



AGENDA
PLAN COMMISSION MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
AUGUST 6, 2015

7:00 P.M.

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. Approval of Minutes:
 - a. July 9, 2015 – Regular Meeting
5. DISCUSSION/ACTION
 - a. Discussion and possible recommendation to the Village Board regarding a proposed one-lot Certified Survey Map for Tax Keys: V10_098600A, V10_098500A, V10_098400A, V10_0984001, V10_0984
 - b. Discussion/Action regarding the creation of the B-5, Downtown Zoning District
6. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at 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.

4 a

1. Call to order/determination of quorum

Chairman Jim Otto called the meeting to order at 7:32 p.m.

In attendance were Chairman Jim Otto, Vice-Chairman Don Berghammer, Commissioners Ray Cote, Dick Melzer, Trustee Bill Collins, Village Administrator Jim Healy and Administrative Services Coordinator KateLynn Schmitt.

Commissioner Bob Lalk had an excused absence.

2. Verification of Open Meetings Law compliance

Administrator Healy stated that the agendas were posted at the Richfield, Hubertus, and Colgate U.S. Post Offices as well as Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. Approval of Minutes

a. June 4, 2015 – Regular Meeting

Motion by Vice –Chairman Berghammer to approve the minutes of the regular June 4, 2015 Plan Commission meeting, as drafted; Seconded by Commission Cote; Motion passed without objection.

EDITORS NOTE: The Plan Commission took action on 5a and 6a, then 5b and 6b.

5. PUBLIC HEARING

a. Discussion regarding a petition by Hans Dawson for the rezoning of Tax Key: V10_038400T00A from Rs-3, Single Family Residential District to Rs-1, County Estates District

Motion by Vice-Chairman Berghammer to open public hearing; Seconded by Commissioner Melzer; Motion passed without objection.

No one spoke.

Motion by Trustee Collins to close public hearing; Seconded by Commissioner Melzer; Motion passed without objection.

b. Discussion regarding a petition by Ross and Sharon Notham regarding the partial rezoning (10,156 sf) of Tax Key: V10_119600A from B-3, General Business District to Rs-3, Single Family Residential District

Motion by Commissioner Melzer to open public hearing; Seconded by Vice-Chairman Berghammer; Motion passed without objection.

No one spoke.

Motion by Commissioner Melzer to close public hearing; Seconded by Trustee Collins; Motion passed without objection.

6. DISCUSSION/ACTION

a. Discussion and possible recommendation to the Village Board regarding a petition by Hans Dawson for the rezoning of Tax Key: V10_038400T00A from Rs-3, Single Family Residential District to Rs-1, Country Estates District

Motion by Commissioner Melzer to recommend to the Village Board the adoption of Ordinance O2015-07-01, an Ordinance to rezone Tax Key: V10_038400T00A from Rs-3, Single Family Residential District to Rs-1, Country Estates District subject to the following Specific Condition of Approval:

1. That the Plan Commission and Village Board approve the proposed CSM by the petitioner.

Seconded by Trustee Collins; Motion passed without objection.

b. Discussion and possible recommendation to the Village Board regarding a petition by Ross and Sharon Notham regarding the partial rezoning of Tax Key: V10_119600A from B-3, General Business District to Rs-3, Single Family Residential District

Motion by Vice-Chairman Berghammer to recommend to the Village Board the adoption of Ordinance O2015-07-01, an Ordinance to rezone Tax Key: V10_119600A from B-3, General Business District to Rs-3, Single Family Residential District; Seconded by Trustee Collins; Motion passed without objection.

c. Discussion and possible recommendation to the Village Board regarding a proposed one-lot Certified Survey Map for Tax Keys: V10_038400T00A and V10_038400X

Motion by Trustee Collins to recommend to the Village Board the approval of the certified survey map for Hans Dawson for Tax Keys: V10_038400T00A and V10_038400X, subject to the General Conditions of Approval listed below:

General Conditions of Approval:

1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.
2. The subdivider shall, on demand, reimburse the Village all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees, or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of this approval.

Seconded by Commissioner Melzer; Motion passed without objection.

d. Discussion and possible recommendation to the Village Board regarding an Extraterritorial Plat Review in the Town of Lisbon, River Glen subdivision, Final Plat- Colgate Investments, LLC.

