



**AGENDA  
PLAN COMMISSION MEETING  
MAY 7, 2020  
7:00PM**

**THIS MEETING WILL BE HELD VIRTUALLY ON WEBEX DUE TO THE GOVERNOR'S EMERGENCY "SAFER AT HOME" ORDER RELATED TO THE COVID-19 VIRUS. THIS MEETING CAN BE ACCESSED IN ONE OF THE FOLLOWING WAYS:**

- 1. BY CALLING 408-418-9388 AND ENTERING "ACCESS CODE" 629319079# THEN ENTERING IN "ATTENDEE ID" 11#**
- 2. CLICKING THE FOLLOWING LINK: <https://meetingsamer9.webex.com/meet/administrator32>**
- 3. PLEASE BE ADVISED: REQUESTS FROM PERSONS WITH DISABILITIES WHO NEED ASSISTANCE TO PARTICIPATE IN THIS MEETING OR INDIVIDUALS WHO HAVE HEARING IMPAIRMENTS SHOULD NOTIFY THE VILLAGE CLERK'S OFFICE AT 262-628-2260 WITH AS MUCH ADVANCED NOTICE AS POSSIBLE.**

*Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Richfield Plan Commission, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: "Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.")*

1. Call to Order/Determination of quorum
2. Verification of Open Meetings Law compliance
3. Pledge of Allegiance
4. DISCUSSION/ACTION
  - a. Discussion and possible recommendation to the Village Board regarding a proposed Rezoning petition for property located at 3051 STH 167 (Tax Key: V10\_0353) from B-3, General Business District to B-4, Highway Business District – *Khamano Petroleum, LLC., Petitioners*
  - b. Discussion and possible recommendation to the Village Board regarding a proposed Rezoning petition for property located at 1354 E. Friess Lake Road (Tax Key: V10\_047400B) from Rs-1, Country Estates District and F-1, Floodplain District to Rs-4, Single-Family Residential District and F-1, Floodplain District – *Ryan and Katie Reigle, Petitioners*

**5. ADJOURNMENT**

*Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at [www.richfieldwi.gov](http://www.richfieldwi.gov). Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.*

4a



VILLAGE OF RICHFIELD

PLAN COMMISSION COMMUNICATION FORM

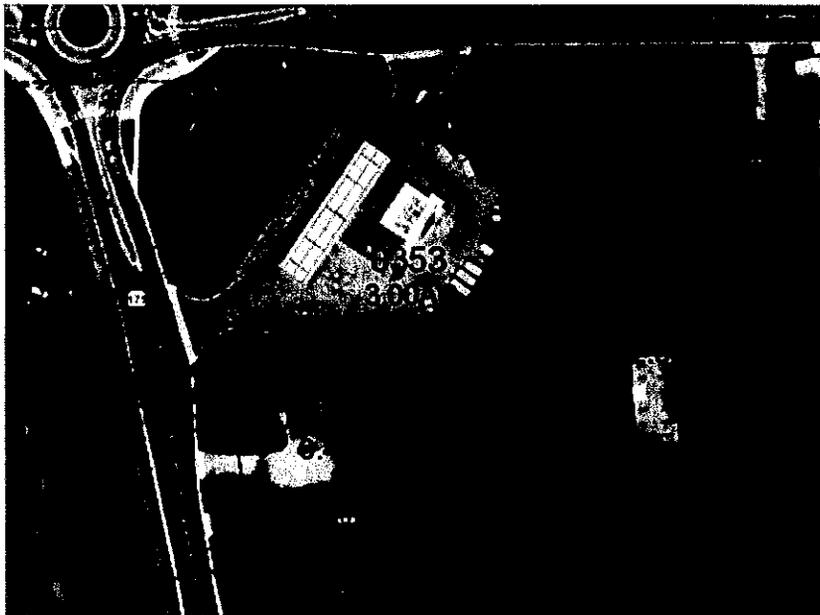
4a.

MEETING DATE: May 7, 2020

SUBJECT: Petitioned Rezoning for property located at 3051 STH 167  
DATE SUBMITTED: May 1, 2020  
SUBMITTED BY: Jim Healy, Village Administrator

*POLICY QUESTIONS: DOES THE PLAN COMMISSION WISH TO RECOMMEND APPROVAL TO THE VILLAGE BOARD OF THE PROPOSED REZONING?*

*ISSUE SUMMARY:*



The subject property is the BP Gas Station on the corner of State Trunk Highway (STH) 167 and STH 175. The land is 3.0-acres and is zoned B-3, General Business District. The property owner is looking to remodel his store and instead of having a liquor store in the area formerly occupied by the Dairy Queen, he has found a complimentary tenant who will be occupying the space, Cousins Subs. The Plan Commission has not reviewed Cousins Subs' Plan of Operation yet, but it is assumed they will utilize the drive-through kiosk that presently exists on the site as well as have in-store dining hours which mirror the present hours of operation of the gas station.

Village Staff's research through the Town of Richfield's records show this property received approval for the Dairy Queen to operate in

March of 1993 where it operated until approximately six (6) years ago. At the time of the application, the gas station was zoned B-4, Highway Business District. We have included a letter from the Town of Richfield's Attorney dated January 11, 1993, describing the zoning on the property and the recommended processes and procedures for the applicant to follow. We've also found minutes from the Town of Richfield's Plan Commission dated February and March of 1993. It is not clear to Village Staff when or why the property was rezoned to B-3, but given its location on two intersecting highways, it is the opinion of Staff that it's petitioned rezoning is consistent with the "Intent" of the B-4, Highway Business District:

*"...[T]o provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer service establishments which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic."*

This property's use as a gas station clearly meets the intent of the Zoning District. The site, at 3-acres, is larger than the minimum lot size at 1-acre. This proposed Rezoning is also consistent with the Village's adopted Future Land Use Map which shows this area as being "commercial". In the opinion of Staff, this property has been fully vetted by the State Department of Transportation for the existing use and the proposed use. The sight has been fully engineered and is "turn-key" ready for this type of restaurant fast-food use. The mechanicals, freezers, and restaurant accoutrements still exist on the property. The previous owner was interested in re-introducing a restaurant to this property but was unsuccessful in doing so. Since the new owner has taken over the property, Village Staff has been working directly with Cousins Subs corporate offices on this proposal and tonight, our recommendation is that the proposed Rezoning be approved subject to the review and final approval of the Plan of Operation for Cousins Subs at next month's meeting.



