

ORD. #25-27

**ORDINANCE TO REPEAL AND RECREATE SEVERAL SECTIONS OF
THE VILLAGE ZONING ORDINANCE (CHAPTER 420)
RELATED TO THE BUSINESS ZONING DISTRICTS
IN THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN**

THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLEASANT PRAIRIE, KENOSHA COUNTY, WISCONSIN, DO HEREBY ORDAIN THAT THE FOLLOWING SECTIONS OF THE VILLAGE ZONING ORDINANCE ARE BEING REPEALED AND RECREATED AS FOLLOWS:

1. Section 420-118 related to the B-1, Neighborhood Business District is being repealed and recreated to read as follows:

420-118 B-1 Neighborhood Business District.

- A. Purpose and characteristics. The B-1 Neighborhood Business District is intended to provide for a cluster of limited retail, service and office uses of a type and at a scale designed to serve the needs of the surrounding residential neighborhoods. B-1 Districts shall be located at the intersection of two arterial streets or highways. The territory in each B-1 District shall be contiguous (corner to corner shall be sufficient), exclusive of intervening streets, highways, navigable waterways and wetlands. The area of each B-1 District shall include at least one corner of the intersection and at least five acres but not more than 20 acres, both exclusive of intervening streets, highways, navigable waterways and wetlands; provided, however, that parcels zoned to a business classification as of January 1, 2002, which could appropriately be zoned B-1 but for the minimum district area requirement may nevertheless be zoned B-1. No such district shall be established unless it is in compliance with the Village Comprehensive Plan and if required, an approved Conceptual Plan.
- B. Permitted uses. The following listed principal uses, and certain unspecified principal uses approved pursuant to Subsection C below, are allowed as permitted uses in the B-1 District, subject to the requirements of Article IX of this chapter and all other applicable provisions of this chapter and other Village ordinances and codes:
- (1) Retail uses. The limited retail sale of any of the following goods or products are permitted: apparel, shoes and accessories; art and antiques; art, educational and office supplies; audio and video recordings; automobile supplies (no service); bakery and sale of baked goods; books, cards, games, toys, newspapers and magazines; cameras and photographic supplies; cigarettes, tobacco and electronic vaping and related supplies (excluding a smoke shop); cosmetics and pharmaceuticals; flowers and plants (excluding a nursery or orchard); gifts, novelties, souvenirs and sundries; groceries; hobby and craft supplies (including fabric and frames); home improvement; household goods; jewelry; luggage; medical supplies (including eyewear and hearing aids); musical instruments and accessories; pet supplies (excluding the sale of pets); pharmacy; religious affiliated merchandise; and sporting goods and supplies (including camping supplies, bicycles and related accessories).
 - (2) Service uses. The following limited service uses are permitted:
 - (a) Eating establishments. An establishment that includes a casual or fine dining restaurant, banquet hall, cafe, cafeteria, coffee shop, diner, donut shop, fast food restaurant, ice cream/yogurt shop, snack bar, supper club. Alcoholic beverages may be served as an accessory use to the eating establishment. An eating establishment also allows for the sale of prepared food not consumed on the property. An eating establishment excludes a dinner theater, drive-in restaurant and a mobile food truck.