Motion by Vice-Chairman Berghammer to recommend to the Village Board the approval of the proposed Final Plat for River Glen subdivision in the Town of Lisbon, as prepared by CJ Engineering with a revision date of June 16, 2015, provided they receive all other necessary approvals; Seconded by Commissioner Cote; Motion passed without objection.

e. Discussion/Action regarding the creation of the B-5, Downtown Zoning District
Village Administrator gave update on creation of B-5, Downtown Zoning District.

Chairman Otto stated that he believed 0' setbacks should continue for properties along the east side of STH 175 but some setbacks should be maintained on the west side of STH 175 for emergency services and refuse collection.

Commissioner Cote asked if Village owned properties in the downtown area for parking.

Trustee Collins said Village does not own property for parking but should focus on it in the future, especially if we are serious about revitalizing our downtown area.

Commissioner Cote agreed based on how he has seen it work in other communities.

Commissioner Melzer said the Village should consider purchasing land west of the buildings on Hwy 175 for a future road improvement.

f. Discussion/Action regarding a potential time change for monthly Plan Commission meetings

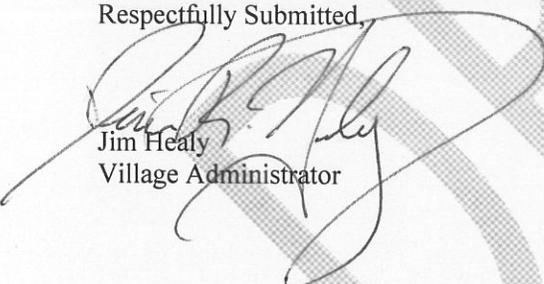
The Plan Commission mutually agreed that they would like to move their start time ahead 30 minutes starting in August to be consistent with the Village Board.

No motion was made.

7. ADJOURNMENT

Motion by Trustee Collins to adjourn; Seconded by Commissioner Melzer; Motion passed without objection at 8:25 p.m.

Respectfully Submitted,


Jim Healy
Village Administrator

5 a



5a

VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: August 6, 2015

SUBJECT: Proposed One-lot CSM (Tax Keys: V10_098600A, V10_098500A, V10_098400A, V10_0984001, V10_0984) Robert Schaefer

DATE SUBMITTED: July 31, 2015

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO RECOMMEND TO THE VILLAGE BOARD THE APPROVAL FOR THE PROPOSED ONE-LOT CSM?

ISSUE SUMMARY:

Robert Schaefer has submitted a proposed certified survey map (CSM) that would create one lot of 45.087 acres on Scenic Road, generally located between Willow Creek Road and Lakeview Road. It also abuts the Wisconsin Central LTD Railroad right-of-way. The existing lots currently are 5.56ac (Tax Key: V10_098600A), 10.50ac (Tax Key: V10_098500A), 26.81ac (Tax Key: V10_098400A), 3.59ac (Tax Key: V10_0984001), and 6.92ac (Tax Key: V10_0984), respectively. The proposed parcel to be created with this one-lot CSM has all the previously existing structures on the 'parent parcel' (V10_0984), all of the other properties are vacant and under common ownership of the petitioner. The subject properties are all zoned Rs-1, Country Estates District. Pursuant to Section 70.191(E), 'Lots shall have a minimum net area of 10 whole net acres for lots created after January 20, 2005'. In terms of zoning compliance, there are no other issues of consideration.

The Village is requesting that land be dedicated for right-of-way on both Scenic Road and Lakeview Road. Each road is a standard 66' wide road. The total land area being dedicated is 1.743 acres or 75,918sqft. If the petitioner carries a mortgage on the property a mortgagee certificate of consent will need to be obtained, which is fairly routine, if they are dedicating a portion of property in which they have a financial interest.

The Village Engineer has reviewed the proposed CSM and has approved it provided his comments are addressed. On July 31, 2015, the Village Engineer's comments were forwarded to the petitioner for his consideration.

The CSM was submitted to the Village during the month of July. As required by state statutes (s. 236.34(f)), the Village Board must take action within 90 days of that date, unless the time is extended by agreement with the subdivider.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: [Signature] Village Deputy Clerk

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

ATTACHMENTS:

- 1. Proposed CSM prepared by Frederick Shibilski with Village Engineer's comments noted in RED

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the approval of the certified survey map for Robert Schaefer, subject to the General Conditions of Approval listed below:

General Conditions of Approval:

- 1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.
2. The subdivider shall, on demand, reimburse the Village all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: August 6, 2015

engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.

- Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees, or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of this approval.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
 BOARD ACTION TAKEN


 Village Staff Member

Resolution No. _____
 Ordinance No. _____
 Approved _____
 Other _____

Continued To: _____
 Referred To: _____
 Denied _____
 File No. _____


 Village Administrator

Per Village ordinance, minimum setback lines should be shown. See below:

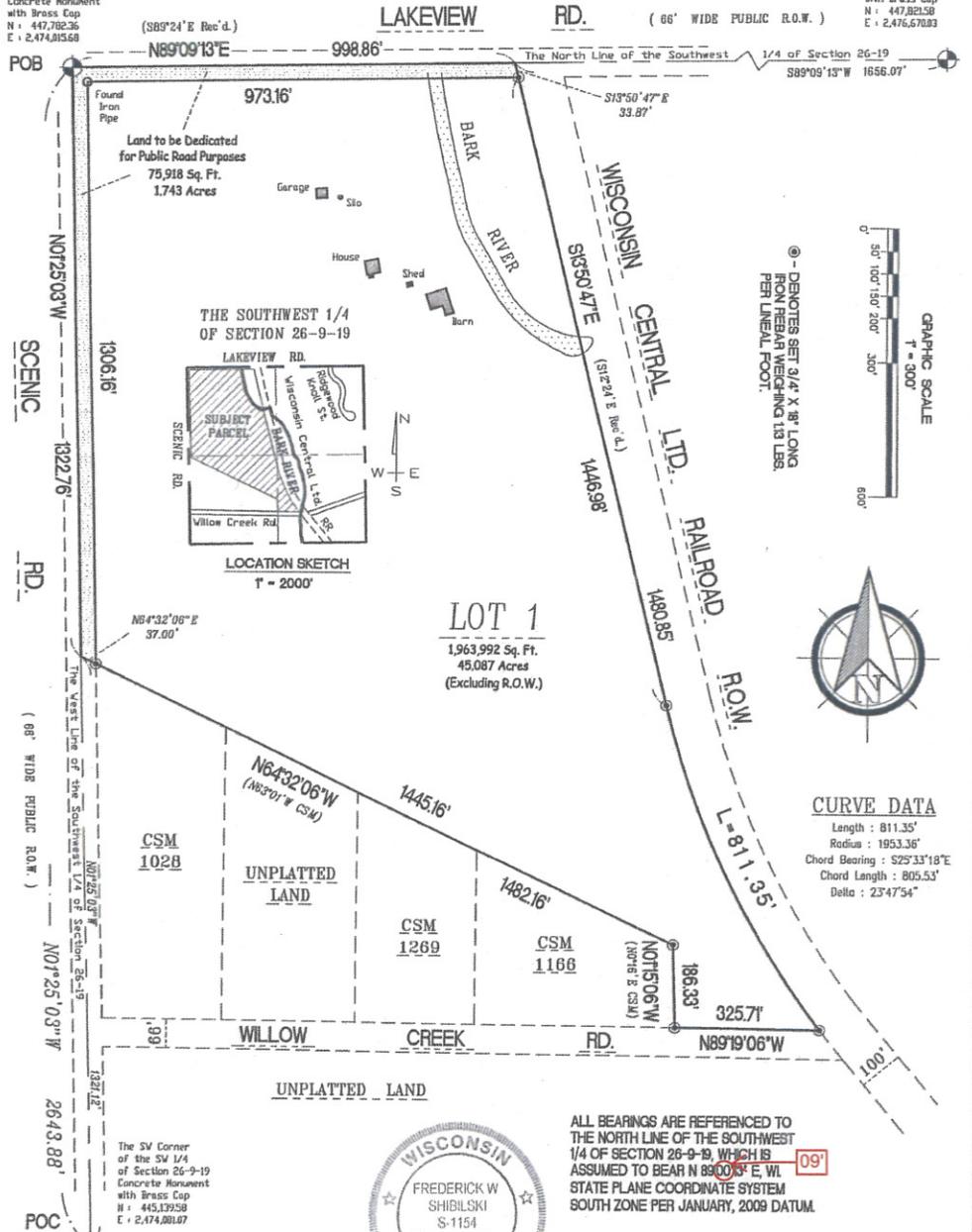
- 66.05
- Certified survey map data and information.
- B.
- 2. Minimum setback or building lines required by Village ordinances;