VILLAGE OF RICHFIELD

PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: May 7, 2020

SUBJECT: Petitioned Rezoning for property located at 3051 STH 167
DATE SUBMITTED: May 1, 2020
SUBMITTED BY: Jim Healy, Village Administrator

On April 30th, the Village of Richfield send this Communication Form is memo format with the required legal notices to better inform the public as to what is being proposed. Oftentimes, these notices are filled with legal jargon, referencing Tax Keys that are wholly unfamiliar to most residents, and make little sense to individuals who rarely deal with Zoning matters. We hope this helped clarify the petition being sought by the property owners. This scheduled Public Hearing is also patently different due to the fact it is scheduled to be "virtual" via WebEx. Instructions with how to call into or log into the meeting are contained in the legal notice. These are uncharted waters with COVID-19 and while we are working to take reasonable precautions, the work of Village must continue. However, the possibility exists that there may be a "hybrid Village Board meeting" which would allow people to appear in-person and online. Residents were also encouraged to watch our Village website or contact Village Hall in the days leading up to the meeting on May 21st. Written comments for and against the proposal will also be accepted and read into the record. At the time of this Communication Form, there had been no submitted comments.

FUTURE IMPACT AND ANALYSIS:

REVIEWED BY:

[Signature]
Village Deputy Clerk

Forward to Village Board: Yes.
Additional Approvals Needed: Yes.
Signatures Required: Yes.

ATTACHMENTS

- 1. Rezoning Petition submitted by Applicant
2. Class II Public Hearing Notice
3. 70.200, B-4, Highway Business District
4. 70.199, B-3, General Business District
5. Letter dated January 11, 1993 from Attorney Jerry Edgar

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the approval of the proposed Rezoning of the subject property located at 3051 STH 167 (Tax Key: V10\_0353) from B-3, General Business District to B-4, Highway Business District subject to the following Condition of Approval:

- The Plan Commission review and approve the proposed Plan of Operation for Cousins Subs restaurant

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

[Signature] Village Staff Member
[Signature] Village Administrator

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

Zoning Fee  
**\$400.00**

**REZONING PERMIT APPLICATION**

The undersigned agrees to comply with the Village of Richfield Zoning Code of Ordinances, and the conditions of this permit; understands that the issues of this permit create no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that the information listed below is accurate.

RECEIVED  
APR 06 2020  
VILLAGE OF RICHFIELD

**Overview**

Please fill out all forms attached in this document for the purposes of a rezoning request. Submittal deadline is 25 days prior to the next regularly scheduled Plan Commission meeting. The Plan Commission meets the first Thursday of every month at 7:30 pm. See Planning and Zoning Fee Schedule for all required fees. Conditional use permits are reviewed by the Plan Commission and Village Board. The Plan Commission meets on the first Thursday of every month and the Village Board meets on the third Thursday of every month.

**Property Owner Information**

Property Owner: Khamano Petroleum, LLC Phone: 414.416.9426

Property Address: 3051 Hwy 167 Mailing Address: 3051 Hwy 167

City: Richfield State: WI Zip: 53074 City: Richfield State: WI Zip: 53074

Fax: \_\_\_\_\_ Email: Countrymartbp@gmail.com

**Agent Information (If applicable)**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Project Information**

Tax Parcel Number: V10 0353 Size of Parcel (acres): 3 ACRES Zoning: B3

Existing Land Use: GAS STATION Proposed Land Use: GAS STATION & RESTAURANT

Description/Detail of project: TO REMODEL & OPERATE A QUICK SERVE RESTAURANT IN EXISTING VACANT PORTION OF THE GAS STATION BUILDING (FORMER DAIRY QUEEN).

Anticipated Date of Construction: \_\_\_\_\_

Assessed Value of the Project (for construction) and the land total: \$ 1.3 MIL COMBINED VALUE.

\*\*Please Attach a Legal Description of the Property\*\*

Please describe and justify the need for the requested rezoning. Please state how your request complements surrounding land uses and conforms to all zoning ordinances and the Comprehensive Plan: PROPERTY LOCATION IS WELL SUITED FOR B4 HIGHWAY BUSINESS DISTRICT DUE TO ITS CLOSE PROXIMITY TO HWY 175, HWY 167 and INTERSTATE 41.

Please reference the property owner names, addresses, and tax key numbers for all properties that lie within 300 feet of the area where the conditional use permit is requested (See Village Hall for assistance). Attach additional sheets if necessary.

Tax Key #	Property Owner Name	Address

**Property Owner Affidavit**

I (we), attest that I am (we are) the Owner(s) of the property which is the subject of this application in the Village of Richfield, Washington County, Wisconsin, and that all the information attached to or provided in support of said application, including sketches, data, and any other documents and material, are honest and true to the best of my (our) knowledge.

Further, I (we) as Owner(s) acknowledge and accept the responsibility for any and all fees charged or costs incurred by the Village of Richfield to carry out the processing and review of this application; I (we) further acknowledge and understand that I (we) will be required to start an escrow account to which all processing and review costs will be charged; I (we) further acknowledge that in the event that the initial fee is not sufficient to cover all the costs associated with processing and reviewing the application I (we) will be required to provide the Village of Richfield an additional deposit; I (we) further acknowledge that the balance of any remaining fees shall be refunded within a reasonable amount of time after this application has been processed.

Further I (we) as Owner(s) of the subject property authorize and direct the Authorized Agent(s) identified above to act as my (our) representative(s) in any matter regarding this application, which may include the payment of filing fees on my (our) behalf;

Further I (we) as Owner(s) of the property subject of this application and Authorized Agent(s) understand that this application and all required forms and information must be completed and accurate, as determined by the Planning and Zoning Administrator for the Village of Richfield, before a meeting and/or public hearing (if required) can be scheduled.

JASMEET KANG  
 Print Name of Owner(s)

  
 Signature of Owner(s)

\_\_\_\_\_  
 Name of Agents(s)

**(Class II Public Notice)**  
**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF RICHFIELD**  
**Thursday, May 21, 2020**

**PLEASE TAKE NOTICE:**

Notice is hereby given, pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Village Board will conduct two (2) online public hearings on Thursday, May 21, 2020 at 7:00 p.m. via WebEx at the following link:

<https://meetingsamer9.webex.com/meet/administrator32>

These Public Hearings can also be accessed by calling (408)-418-9388, entering Access Code: 629319079#, then entering in Attendee ID: 11#. An in-person component to appear and provide comment may be added at a later date. Written comments regarding these petitioned public hearings will also be accepted until 5/20/20.

