternating dormers, stepped roofs, gables or other roof elements to reinforce articulation or modulation.
- e. Use of arcades, awnings, window bays or porches at intervals equal to the articulation interval.

(iv) Street-Facing Facades. No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, door, columns, changes in material, and similar details shall be used to add visual interest.

k. Amenities. Amenities shall be provided to enhance enjoyment of the site by residents of the development and to enhance site aesthetics. While the amount and extent of provided amenities may be determined by the size of the development

in terms of land area and allowed number of dwelling units, the Plan Commission and the Village Board approval of the conditional use will consider the amount of provided amenities.

(i) The types of interior building amenities may include: fitness room(s), club house or community/party room(s), game room(s), secure additional storage room or area for residents, porches/balconies, manned on-site management office, etc.

(ii) The types of exterior site amenities may include: natural or paved pedestrian paths, paths and sidewalks connecting to off-site paths or sidewalks, fitness trails, swimming pool and other sports/athletic facilities, outdoor gathering areas, decorative parking lot lighting, a landscape plan beyond the minimum requirements, clearly marked building/unit addresses complimentary to the building design, etc.

l. Conformance with Other Standards. The entire site design shall conform to other development standards of the Village of Mukwonago and other agencies that may be amended from time to time. The other standards may include, but are not limited to sewer and water design, street design, storm water management and water quality, shoreland setbacks, preservation of environmental features, exterior lighting, fire code, etc.

m. Additional Guidelines. The Plan Commission and the Village Board may adopt guidelines to supplement the standards of this Section 100-152(k). The guidelines may be amended from time to time.

**D.** Remove Section 100-154(c) in its entirety and in its place insert the following:

(c) Conditional uses.

(1) Refer to section 100-157 for the list of conditional uses in the B-3 district.

(2) Other uses similar to the previously referenced conditional use list, subject to approval by the zoning board of appeals.

(3) Mixed-use development pursuant to the performance standards of Section 100-152(k).

**E.** Remove Section 100-154(d)(3) in its entirety and in its place insert the following:

(d)(3). Building Size:

a. Maximum Height:

Principal Building: 35 feet

Accessory Building: 20 feet

b. Maximum Building Height with Conditional Use approval for mixed-use development: 4 stories up to a maximum roof height of 60 feet.

c. Minimum Floor Area (principal building):

Total: 2,400 square feet

On the first floor of multiple story buildings: 1,800 square feet.

**F.** Add Section 100-154(j) to include the following:

(j) Mixed-Use Performance Standards. See Section 100-152(k) above.

**G.** Remove Section 100-155(c) in its entirety and in its place insert the following:

- (c) Conditional uses.
  - (1) Refer to section 100-157 for the list of conditional uses in the B-4 district.
  - (2) Other uses similar to the previously referenced conditional use list, subject to approval by the zoning board of appeals.
  - (3) Mixed-use development pursuant to the performance standards of Section 100-152(k).

**H.** Remove Section 100-155(d)(3) in its entirety and in its place insert the following:

- (d)(3). Building Size:
  - a. Maximum Height:
    - Principal Building: 45 feet
    - Accessory Building: 20 feet
  - b. Maximum Building Height with Conditional Use approval for mixed-use development: 4 stories up to a maximum roof height of 60 feet.
  - c. Minimum Floor Area (principal building): 5,000 square feet

**I.** Add Section 100-155(m) to include the following:

(m) Mixed-Use Performance Standards. See Section 100-152(k) above.

**J.** Remove Section 100-156(c) in its entirety and in its place insert the following:

- (c) Conditional uses.
  - (1) Refer to section 100-157 for the list of conditional uses in the B-5 district.
  - (2) Other uses similar to the previously referenced conditional use list, subject to approval by the zoning board of appeals.
  - (3) Mixed-use development pursuant to the performance standards of Section 100-152(k).

**K.** Remove Section 100-156(d)(4) in its entirety and in its place insert the following:

- (d)(3). Building Size:
  - a. Maximum Height:
    - Principal Building: 60 feet
    - Accessory Building: 20 feet
  - b. Maximum Building Height with Conditional Use approval for mixed-use development: 4 stories up to a maximum roof height of 60 feet.
  - c. Minimum Floor Area (principal building):
    - Total: 4,800 square feet
    - On the first floor of multiple story buildings: 3,600 square feet.

**L.** Add Section 100-156(l) to include the following:

(l) Mixed-Use Performance Standards. See Section 100-152(k).