WASHINGTON COUNTY CERTIFIED SURVEY MAP NO. _____

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 26, TOWN 9 NORTH, RANGE 19 EAST IN THE VILLAGE OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

The NW Corner of the SW 1/4 of Section 26-9-19 Concrete Monument with Brass Cap N = 447,782.36 E = 2,474,815.69

The NE Corner of the SW 1/4 of Section 26-9-19 Concrete Monument with Brass Cap N = 447,821.58 E = 2,476,570.93



The SV Corner of the SW 1/4 of Section 26-9-19 Concrete Monument with Brass Cap N = 445,139.58 E = 2,474,881.67

SURVEYING ASSOCIATES, INC.
2554 N. 100th STREET
WAUWATOSA, WI 53226
PHN 414-257-2212
FAX 414-257-2443



Frederick W. Shibilski
FREDERICK W. SHIBILSKI S - 1154 JULY 21, 2015

JOB NO. 34553CSM INSTRUMENT DRAFTED BY : MARC C. PASSARELLI SHEET 1 OF 3

WASHINGTON COUNTY CERTIFIED SURVEY MAP NO. _____

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼, SOUTHWEST ¼ AND NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 26, TOWN 9 NORTH, RANGE 19 EAST IN THE VILLAGE OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
MILWAUKEE COUNTY)SS

I, Frederick W. Shibilski, a registered land surveyor do hereby certify:

That I have surveyed, divided and mapped a parcel of land located in the Southeast ¼, Southwest ¼ and Northwest ¼ of the Southwest ¼ of Section 26, Town 9 North, Range 19 East in the Village of Richfield, Washington County, Wisconsin bounded and described as follows: Commencing at the Southwest corner of the Southwest ¼ of Section 26; thence North 01° 25' 03" West, 2,643.88 feet to the Northwest corner of the Southwest ¼ of Section 26 and the point of beginning of the land to be described; thence North 89° 09' 13" East along the North line of said ¼ Section, 998.86 feet; thence South 13° 50' 47" East, along the Westerly right-of-way line of the Wisconsin Central Ltd Railroad, 1480.85 feet to a point of curvature; thence continue Southeasterly, 811.35 feet along said Westerly line, said line being the arc of a curve having a radius of 1953.36 feet with its centerpoint to the East and a central angle of 23° 47' 54" with a long chord bearing South 25° 33' 18" East, 805.53 feet to a point on the North right-of-way line of Willow Creek Road; thence North 89° 19' 06" West along said North line 325.71 feet; thence North 01° 15' 06" West, 186.33 feet to the Northeast corner of Certified Survey Map No. 1166; thence North 64° 32' 06" West, 1,482.16 feet to a point on the West line of the Southwest ¼ of Section 26; thence North 01° 25' 03" West, 1,322.76 feet to the point of beginning. Excepting therefrom that land dedicated to the public for road purposes.

I further certify that I have made such survey, land division and map by the order and direction of Robert A. and Marie L. Schaefer, owners of said land;

That such map is a correct representation of the exterior boundaries of land surveyed and map thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes and the Ordinances of the Village of Richfield Land Division Ordinance in surveying, dividing, and mapping said land, and that this map is a correct representation of the exterior boundaries of the land surveyed and the division of said lands.

Dated July 21, 2015





FREDERICK W. SHIBILSKI
Wisconsin Registered Land Surveyor S-1154

WASHINGTON COUNTY CERTIFIED SURVEY MAP NO. _____

A PARCEL OF LAND LOCATED IN THE SOUTHEAST ¼, SOUTHWEST ¼ AND NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 26, TOWN 9 NORTH, RANGE 19 EAST IN THE VILLAGE OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

We, Robert A. and Marie L. Schaefer, owners, do hereby certify that we have caused the land shown and described herein to be surveyed, divided, dedicated and mapped as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required to be submitted to the following for approval: Village of Richfield Village Board.

Witness the hand and seal of said owners this _____ day of _____, 2015.