- 1) Rezoning Petition by Khamano Petroleum, LLC for property located at 3051 STH 167 (Tax Key: V10\_0353) zoned B-3, General Business District to be rezoned to B-4, Highway Business District.
- 2) Rezoning Petition by Ryan and Katie Reigle to rezone property located at 1354 E. Friess Lake Road (Tax Key: V10\_047400B) from Rs-1, Country Estate District and F-1, Floodplain District to Rs-4, Single-Family Residential District and F-1, Floodplain District.

For information regarding these petitions, please contact Jim Healy, Village Administrator at (262)-628-2260. This application is available during normal business hours. All interested parties will be heard.

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262)-628-2260 with as much advanced notice as possible.

Dated this 28<sup>th</sup> day of April 2020.

**Publication Dates:**

May 7, 2020

May 14, 2020

Jim Healy  
Village Administrator  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
(262)-628-2260

*Village of Richfield, WI  
Thursday, August 15, 2019*

## Chapter 70. Zoning

### ARTICLE III. Districts

#### 70.200. B-4 Highway Business District.

- A. Intent. The B-4 highway business district is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer service establishments which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.
- B. Permitted principal uses. Permitted principal uses in the B-4 district are as follows:
1. Auto sales and services.
  2. Auto and truck accessory sales.
  3. Building supply stores.
  4. Drive-in establishments providing service to customers without the necessity of such customers entering the building.
  5. Fast food stores.
  6. Fuel service stations, provided that all service islands and pumps shall meet the setback requirements specified herein.
  7. Motels and hotels.
  8. Motor vehicle sales and service.
  9. Restaurants.
  10. Trailer sales or rentals.
  11. Tractor and other farm implement sales and service.

12. Transit bus station.
  13. Truck stop, not for the purpose of transferring or off-loading of goods, or of longterm storing or parking of vehicles.
- C. Permitted accessory uses. Permitted accessory uses in the B-4 district are as follows:
1. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
  2. Off-street parking and loading areas.
  3. Nonilluminated or internal illuminated nonflashing signs (see section 70.816).
- D. Conditional uses. Conditional uses in the B-4 district are personal communication service (PCS) antenna structures and accessory equipment storage facilities; including, but not limited to, cellular communication towers and associated facilities.
- E. Lot area and width. Lot area and width in the B-4 district are as follows:
1. Lots shall have a minimum area of one acre.
  2. Lots shall be not less than 150 feet in width at the building setback line.
- F. Building height and size. Building height and size in the B-4 district are as follows:
1. No building or part of a principal building shall exceed 35 feet in height except for personal communication service (PCS) tower structures and no accessory building shall exceed 15 feet in height.
  2. No accessory building shall exceed 15 feet in height.
  3. The sum total of the floor area of the principal and all accessory buildings shall not exceed 30% of the lot area.
- G. Setback and yards. Setback and yards in the B-4 district are as follows:
1. There shall be a minimum building setback of 40 feet from the right-of-way of all streets.
  2. There shall be a minimum side yard on each side of all buildings of not less than equivalent to the yards in the adjoining district but not less than 10 feet.
  3. There shall be a rear yard of 25 feet.

- H. Parking and loading space. In the B-4 district there shall be a minimum of two square feet of off-street parking and loading area for each square foot of retail sales or service space under roof (see section 70.185).
- I. Minimum utility service. Minimum utility service in the B-4 district is electricity and county approved wastewater treatment and disposal, and water supply systems.
- J. Special regulations. To encourage a business use environment in the B-4 district that is compatible with the residential character of the Village, building/zoning permits for permitted uses in the highway business district shall not be issued without prior review by and approval of the Village Plan Commission. Such review and approval shall be concerned with adjacent uses, general layout, building site and operation plans, ingress, egress, parking, loading and unloading, drainage, screening, and landscape plans.

*Village of Richfield, WI  
Thursday, August 15, 2019*

## Chapter 70. Zoning

### ARTICLE III. Districts

#### 70.199. B-3 General Business District.

- A. Intent. The B-3 general business district is intended to provide for the orderly continuation and revitalization of the older established business areas of the Village where uses are not exclusively of one type but, rather, mixed and include retail sales shops, wholesale and warehousing outlets, and institutional, recreational, and even residential uses. Many of the existing businesses in this B-3 district may not meet the requirements of the B-1 or B-2 business district. It is the intent of this B-3 district to provide minimum requirements for all new uses of land within the district and a guide for the redevelopment and revitalization of uses of land in existence on the effective date of the ordinance from which this chapter is derived.
- B. Permitted principal uses. Permitted accessory uses in the B-3 district are all principal uses permitted in the B-1 and B-2 business districts.
- C. Permitted accessory uses. Permitted accessory uses in the B-3 district are as follows:
1. Garages for storage of vehicles used in conjunction with the operation of a business.
  2. Residential uses existing on the effective date of the ordinance from which this Chapter is derived.
  3. Off-street parking and loading areas.
  4. Nonilluminated or internal illuminated nonflashing signs (see section 70.185).
- D. Conditional uses. Conditional uses in the B-3 district are as follows:
1. Uses similar in character to the permitted uses listed in subsections (B) and (C) of this section and conducted

as business on the premises and catering to the general public.

2. The following general uses:

- Auto accessory sales and service.
- Auto and truck rental.
- Auto repair shops.
- Boardinghouses.
- Body shops.
- New and used auto and truck sales and service.
- New and used marine sales and service.
- Nightclubs and taverns.
- Pawn shops.
- Petroleum service stations.
- Places of entertainment for the general public.
- Public and private institutional uses such as public buildings and churches.
- Secondhand stores.
- New residential uses.
- Upholsterer's shops.

3. Residential dwellings provided that such dwellings are located in the principal building, not on the ground level floor, and that access to/from such dwellings is directly to/from the exterior of the building. There shall also be a minimum gross floor area of 750 square feet for an efficiency-type or one-bedroom dwelling unit, and 900 square feet for a two-bedroom unit. A dwelling unit with more than two bedrooms shall not be allowed.
4. Animal hospitals, provided all principal structures and uses are not less than 100 feet from any residential use.
5. Clubs, fraternities, lodges, and meeting places, provided all principal structures and uses are not less than 25 feet from any lot line.
6. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf facilities, physical culture facilities, pool and billiard halls, skating rinks, and theaters.
7. Construction services including general building contractors; carpentry services; wood flooring services; concrete services; masonry, stonework, tile setting and plastering services; roofing and sheet metal services; and water well drilling services.
8. Experimental, testing, and research laboratories, provided all principal structures and uses are not less

than 100 feet from residential uses.