- (b) Consumer maintenance and repair service. An establishment that provides maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business) including laundry and dry cleaning, tailors, dressmakers, shoe repair, picture framing, locksmiths, upholstery, vacuum repair, electronics repair and similar establishments.
 - (c) Instruction Studio. An establishment that provides individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities including: dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.
 - (d) Recreational and entertainment uses:
 - [1] Indoor commercial recreational and entertainment facility. An establishment that provides indoor activities such as but not limited to batting cages, bowling alley, indoor archery range, skating rinks, miniature golf, ax throwing, escape rooms, painting and pottery, health and athletic clubs, tennis, racquetball, handball courts, swimming pools, trampoline parks, arcades or community centers. Excluding an indoor shooting range.
 - [2] Museum or art gallery.
 - (e) Other services uses: beauty salon; caterer; day-care center; equipment rental center; financial institution; laundromat; library; mail and copy service; psychic/tarot card/astrology reading; recording studio; and tattoo or body piercing studio.
- (3) Office uses.-The following office uses are permitted:
- (a) Business or professional offices: law offices, accounting, architectural and engineering firms, insurance companies, real estate offices, travel agencies, ticket sale offices, dispatch offices without on-site vehicles, skilled trade office without outside storage or vehicles or materials, research and development office, and other executive, corporate, management or administrative offices for businesses and corporations. Excluding a medical and health practitioner office or veterinarian office.
 - (b) Medical and health practitioner offices: physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy office uses with no surgical, inpatient or overnight care.
- (4) Commercial communication structures per § 420-89.
- (5) Utility substation building pursuant to the following standards:
- (a) The minimum lot size and frontage as specified in this district shall not apply; however, the lot shall be large enough to accommodate the applicable facilities associated with the substation building with a minimum lot frontage on a public street of 50 feet.
 - (b) The Plan Commission/Zoning Administrator may reduce the setbacks required as specified in this district to not less than 10 feet to allow for proper landscaping and screening.
 - (c) All utility substation building sites shall be landscaped, screened and marked with appropriate warning signs. The Plan Commission/Zoning Administrator may require the facility to be surrounded by a commercial fence.

(d) The design and building materials shall be complementary to the surrounding properties and are subject to approval of the Plan Commission/Zoning Administrator.

- C. Unspecified permitted uses. The Zoning Administrator shall have authority to approve as a permitted use in the B-1 District a proposed principal use not listed in Subsection B above if the proposed use is similar in character to one or more of the listed permitted uses in the B-1 District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use approved shall be subject to all requirements of Subsection B above. Notwithstanding the foregoing authorization, and without limitation, the following uses shall not be construed to be permitted uses in the B-1 District:
- (1) Any listed permitted use or conditional use specified in any zoning district that is not specifically listed in this District.
 - (2) Any use specifically listed as an unspecified permitted use within any District that is not specifically listed in this District.
 - (3) Any use listed in Section 420-31 as a prohibited use.
 - (4) Adult-oriented uses, including, without limitation, an adult bookstore, adult cabaret, adult club, adult dry cabaret, adult movie theater, adult video rental store, adult video store or adult viewing facility.
- D. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements). There are no conditional uses in this District.
- E. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.
- F. Combination of uses. Except as otherwise specifically provided in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the B-1 District, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with each of the following restrictions to the extent such restrictions are applicable:
- (1) Permitted uses allowed in the B-1 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such permitted uses and their related accessory uses in the same principal building in the B-1 District.
 - (2) Conditional uses allowed in the B-1 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the B-1 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
 - (3) Permitted uses allowed in the B-1 District and their related accessory uses and conditional uses allowed in the B-1 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in

the same principal building in the B-1 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any other use or any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.

- (4) Nonconforming uses existing in the B-1 District as of the effective date of Ordinance No. 03-23 (June 4, 2003), and any related accessory uses as of such date, may be continued in the same principal building with other uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.

G. Accessory uses.

- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the B-1 District are allowed, subject to Article IX and all other applicable provisions of this chapter and other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the B-1 District are allowed.
 - (b) Accessory uses to principal conditional uses allowed in the B-1 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article XVIII of this chapter.
- (2) The following uses/structures are considered an accessory use in the B-1 District. In the event of any issue about whether a particular use is an accessory use, the Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.
 - (a) Canopy structure for passenger vehicles or automobiles to drive under or park under subject to the following standards:
 - [1] Said canopy shall not exceed a maximum clearance height of 13'6" as measured from the ground to the underside of the canopy.
 - [2] Setbacks for the structure shall be a minimum of 20 feet from property lines as measured from the further extent of the canopy provided that there is adequate clearance, as required by the Fire Chief, for any fire lanes.
 - [3] The canopy supports shall be constructed of stone, brick or other material approved by the Zoning Administrator to match the building.
 - [4] The underside of the canopy shall be enclosed or capped so that the structure of the canopy is not exposed. Any vents or other apparatus on the roof of the canopy shall be screened with an appropriate parapet wall or other roof structure.
 - (b) Drive-through facility that offers service directly to occupants of passenger vehicles or automobiles subject to the following standards:

- [1] Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees are not classified as a drive-through facility.
 - [2] If drive through incorporates a canopy structure for passenger vehicles or automobiles to drive under then the canopy structure shall also meet those requirements.
 - [3] If a drive-through lane is not open, it should be marked that they are closed with an attractive movable sign and shall not be blocked with orange cones or other construction-related barricades.
 - [4] Landscaping shall be utilized to screen the drive-through facility from all abutting properties.
 - [5] Stacking lanes shall be provided to accommodate adequate stacking spaces and designed so that they do not interfere with parking and circulation, and do not extend into the right-of-way. Stacking lanes shall be clearly identified through the use of striping, landscaping and signs.
 - [6] The drive-through facility shall not be located near other uses where the location of such facility would be detrimental to pedestrian convenience or safety.
 - [7] The Plan Commission/Zoning Administrator may require additional measures to reduce the negative visual impact, and/or provide better circulation and parking so as to reduce the potential for accidents and impact the proposed use may have on neighboring development. Such measures may include, but are not limited to, increasing setbacks to property lines, increasing landscaping and screening requirements, redesign of parking areas, and relocation of entrances/exits.
- (c) Commercial greenhouse associated with an indoor retail use shall be located within an approved outdoor display of merchandise for sale related to the indoor retail use.
- (d) Outdoor display of merchandise for sale related to the indoor retail use subject to the following standards:
- [1] The outdoor area shall be attached to the building.
 - [2] The outdoor area shall only be used for displaying merchandise for sale and not storage for the business.
 - [3] The outdoor display area shall not be located within any street yard.
 - [4] The area used for outdoor sales or display shall not exceed 10% of the building area/tenant area occupied by the business but in no case shall the outside area exceed 2,500 square feet.
 - [5] The area shall be surrounded and enclosed with a decorative fence between 6 feet and 10 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility will require that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles as approved by the Zoning Administrator. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.

- [6] The fence area shall be setback a minimum of 20 feet from any side or rear property line; however, the Plan Commission or the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property.
- [7] Landscaping shall be utilized to screen the outdoor area from abutting side and rear property lines.
- [8] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
- [9] The outside area shall be monitored by the required security camera system pursuant to Chapter 410 of the Village Municipal Code.
- [10] The Zoning Administrator or Plan Commission may require additional security measures to ensure the merchandise displayed is secured.

(e) Outdoor seating or patio area and/or any other outdoor extension area associated with a liquor license subject to the following standards:

- [1] The area shall be surrounded and enclosed with a decorative fence between 3 feet and 6 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility, public/private street requires that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.
- [2] The fence area shall be setback a minimum of 20 feet from any property line; however, the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property and any public/private streets.
- [3] Landscaping shall be utilized to screen the outdoor area from abutting side and rear property lines.
- [4] Any tables and seating shall be kept within the enclosed area and shall be maintained and repaired/replaced as necessary.
- [5] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
- [6] Additional requirements may be imposed by the Village Board as part of any outdoor extension area associated with a liquor license pursuant to Chapter 194 of the Village Municipal Code.

(f) Commercial communication structures per § 420-89.

(g) Solar Energy System for individual users per § 420-88.2.

(h) Stormwater retention and detention facilities.

(3) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.

H. Prohibited uses. Uses that are not specifically allowed in the B-1 District by this chapter and listed in § 420-31 are prohibited in the B-1 District.

- I. Dimensional standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-1 District shall comply with the following dimensional standards to the extent applicable:
- (1) Lot size: one acre minimum, except that the minimum lot size for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
 - (2) Lot frontage on a public street: 150 feet minimum; provided, however, that on a substantial curve the public street frontage may be reduced as necessary to an absolute minimum of 100 feet if all other requirements are satisfied, except that the minimum lot frontage on a public street for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
 - (3) Open space: 30% minimum.
 - (4) Principal building standards:
 - (a) Gross floor area: 1,500 square feet minimum and 5,000 square feet maximum, except that there is no minimum gross floor area for a utility substation building.
 - (b) Height: 35 feet maximum.
 - (c) Setbacks:
 - [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads.
 - [2] Side setback: 25 feet minimum.
 - [3] Rear setback: 25 feet minimum.
 - [4] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - [5] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.
 - (5) Detached accessory building standards: detached accessory buildings are prohibited.
- J. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-1 District shall comply with the following design standards to the extent applicable:
- (1) Number of principal structures per lot: one maximum; provided, however, that attached buildings are allowed if the attachment is a fire wall between each two attached buildings, with no pedestrian openings, and that the horizontal distance of the attachment is at least 75% of the length or width of one of each two attached buildings and a minimum of 25 feet, and, without limitation, that each such attached building individually satisfies the minimum gross floor area restriction for principal buildings and that all such buildings attached to one another collectively comply with any maximum gross floor area restriction for principal buildings, and further provided that one or more nonaccessory commercial communication antennas, whips, panels or other similar transmission or reception devices (but no towers) mounted on a principal building or structure are allowed.
 - (2) Number of detached accessory buildings: none.
 - (3) All accessory uses or structures shall be on the same lot or approved site as the principal use.