Robert A. Schaefer

Marie L. Schaefer

STATE OF WISCONSIN)
WASHINGTON COUNTY)SS

Personally came before me this _____ day of _____, 2015, the above named, Robert A. and Marie L. Schaefer, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

NOTARY PUBLIC, State of Wisconsin
My Commission Expires _____

If any of the land contained within the boundary of the CSM is currently mortgaged, a Consent of Corporate Mortgagee Certificate will be required due to the public road dedications being made.

VILLAGE OF RICHFIELD VILLAGE BOARD APPROVAL

This land division is hereby APPROVED and hereby accepted by the Village of Richfield Village Board this _____ day of _____, 2015.

John Jeffords, Village President

Jim Healy, Village Administrator



5b



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

56

MEETING DATE: August 6, 2015

SUBJECT: B-5, Downtown Business District
DATE SUBMITTED: July 30, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO DIRECT STAFF TO PREPARE AND PUBLISH A CLASS II PUBLIC HEARING NOTICE FOR THE B-5, DOWNTOWN BUSINESS DISTRICT?

ISSUE SUMMARY:

Over the course of the last several months Village Staff has been working in concert with the Plan Commission and the Village Board to develop a "Downtown Business District" zoning classification. At the onset of the discussion, the task seemed daunting. Along this corridor are some of the Village's oldest structures. The parcels, almost entirely are legal, non-conforming uses or non-conforming in that they do not meet minimum requirements in the B-3, General Business District.

At our last meeting on July 9, 2015 Staff led a free-form discussion with the members of the Village's Plan Commission to find a way that we could encourage the revitalization of the downtown "Richfield hamlet". What we discussed was putting the 'finishing touches' on the B-5 Downtown Business District which would be created as Sec. 70.200A.

Out of our group discussion in July came the following policy decisions:

- The District would include the 'Church parcels' across the street from Pioneer Bowl and two larger parcels north of Pioneer Bowl on the west side of STH 175.
- The Village should consider in the future the purchasing of one or more properties for municipal parking to alleviate parking congestion.
- Setbacks on the west side of STH 175 would have to be different than setbacks on the east side of STH 175 for emergency access, refuse collection, etc.
- New residential uses, on the second floors of commercial structures, should be allowed as a CUP.
- The downtown area should be marketed as a 'destination' location for businesses and also allow for various types of business incubation (start-up) activities to occur.
- Parking should not be allowed in the front yard setback and the furthest a building could be away from the street ought to be 15'.

FUTURE IMPACT AND ANALYSIS:

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

REVIEWED BY:

Village Deputy Treasurer



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: August 6, 2015

SUBJECT: B-5, Downtown Business District
DATE SUBMITTED: July 30, 2015
SUBMITTED BY: Jim Healy, Village Administrator

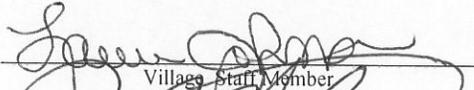
ATTACHMENTS:

1. O2015-09____, an Ordinance to create 70.200A, B-5, Downtown Business District

STAFF RECOMMENDATION:

Motion to direct Staff to prepare and publish a Class II Public Hearing Notice for September for the B-5, Downtown Business District.

APPROVED FOR SUBMITTAL BY:



Village Staff Member



Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

ORDINANCE 2015 ____ - ____

AN ORDINANCE TO CREATE SECTION 70.200A, A ZONING DISTRICT ENTITLED, B-5, DOWNTOWN BUSINESS DISTRICT AND TO CHANGE THE ZONING CLASSIFICATION OF SPECIFIED PARCELS TO B-5

WHEREAS, the Village of Richfield recognizes the importance of having a vibrant business community; and

WHEREAS, it was determined that the standards listed in the B-3, General Business District would not allow the redevelopment of the majority of properties located north of STH 167 and south of Pleasant Hill Road along STH 175; and

WHEREAS, the Village Board believes that these new regulations being adopted are consistent with the 2014 adopted Comprehensive Plan which talks about the importance of the STH 175 corridor for economic development; and

WHEREAS, the new regulations would allow Staff to better administrate the code in the future without the need and necessity of seeking variances for commercial development; and