9. Freight forwarding services; packing and crating services and petroleum bulk stations and terminals.
  10. Fuel oil, bottled gas, and ice dealers.
  11. Millwork, lumberyards, saw mills and planing mills.
  12. Mortuaries.
  13. Processing and manufacturing of feeds prepared for animals and fowl; wholesale and/or retail warehousing of animal feeds, fertilizer, seeds, garden and lawn supplies, animal health products, and lawn equipment provided that all operations are conducted within an enclosed building.
  14. Rest homes, nursing homes, and elderly housing at densities not exceeding one living unit per net acre; clinics and children's nurseries provided all principal structures and uses are not less than 40 feet from any lot line.
  15. Slaughtering, meat packing, sausage processing and the processing of other prepared meats; poultry and game dressing and packing; locker plants, provided that all meat packing and processing are conducted within an enclosed building.
  16. Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
  17. Warehouse and indoor storage facilities.
- E. Lot area and width in the B-3 district are as follows:
1. Lots shall have a minimum area of two acres.
  2. Lots shall be not less than 200 feet in width at the building setback line.
- F. Building height and size. Building height and size in the B-3 district are as follows:
1. No building or parts of a building shall exceed 45 feet in height unless a modification concerning height is granted by the Plan Commission under subsection 70.161(F).
  2. No individual store, shop, or business establishment shall have a total floor area of less than 300 square feet.
  3. The sum total of the floor area of all principal and accessory uses shall not exceed 60% of the total lot area.

G. **Setback and yards.** Setback and yards in the B-3 district are as follows:

1. A street yard building setback of 30 feet, or the average of adjacent uses, whichever is greater, shall be required.
2. A side yard building setback shall be required as set forth in the following table:

<b>Parcel Width (feet)</b>	<b>Minimum Side Yard Setback (feet)</b>
<60	5
61 to 70	7
71 to 80	10
81 to 90	12
91 to 100	15
100 to 150	17
>150	20

3. There shall be a rear yard of not less than 25 feet.

H. **Parking and loading space.** Parking and loading space in the B-3 district are as follows:

1. Minimum off-street parking requirements are:
  - a. Two square feet of paved off-street parking area for each one foot of floor space, for business uses; and
  - b. Two off-street parking spaces for each residential dwelling exclusive of and in addition to the off-street parking requirements for business uses (see section 70.185).
2. There shall be a minimum of 1 1/2 parking spaces for each dwelling unit erected in the B-3 district after the date of the adoption of the ordinance from which this chapter is derived (see section 70.185).
3. There shall be a minimum of one square foot of paved off-street loading/unloading area for each five square feet of retail floor area constructed in the B-3 district after adoption of the ordinance from which this chapter is derived.

I. **Minimum utility service.** Minimum utility service in the B-3 district shall be electricity, and county approved wastewater treatment and disposal, and water supply systems.

J. **Special regulations.** To encourage a business use environment in the B-3 district that is compatible with the residential character of the Village, building/zoning permits for permitted uses in the general business district shall not

be issued without prior review by and approval of the Village Plan Commission. Such review and approval shall be concerned with adjacent uses, general layout, building site and operation plans, ingress, egress, parking, loading and unloading, drainage, and screening and landscape plans.

[Ord. No. 01-07-01, § 3, 7-19-2001; Ord. No. 06-03-01, § 2, 3-16-2006]

**SCHLOEMER, ALDERSON, SEEFELDT & SPELLA, S.C.**

ATTORNEYS AT LAW

Wm. F. Alderson  
Court Commissioner  
Aldwin H. Seefeldt  
James A. Spella  
James K. Muehlbauer

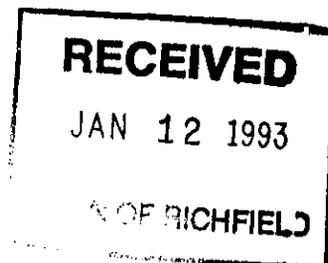
101 South Sixth Avenue  
P.O. Box 176  
WEST BEND, WISCONSIN 53095  
TELEPHONE (414) 334-3471

Jerry A. Edgar  
Daniel L. Sargeant  
Glenn S. Grothman  
Linda R. Kellow  
Charles H. Williams  
Joan R. Beck

C. J. Schloemer 1908-1992

Fax (414) 334-9193

January 11, 1993



MS. JOYCE JUNG, CLERK  
Town of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033

Re: Dairy Queen Addition to Mobil Mart Parcel

Dear Joyce:

You have referred the following matter to us for our review and legal opinion. Last year the Town Plan Commission approved a convenient store/gas station (Mobil Mart) to be erected at the intersection of STH 167 and STH 175. At the time the site and building plan approval was given, there had been some considerable concern about the additional traffic to be generated.

At the November 5, 1992 Plan Commission meeting, the owner presented to the Plan Commission a conceptual site and building plan for the construction of a Dairy Queen to be constructed at the same site. The Plan Commission denied the proposed plan stating that the traffic in the area was too congested to permit another high-traffic use.

At the November 12, 1992 Town Board meeting the Town Board referred the matter back to the Plan Commission for reconsideration. At the December 5, 1992 Plan Commission meeting a motion was adopted to the effect that the "recommendation" made by the Plan Commission in November stand as made. Under Section 17.0206(e) of the Town Zoning Code the decision of the Plan Commission may be appealed to the Town Board; on December 23, 1992 Mobil Mart's attorney filed an appeal with the Town Board.

Under Section 17.0421(a) (B-4 Highway Business District) drive-ins, fast food stores and gas stations are all permitted uses. However, even though enumerated as permitted uses, paragraph 17.0412(a) (Special Regulations) provides the Plan Commission with conditional use-type authority. The enumerated uses are thereby "conditional permitted uses" which may be granted or denied by the Plan Commission, subject to appeal to the Town Board. In addition, because the site is located at the intersection of two state highways, any con-

struction at the site requires the issuance of a conditional use permit, which in turn requires notice and hearing. Section 17.0208(c) of the Code provides:

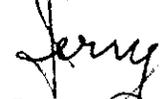
"c. Conditional Principal Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board in accordance with Section 17.0500 of this Chapter. In addition to those conditional uses specified herein, any proposed use or development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, and controlled access trafficways; within 1,500 feet of an existing or proposed interchange or the rights-of-way of the ingress/egress ramps of such interchanges; or within 500 feet of the existing or proposed intersections of two or more arterial streets or highways shall be deemed to be conditional uses. Such use or development shall be specifically reviewed and approved by the Town Board as provided in Section 17.0500 of this Chapter."

I recommend that the property owner file an application for a conditional use permit for the Dairy Queen building in accordance with sec. 17.0500 of the Zoning Code. Assuming that no conditional use permit was granted for the Mobil Mart, I would further recommend that that building be included on the application in order to rectify any legal defects involved in the approval of its construction.