- (4) Site and operational plan requirements pursuant to Article IX of this chapter.
- (5) Parking, access and traffic requirements pursuant to Article VIII of this chapter.
- (6) Sign requirements pursuant to Article X of this chapter.
- (7) Fence requirements pursuant to Article XI of this chapter.
- (8) Each use, site, building and structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (9) The required garbage/recycling enclosure shall be attached to a building unless specifically approved by the Plan Commission or Zoning Administrator to be a detached enclosure. The enclosure shall be constructed pursuant to the requirements of 420-57.7G.

K. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-1 District shall comply with the following operational standards to the extent applicable:

- (1) Hours of operation (when the public is allowed to enter or remain on site for business purposes), except for uses requiring a Village liquor license: 6:00 a.m. to 10:00 p.m. maximum; for uses requiring a Village liquor license: as provided in § 125.68(4), Wis. Stats. In addition, more restricted hours may be established by the Plan Commission or Zoning Administrator due to its proximity to a residential zoned property.
- (2) Hours for deliveries, or any other activities outside the principal building that might cause a disturbance to neighboring residential areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal: 7:00 a.m. to 10:00 p.m. maximum, unless more restrictive hours are required by the Plan Commission due to its proximity to residential development.
- (3) Except as otherwise specifically permitted by this chapter, all business activities shall be conducted within a building.
- (4) No outside storage is allowed.
- (5) No on-site residential uses are allowed.
- (6) Each use, site, building and structure shall comply with all applicable performance standards set forth in § 420-38 of this chapter.
- (7) Each building, structure and site shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (8) Each use, site, building and structure shall be operated in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (9) No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.

L. Municipal services required. Except as otherwise specifically provided in this chapter, and without limitation, no proposed new, reconstructed or relocated principal building shall be permitted in the B-1 District unless it is connected to the Village's public sewer and water systems, and any existing principal building not already connected to the Village's public

sewer and water shall be so connected before any addition is made to such building, or before any proposed change in the use of such building is made from one use category to another (e.g., residential to business); and before any proposed use is commenced or recommenced in such a building that has been vacant or unused for 12 consecutive months or longer.

2. Section 420-119 related to the B-2, Community Business District is being repealed and recreated to read as follows:

420-119 B-2 Community Business District.