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County Wisconsin DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 70.200A of the Village of Richfield municipal code be created entitled “B-5, Downtown Business District” to read as follows:

§70.200A B-5, Downtown Business

- A. Intent. To establish, enhance, and preserve the unique character of the Village’s downtown area along STH 175, north of STH 167 and south of Pleasant Hill Road. The District, which is limited to those properties directly abutting STH 175, is intended to help act as a gateway to the community by enhancing the opportunities for commercial redevelopment, to establish and maintain small, neighborhood-scale mixed uses, all while encouraging high-quality design and architectural standards befitting of a higher density commercial zoning district.
- B. Permitted Principal Uses. Permitted Principal Uses in the B-5 district are all principal uses permitted below:
 - 1. Administrative and public service offices
 - 2. Art, dance, or music teaching offices
 - 3. Architects, engineers, or other similar professional offices
 - 4. Bakery good stores
 - 5. Banks, savings and loan association, and other financial institutions
 - 6. Barber and beauty stores
 - 7. Candy/confectionary stores
 - 8. Clothing stores
 - 9. Delicatessens

10. Dentist, physical or other similar professional health offices
11. Drugstores
12. Dry cleaning pickup and delivery establishments
13. Financial and tax consultants
14. Florists
15. Fruit and/or vegetable stores
16. General public bookstores
17. General business and professional offices
18. Gift stores
19. Hobby stores
20. Interior decorators
21. Meat, fish or poultry markets
22. Optical stores
23. Painting, photography, music, dance, or other art studios
24. Photo and film pickup stores
25. Professional offices
26. Real estate and insurance offices
27. Shoe repair shops
28. Shoe stores
29. Soda and ice cream stores
30. Tobacco stores
31. Variety stores
32. Antique stores
33. Bakeries including the baking of goods for local sale
34. Clothing repair shops
35. Crockery stores
36. Electrical supply stores
37. Furniture stores
38. Municipal parking lots

C. Permitted Accessory Uses. Permitted accessory uses in the B-5 district are as follows:

1. Garages for storage of vehicles and/or supplies used in conjunction with the operation of a business.
2. Residential uses existing on the effective date of the ordinance for which this Chapter is derived.
3. Off-street parking and loading areas.