As you are aware, the Town Board at its next meeting will consider amending sec. 17.1105 to provide that the Town Board rather than the Plan Commission shall conduct public hearings required under the Zoning Code. If the amendment is adopted, the Town Board could hold the hearing prior to the February Plan Commission meeting. The Plan Commission could then make its recommendation that night and the Board could act on the application at its February meeting.

If you have any questions or comments, please let me know.

Very truly yours,



Jerry A. Edgar

JAE/kl

CC: Mr. John Kohl  
Atty. William T. Shroyer

4b



VILLAGE OF RICHFIELD

PLAN COMMISSION COMMUNICATION FORM

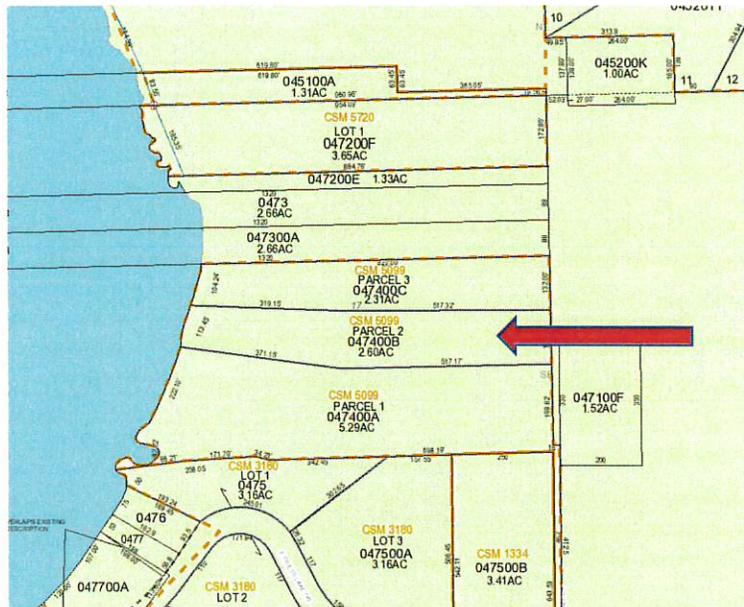
46.

MEETING DATE: May 7, 2020

SUBJECT: Petitioned Rezoning for property located at 1354 E. Friess Lake Road
DATE SUBMITTED: May 1, 2020
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTIONS: DOES THE PLAN COMMISSION WISH TO RECOMMEND APPROVAL TO THE VILLAGE BOARD OF THE PROPOSED REZONING?

ISSUE SUMMARY:



By way of background, the subject property is located on the east side of Friess Lake and accessed by a private road off E. Friess Lake Drive. The land is 2.60-acres and is zoned Rs-1, Country Estates District. The property owner is looking to construct a single-family home and is petitioning the Village for a Zoning District they believe is more applicable.

The intent is the Rs-1, County Estates District is as follows: "The Country Estates District is intended to provide for single-family residential and hobby or mini-farm (sic) development that is consistent with the maintenance of a rural countryside character and lifestyle. The Rs-1 District serves as a transitional district between farmland areas and the more intensely developed suburban areas of the Village.

The Zoning District is controlled by Section 70.191 of the Village's Zoning Code. For new properties, the minimum acreage required is 10-acres to have this zoning. For parcels that were created prior to 1996, the minimum acreage requirement is 4-acres. In both situations, this property is a "legal, non-conforming lot" due to its lack of size at 2.60-acres. "Legal non-conforming" is the legal terminology for the colloquialism of being "grandfathered" or that the property pre-dates are regulations.

In looking at the intent of the Rs-4, Single Family Residential District, Village Staff believes this is more consistent with the spirit and intended use of the property. The controlling language in 70.195(A) is: "The Rs-4, Single Family Residential District is intended to provide for limited development of single-family residential housing, of parcels no more than 19.99 acres, with any new parcels maintaining a minimum of 100' of lake frontage, for lakeshore properties on Amy Belle, Bark, Friess, Lake Five, and Little Friess Lakes, including those portions of the Village of Richfield that are also regulated by the floodplain district of the Village of Richfield Code of Ordinances. All permitted principal uses and accessory uses under this section shall also be subject to applicable provisions of the Village of Richfield Code of Ordinances and regulations by the DNR as amended from time-to-time."



VILLAGE OF RICHFIELD

PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: May 7, 2020

SUBJECT: Petitioned Rezoning for property located at 1354 E. Friess Lake Road
DATE SUBMITTED: May 1, 2020
SUBMITTED BY: Jim Healy, Village Administrator



The below graphic shows the property in question in Red as well as a portion of the property near the shoreline that is Blue. It is one of two (2) properties which abut Friess Lake that have the Country Estates zoning designation. In the opinion of Village Staff, this property's proposed use and dimensional requirements more closely meets the intent of the Rs-4, Single-Family Residential Zoning District rather than one which allows for "hobby farm" development.

This proposed Rezoning is also consistent with the Village's adopted Future Land Use Map which shows this area as being "Single Family" and "Floodplain District". The area shown as Blue (left) is Zoned F-1, Floodplain District and it cannot be modified by any rezoning efforts, so it is proposed to stay the same.

On April 30th, the Village of Richfield send this Communication Form in memo format with the required

legal notices to better inform the public as to what is being proposed. Oftentimes, these notices are filled with legal jargon, referencing Tax Keys that are wholly unfamiliar to most residents, and make little sense to individuals who rarely deal with Zoning matters. We hope this helped clarify the petition being sought by the property owners. This scheduled Public Hearing is also patently different due to the fact it is scheduled to be "virtual" via WebEx. Instructions with how to call into or log into the meeting are contained in the legal notice. These are uncharted waters with COVID-19 and while we are working to take reasonable precautions, the work of Village must continue. However, the possibility exists that there may be a "hybrid Village Board meeting" which would allow people to appear in-person and online. Residents were also encouraged to watch our Village website or contact Village Hall in the days leading up to the meeting on May 21st. Written comments for and against the proposal will also be accepted and read into the record. At the time of this Communication Form, there had been no submitted comments.

FUTURE IMPACT AND ANALYSIS:

Forward to Village Board: Yes.
Additional Approvals Needed: Yes.
Signatures Required: Yes.

REVIEWED BY:

[Signature]
Village Deputy Clerk

ATTACHMENTS

- 1. Rezoning Petition submitted by Applicant
2. Class II Public Hearing Notice
3. 70.191, Rs-1, Country Estate District
4. 70.195A, Rs-4, Single-Family Residential District

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the approval of the proposed Rezoning of the subject property located at 1354 E. Friess Lake Road (Tax Key: V10\_047400B) from Rs-1, Country Estates District and F-1, Floodplain District to Rs-4, Single-Family Residential District and F-1, Floodplain District.



VILLAGE OF RICHFIELD

PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: May 7, 2020

SUBJECT: Petitioned Rezoning for property located at 1354 E. Friess Lake Road  
DATE SUBMITTED: May 1, 2020  
SUBMITTED BY: Jim Healy, Village Administrator

APPROVED FOR SUBMITTAL BY:

*Joseph Keller*  
Village Staff Member  
*Jim Healy*  
Village Administrator

VILLAGE CLERK USE ONLY  
BOARD ACTION TAKEN

Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_  
Approved \_\_\_\_\_  
Other \_\_\_\_\_

Continued To: \_\_\_\_\_  
Referred To: \_\_\_\_\_  
Denied \_\_\_\_\_  
File No. \_\_\_\_\_



Zoning Fee  
**\$400.00**

### REZONING PERMIT APPLICATION

The undersigned agrees to comply with the Village of Richfield Zoning Code of Ordinances, and the conditions of this permit; understands that the issues of this permit create no legal liability, express or implied, of the Department, Municipality, Agency or Inspector; and certifies that the information listed below is accurate.

#### Overview

Please fill out all forms attached in this document for the purposes of a rezoning request. Submittal deadline is 25 days prior to the next regularly scheduled Plan Commission meeting. The Plan Commission meets the first Thursday of every month at 7:30 pm. See Planning and Zoning Fee Schedule for all required fees. Conditional use permits are reviewed by the Plan Commission and Village Board. The Plan Commission meets on the first Thursday of every month and the Village Board meets on the third Thursday of every month.

**Property Owner Information**

Property Owner: Ryan + Katie Reigle Phone: R: 262-384-0542 / K: 262-825-3011

Property Address: 1354 E. Friess Lake Rd Mailing Address: N75 W24315 Overland Rd

City: Richfield/Hubert State: WI Zip: 53033 City: Sussex State: WI Zip: 53089

Fax: \_\_\_\_\_ Email: rreigle@regalware.com / Ktb4ears@gmail.com

**Agent Information (If applicable)**

Name: Anderson Homes LLC - Eric Siudak

Mailing Address: 585 Ryan Street

City: Pewaukee State: WI Zip: 53095

Phone Number: 262-746-9958 Fax: \_\_\_\_\_ Email: eric.siudak@andersonhomeswi.com

**Project Information**

Tax Parcel Number: 047400B Size of Parcel (acres): 2.65 Zoning: RS-1

Existing Land Use: Vacant Proposed Land Use: Residence

Description/Detail of project: Proposing to build a single family residential home site

Anticipated Date of Construction: End of May / Early June

Assessed Value of the Project (for construction) and the land total: 6750,500 + 221,100 (land)

\*\*Please Attach a Legal Description of the Property\*\*

Please describe and justify the need for the requested rezoning. Please state how your request complements surrounding land uses and conforms to all zoning ordinances and the Comprehensive Plan: \_\_\_\_\_

*See attached*

Please reference the property owner names, addresses, and tax key numbers for all properties that lie within 300 feet of the area where the conditional use permit is requested (See Village Hall for assistance). Attach additional sheets if necessary.

Tax Key #	Property Owner Name	Address
047200F	Fancher	1362 E Friess Lake Dr
047200E	Engelke	1415 State Hwy 164
0473	Hauert	1360 E. Friess Lake Dr
047300A	Brick Street Prop.	1358 E. Friess Lake Dr
047400C	Webster	1356 E. Friess Lake Dr
047400A	Steffen	1350 E Friess Lake Dr
0475	Rayford	1452 E Friess Lake Dr
047500A	Kornburger	1438 E. Friess Lake Dr
047500B	Garon	1430 E. Friess Lake Dr

### Property Owner Affidavit

I (we), attest that I am (we are) the Owner(s) of the property which is the subject of this application in the Village of Richfield, Washington County, Wisconsin, and that all the information attached to or provided in support of said application, including sketches, data, and any other documents and material, are honest and true to the best of my (our) knowledge.

Further, I (we) as Owner(s) acknowledge and accept the responsibility for any and all fees charged or costs incurred by the Village of Richfield to carry out the processing and review of this application; I (we) further acknowledge and understand that I (we) will be required to start an escrow account to which all processing and review costs will be charged; I (we) further acknowledge that in the event that the initial fee is not sufficient to cover all the costs associated with processing and reviewing the application I (we) will be required to provide the Village of Richfield an additional deposit; I (we) further acknowledge that the balance of any remaining fees shall be refunded within a reasonable amount of time after this application has been processed.

Further I (we) as Owner(s) of the subject property authorize and direct the Authorized Agent(s) identified above to act as my (our) representative(s) in any matter regarding this application, which may include the payment of filing fees on my (our) behalf;

Further I (we) as Owner(s) of the property subject of this application and Authorized Agent(s) understand that this application and all required forms and information must be completed and accurate, as determined by the Planning and Zoning Administrator for the Village of Richfield, before a meeting and/or public hearing (if required) can be scheduled.

*Ryan & Kathe Reigle*

Print Name of Owner(s)

Signature of Owner(s)

*Eric Siodak, Anderson Homes LLC*

Name of Agents(s)

I'm writing to ask you (town of Richfield) to review the zoning around a lot on the East side Friess Lake. The lot is owned by a couple that has set their sights on building a home and being part of the community. We have a nice relatively modest model home (first floor 2352 s.f.) (building inspector has a copy of the plan) that they intended to put on that lot. The lot has an address of 1354 E. Friess Lake Rd. (tax parcel ID 047400B). It is currently zone RS-1 but after your inspection office reviewed the survey/lot, it doesn't conform to those standards for that zoning. (minimum lot width 350' and a total of 10 acre min.) Most importantly 40' side yard setbacks.

It looks to me that there are 4 lots left on Friess Lake that are zone RS-1. Two together on the south east rim and the 2 on the due east side. I have pulled up surveys for all for lots. Two of them have not been built on yet, one of them is the lot in question, and one on the south side. The two that have been built on appear to not also conform to the current set back of 40'. The one on the south rim has less the 10' on the west and 36.5' to the east. (and out building at 23.2')(1493 E. Freiss Lake Dr. - tax ID 0478001a). The east side lot just to the north of my clients lot (address 1356 E fries lake rd.- tax id 047400c) have setbacks on the north of 33.28' and the south of 33.45'. On our lot we were proposing a 30.04' north set back and a 39.48' setback to the south. See all enclosed surveys.