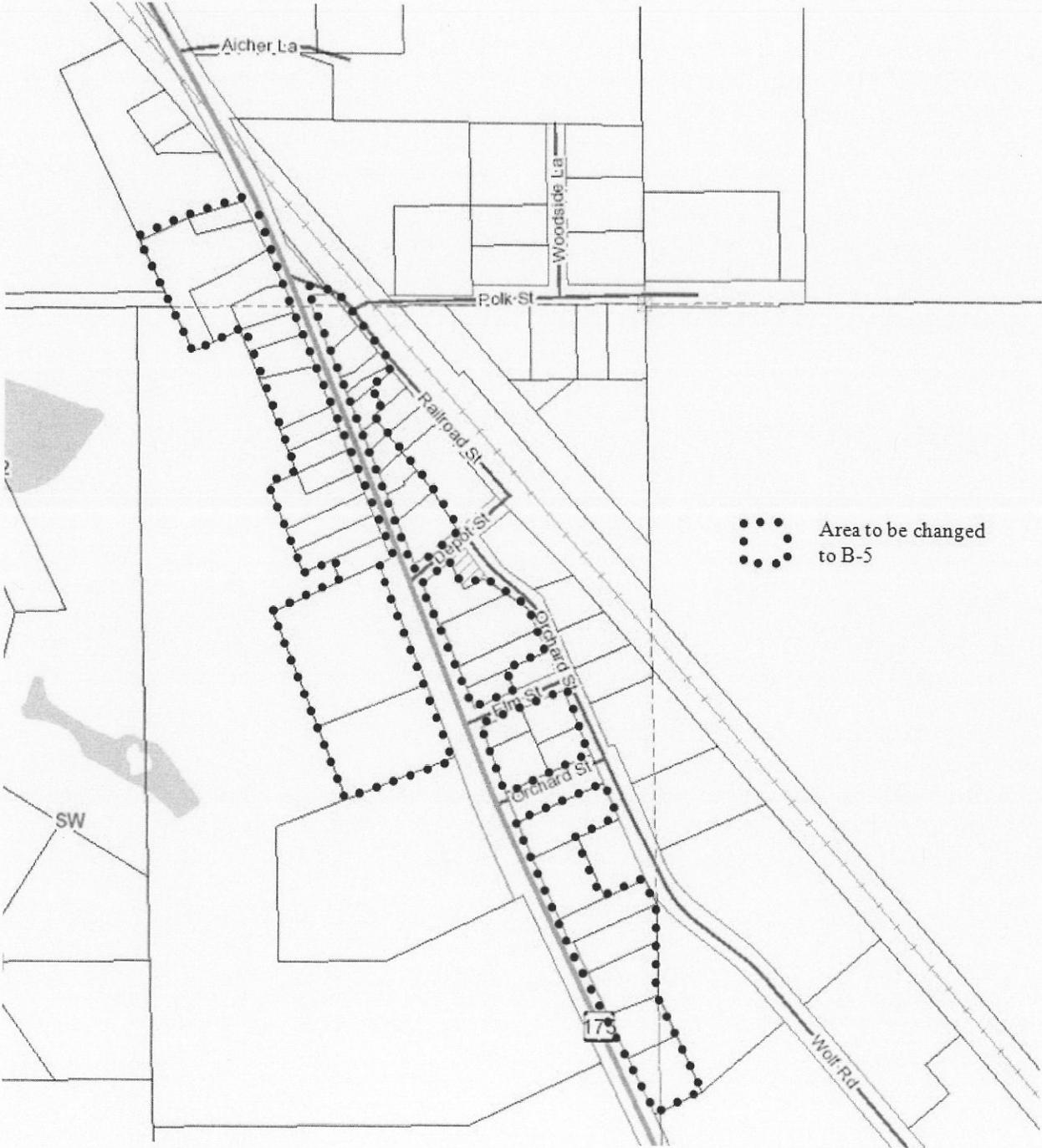
D. Conditional Uses. Conditional Uses in the B-5 district include any use not expressly stated in subsection B of this section, but similar in character to the permitted uses. It is generally expected that these uses will be conducted as a retail or service industry business on the premises, catering to the general public. All business, servicing, processing, displays, and storage shall be conducted within completely enclosed buildings, except for the following: outdoor dining, produce or flower markets, or other similar type bedding plants and shrubs when authorized by the Plan Commission.

1. Residential quarters (new), provided that such quarters are in the principal building, not on a ground-level floor, and the entrances and exits to such quarters are directed to the interior of the building. There shall be a minimum floor area of four-hundred and twenty (420) square feet for an efficiency or one (1) bedroom apartment and five-hundred and fifty (550) square feet for a two (2) bedroom apartment.

- E.** Lot area and width in the B-5 district are as follows:
 1. Consideration for minimum lot areas and width shall be limited to only those properties directly abutting STH 175 between STH 167 and Pleasant Hill Road shown in Exhibit A.
- F.** Building height and size. Building height and size in the B-5 district as are follows:
 1. No building or parts of a building shall exceed 45 feet in height or two-stories, whichever is less.
 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 first floor area of all principal and accessory buildings shall not exceed 60% of the total lot area, except that the Plan Commission may allow a greater percent of lot coverage with a special exception pursuant to s. 70.161A.
- G.** Setbacks and yards. Setback and yards in the B-3A district are as follows:
 - East of STH 175**
 1. A street yard setback of 0' but no greater than 15' setback from the road.
 2. A side yard building setback of 0'.
 3. A rear yard setback of 10 feet.
 - West of STH 175**
 1. A street yard setback of 0' but no greater than 15' setback from the road.
 2. A side yard building setback of 10'
 3. A rear yard setback of 10'
- H.** Parking and loading space. Parking and loading requirements shall be those provisions enumerated in the B-3 district. Parking shall also not be permitted in any front yard set back.
- I.** Minimum utility service. Minimum utility service in the B-5 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-5 district that is compatible with the residential character of the Village, building/zoning permits for permitted uses 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 unload, drainage, and screening and landscape plans.

Section 2. The zoning designation of the parcels depicted in Exhibit A are changed to B-5.

Exhibit A



Section 4. This ordinance shall become effective upon passage and posting.

Section 5. Several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted this ____ day of _____, 2015.

Attest:

John Jeffords, Village President

Jim Healy, Village Clerk/Administrator