Upon additional reviewing of your zoning, I see that you have an RS-4 single family zoning district. Which is present on Friess lake, and appears to be the majority of the shoreline zoning not designated floodplain. In addition the zoning appears at Bark, Lake Five and Amy Belle almost exclusively. I can only assume that this was a zoning added for lake property reading the restrictions and intent. The 2 properties on the East side would fit this Zoning (RS-4) the 2 to the south wouldn't because the frontage would not comply.

**(Class II Public Notice)**  
**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF RICHFIELD**  
**Thursday, May 21, 2020**

**PLEASE TAKE NOTICE:**

Notice is hereby given, pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Village Board will conduct two (2) online public hearings on Thursday, May 21, 2020 at 7:00 p.m. via WebEx at the following link:

<https://meetingsamer9.webex.com/meet/administrator32>

These Public Hearings can also be accessed by calling (408)-418-9388, entering Access Code: 629319079#, then entering in Attendee ID: 11#. An in-person component to appear and provide comment may be added at a later date. Written comments regarding these petitioned public hearings will also be accepted until 5/20/20.

- 1) Rezoning Petition by Khamano Petroleum, LLC for property located at 3051 STH 167 (Tax Key: V10\_0353) zoned B-3, General Business District to be rezoned to B-4, Highway Business District.
- 2) Rezoning Petition by Ryan and Katie Reigle to rezone property located at 1354 E. Friess Lake Road (Tax Key: V10\_047400B) from Rs-1, Country Estate District and F-1, Floodplain District to Rs-4, Single-Family Residential District and F-1, Floodplain District.

For information regarding these petitions, please contact Jim Healy, Village Administrator at (262)-628-2260. This application is available during normal business hours. All interested parties will be heard.

Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's Office at (262)-628-2260 with as much advanced notice as possible.

Dated this 28<sup>th</sup> day of April 2020.

**Publication Dates:**

May 7, 2020

May 14, 2020

Jim Healy  
Village Administrator  
Village of Richfield  
4128 Hubertus Road  
Hubertus, WI 53033  
(262)-628-2260

*Village of Richfield, WI  
Thursday, August 15, 2019*

## Chapter 70. Zoning

### ARTICLE III. Districts

#### 70.191. Rs-1 Country Estate District.

[Ord. No. 96-04-05, §§ 7—9, 11, 12, 4-18-1996; Ord. No. 99-06-01, § 4, 7-15-1999; Ord. No. 05-01-05, § 1, 1-20-2005]

- A. Intent. The Rs-1 country estate district is intended to provide for single-family residential and hobby or minifarm development that is consistent with the maintenance of a rural country side character and lifestyle. This Rs-1 district serves as a transitional district between the farmland areas and the more intensely developed suburban areas in the Village.
- B. Permitted principal uses. Permitted principal uses in the Rs-1 district are as follows:
1. Single-family dwellings with attached or detached garage.
  2. Foster homes.
- C. Permitted accessory uses. Permitted accessory uses in the Rs-1 district are as follows:
1. Minor home occupations as provided for in subsection 70.303.
  2. For properties located within this Rs-1 district:
    - a. Not more than two dogs or cats more than five months of age per one acre, but not constituting a kennel as defined in this chapter.
    - b. The keeping or raising of livestock animals for family consumption or enjoyment but not for sale as part of a business operation in appropriate barn or stable facilities where the number of animals shall not exceed one livestock unit per whole net acre. For purposes of this section, a livestock unit shall be the equivalent of one of the following:

- i. One cow or steer.
    - ii. One horse or llama.
    - iii. Two dogs or cats.
    - iv. Two pigs or hogs.
    - v. Two sheep or goats.
    - vi. Two ostrich or emu.
    - vii. Five poultry.
  3. A yard and gardening equipment storage structure, not exceeding 600 square feet.
  4. One temporary nonilluminated for sale sign not larger than 10 square feet in area placed by the owner or his agent for the one-time sale of land, buildings, stock, personal goods, or equipment (see section 70.185).
- D. Conditional uses (see section 70.241). Conditional uses in the Rs-1 district are as follows:
1. For properties located within this Rs-1 district, raising of poultry, fowl, fish or other animals for meat or by-products for sale on the premises where the number of animals shall not exceed one livestock unit per whole net acre. For purposes of this section, a livestock unit shall be the equivalent of one of the following:
    - a. One cow or steer.
    - b. One horse or llama.
    - c. Two dogs or cats.
    - d. Two pigs or hogs.
    - e. Two sheep or goats.
    - f. Two ostrich or emu.
    - g. Five poultry.
  2. Major home occupations as provided for in section 70.303(B).
  3. Seasonal establishments or operation for the retail sale of vegetables, fruits, flowers, nursery stock, other selected farm or agricultural products, antiques, crafts, and similar items when both farm and nonfarm products are available for sale from roadside stands or similar accessory structures greater than 150 gross square feet.
  4. Community living arrangements.

- E. Lot area and width. Lot area and width in the Rs-1 district are as follows:
1. Lots shall have a minimum area of four whole net acres for properties located within this district prior to the April 18, 1996 original date of the ordinance. Lots shall have a minimum net area of 10 whole net acres for properties located within this Rs-1 district after the January 20, 2005 effective date of the ordinance.
  2. Lots shall have a width of not less than 250 feet at the building setback line for properties located within this Rs-1 district prior to the April 18, 1996 original date of the ordinance. Lots shall have a width of not less than 350 feet at the building setback line for properties located within this Rs-1 district after the January 20, 2005, effective date of the ordinance.
  3. When lands in the C-1 and/or F-1 district lie adjacent to land in the Rs-1 district and under the same ownership, such lands may be used to meet 60% of the lot area requirements of the Rs-1 district.
  4. Easements to allow driveways to access two or more residential lots shall not be permitted.
- F. Building height and size. Building height and size in the Rs-1 district are as follows:
1. No principal building or parts of a principal building shall exceed 35 feet in height.
  2. Accessory buildings shall not exceed 20 feet in height.
  3. The minimum floor area of a dwelling unit shall be 1,300 square feet; not less than 1,050 square feet on the main entry floor level of a two or more story building; and no bedroom may be less than 100 square feet in area exclusive of closets.
  4. The sum total of the first floor area of the principal building and all accessory buildings shall not exceed 4% of the lot area.
  5. The disturbance (grading, filling, and digging) of a lot or parcel shall not exceed 5% of the total area of the lot or parcel.
- G. Setback and yards. Setback and yards in the Rs-1 district are as follows:
1. There shall be a minimum building setback of 65 feet from the right-of-way of all public streets, roads, or highways for properties located within this Rs-1 district prior the April 18, 1996 original date of the ordinance, and a minimum building setback of 125 feet from the right-of-way of all public streets, roads, or highways for properties located within this Rs-1 district after the January 20, 2005 effective date of the ordinance.

2. There shall be a side yard on each side of all structures not less than 40 feet in width.
  3. There shall be a rear yard of not less than 50 feet.
- H. Parking space. Parking space in the Rs-1 district are as follows:
1. There shall be a minimum of three automobile off-street parking spaces.
- I. Minimum utility service. The minimum utility service in the Rs-1 district shall be electricity and county-approved wastewater treatment and disposal, and water supply systems.

*Village of Richfield, WI  
Thursday, August 15, 2019*

## Chapter 70. Zoning

### ARTICLE III. Districts

#### 70.195A. Rs-4 Single-Family Residential District.

[Ord. No. 06-10-05, § 3, 10-19-2006]

- A. Intent. The Rs-4 single-family residential district is intended to provide for limited development of single-family residential housing, of parcels no more than 19.99 acres, with any new parcels maintaining a minimum of 100 feet of lake frontage, for lakeshore properties on Amy Belle, Bark, Friess, Lake Five, and Little Friess Lakes, including those portions of the Village of Richfield that are also regulated by the floodplain district of the Village of Richfield Code of Ordinances. All permitted principal uses and accessory uses under this section shall also be subject to applicable provisions of the Village of Richfield Code of Ordinances and regulations by the Department of Natural Resources as amended from time-to-time.
- B. Permitted principal uses. Permitted principal uses in the Rs-4 district are as follows:
1. Single-family dwellings with attached or detached garages.
  2. Foster homes and community living arrangements.
  3. Family day-care homes as set forth in Wis. Stat. § 66.304.
- C. Permitted accessory uses. Permitted accessory uses in the Rs-4 district are as follows:
1. Minor home occupations as provided for in subsection 70.303(A).
  2. All accessory uses and detached accessory structures as defined in subsection 70.134(C) of the zoning

ordinance located at the required setback distance from the ordinary highwater mark (OHWM) that are clearly incidental to and customarily found in connection with the principal structure or use.

Lot area and width. Lot area and width in the Rs-4 district are as follows:

3. Lot area. All properties that are located on Amy Belle Lake, Bark Lake, Friess Lake, Little Friess Lake and Lake Five shall have a minimum area of 20,000 square feet and a minimum lot width of 100 feet at the OHWM and at the building setback line. In addition to the provisions of subsection 70.161(F) concerning existing vacant substandard lots, a developed lot located in the Rs-4 residential district that does not contain sufficient area to conform to the dimensional requirements of this section, but which is at least 50 feet wide at the OHWM and at the building setback line and 7,500 square feet in area, may continue to be used as a single-family site, provided that said lot was of record in the Washington County Register of Deeds Office prior to January 1, 2006.
4. Setback and yards. All lots within the Rs-4 residential district shall comply with the following dimensional standards:

**Parcels with lake frontage (not including parcels that own boat lots)**

<b>Minimum Width Feet (measured at actual building setback)</b>	<b>Minimum Building Setback Feet: Side Yard*</b>	<b>Minimum Building Setback Feet Street Yard</b>	<b>Minimum Building Setback Feet Rear Yard**</b>	<b>Maximum Dwelling Height Feet***</b>
50 to 60.0	10	20	75	25
>61.0 to 70.0	10	20	75	25
>71.0 to 80.0	10	20	75	25
>81.0 to 90.0	10	20	75	25
>91.0 to 100.0	10	20	75	25
>101.0 to 150.0	15	20	75	25
>151.0	20	20	75	25

**Parcels that do not have lake frontage:**

<b>Minimum Lot Width Feet (measured at actual building setback)</b>	<b>Minimum Building Setback Feet: Side Yard*</b>	<b>Minimum Building Setback Feet Street Yard</b>	<b>Minimum Building Setback Feet Rear Yard**</b>	<b>Maximum Dwelling Height Feet</b>
50 to 60.0	10	20	50	25
>61.0 to 70.0	10	20	50	25
>71.0 to 80.0	10	20	50	25
>81.0 to 90.0	10	20	50	25
>91.0 to 100.0	10	20	50	25
>101.0 to 150.0	15	20	50	25
>151.0	20	20	50	25

**Notes:**

\* Side yard setbacks for accessory structures are a minimum of three feet.

\*\* Pursuant to Section 70-211 of the Village of Richfield Zoning Code, a reduced rear yard setback for a principal structure may be available.

\*\*\* Height is measured from the top of the foundation

1) All street yard properties serve as the front yard facing the street right-of-way. All rear yard properties serve as the backyard, or lakeside, facing a waterway or rear property line. All lakeside rear yards must be measured from the ordinary high water mark (OHWM).

2) The height of new or additions to the principal building shall be the average sum of both principal buildings, or the average of the permitted maximum height to the height of the existing nearby principal building. When dimensional standards are not applicable, the maximum principal building height shall be limited to five feet in addition to the average height of both neighboring principal buildings.

5. Building height and size. The minimum floor area of a dwelling unit shall be 1,300 square feet, with not less than 650 square feet on the main entry floor level of a two or more story building;
6. Gross lot area. The sum total of the first floor area of the principal building and all accessory buildings shall

not exceed the following percents of lot area.

<b>Lot size</b>	<b>Percent of lot coverage</b>
0 to 0.25 acres	20%
0.26 to 0.40 acres	18%
0.41 to 0.55 acres	16%
0.56 to 0.70 acres	14%
0.71 to 0.85 acres	12%
0.86 to 1.0 acres	10%
More than 1 acre	8%

**D. Restrictions.**

1. The provisions of this section shall supersede Section 70.211 and 70.213 of the Village of Richfield Zoning Code and Department of Natural Resources regulations, only to the extent that such provisions of this section are more restrictive than the provisions of Section 70.211 and 70.213.
2. No lot in this district shall by deed, covenant, easement or other device or agreement hereafter provide for the permitted uses or accession or incidental uses thereto, or for right of access, by other than the owner or legally resident occupant of the premises and invited guests, except in the case of a public utility easement.

**E. Minimum utility services.** In order to prevent the improper development of land that might pose a threat to the health, safety, and welfare of the community at large, or the occupants of land in particular areas of the Village of Richfield, it is hereby declared that development shall not be approved unless certain facilities are available or will be made available at adequate levels to serve said development. Therefore, single-family residences within the Rs-4 district shall, at a minimum, be serviced by electricity, county approved wastewater treatment and disposal, and water supply systems.