- A. Purpose and characteristics. The B-2 Community Business District is intended to provide for a cluster of retail, service and office uses of a type and at a scale designed to serve the entire community. B-2 Districts shall be located at the intersection of two arterial streets or highways. The territory in each B-2 District shall be contiguous (corner to corner shall be sufficient), exclusive of intervening streets, highways, navigable waterways, wetlands and territory fronting on the same street or highway that is within the limits of another municipality. The area of each B-2 District shall include at least one corner of the intersection and a minimum of five acres, both exclusive of intervening streets, highways, navigable waterways, wetlands and territory fronting on the same street or highway that is within the limits of another municipality; provided, however, that parcels zoned to a business classification as of January 1, 2002, which could appropriately be zoned B-2 but for the minimum district area requirement may nevertheless be zoned B-2. No such district shall be established unless it is in compliance with the Village Comprehensive Plan, and if required, an approved Conceptual Plan.
- B. Permitted uses. The following listed principal uses, and certain unspecified principal uses approved pursuant to Subsection C below, are allowed as permitted uses in the B-2 District, subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes:
- (1) Retail uses. The retail sale of any of the following goods or products are permitted: adult-oriented retail uses (including, without limitation, an adult bookstore or an adult video store); apparel, shoes and accessories; art and antiques; art, educational and office supplies; audio and video recordings; automobile supplies (no service); bakery and sale of baked goods; books, cards, games, toys, newspapers and magazines; cameras and photographic supplies; cigarettes, tobacco and electronic vaping and related supplies (including a smoke shop); cosmetics and pharmaceuticals; firearms and accessories; flowers and plants (excluding a nursery or orchard); gifts, novelties, souvenirs and sundries; groceries; hobby and craft supplies (including fabric and frames); home improvement; household goods; jewelry; liquor (sold as package goods); luggage; medical supplies (including eyewear and hearing aids); musical instruments and accessories; pet supplies (excluding the sale of pets); pharmacy; religious affiliated merchandise; and sporting goods and supplies (including camping supplies, bicycles and related accessories).
 - (2) Service uses. The following service uses are permitted:
 - (a) Food and beverage uses:
 - [1] Eating establishments. An establishment that includes a casual or fine dining restaurant, banquet hall, cafe, cafeteria, coffee shop, diner, donut shop, fast food restaurant, ice cream/yogurt shop, snack bar, supper club. Alcoholic beverages may be served as an accessory use to the eating establishment. An eating establishment also allows for the sale of prepared food not consumed on the

property. An eating establishment excludes a dinner theater, drive-in restaurant and a mobile food truck.

- [2] Drive-in restaurant.
 - [3] Dinner theater.
 - [4] Drinking establishment. An establishment used primarily for the serving of alcoholic beverages by the drink to the public and where food or packaged alcoholic beverages may be served or sold only as an accessory use. A drinking establishment includes bars, taverns or tasting rooms. A drinking establishment excludes a beer garden, brewpub and a microbrewery/craft brewery.
 - [5] Brewpub. Small-batch alcohol producers: including microbreweries, micro distilleries, and micro wineries that produce less than 10,000 beer barrels or 1,173,478 liters, 310,000 gallons of cumulative product per year as an accessory use to an eating establishment.
 - [6] Microbrewery/craft brewery. Small-batch alcohol producers: including microbreweries, micro distilleries, and micro wineries that produce less than 10,000 beer barrels or 1,173,478 liters, 310,000 gallons of cumulative product per year and contain at least 500 square feet of customer-facing service area.
- (b) Consumer maintenance and repair service. An establishment that provides maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business) including laundry and dry cleaning, tailors, dressmakers, shoe repair, picture framing, locksmiths, upholstery, vacuum repair, electronics repair and similar establishments.
 - (c) Self-storage facility. A facility that provides separate, small-scale, self-service storage facilities leased or rented to individuals or small businesses. Facilities are designed and used to accommodate only interior access to storage lockers or interior drive-up access only from passenger vehicles and two-axle, noncommercial vehicles.
 - (d) Instruction Studio. An establishment that provides individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities including: dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.
 - (e) Hotel.
 - (f) Vehicle related uses: carwash (as a principal use); passenger vehicle or automobile repair and service; passenger vehicle or automobile rental; passenger vehicle or automobile sales (new or used); and recreational vehicle sales (new or used).
 - (g) Recreational and entertainment uses:
 - [1] Indoor commercial recreational and entertainment facility. An establishment that provides indoor activities such as but not limited to batting cages, bowling alley, indoor archery range, skating rinks, miniature golf, ax throwing, escape rooms, painting and pottery, health and athletic clubs, tennis, racquetball, handball courts, swimming pools, trampoline parks, arcades or community centers. Excluding an indoor shooting range.
 - [2] Indoor shooting range.

- [3] Movie theater.
 - [4] Museum or art gallery.
 - [5] Performance theater. A facility for live performances that involve entertaining an audience with singing, dancing or acting. Excluding any adult-oriented uses as defined in this chapter.
- (h) Other services uses: adult-oriented service uses (including, without limitation, adult club, adult dry cabaret, adult movie theater, adult video rental store, adult video store or adult viewing facility); beauty salon; caterer; club or lodge; day-care center; equipment rental center; financial institution; food pantry; funeral home; laundromat; library; mail and copy service; psychic/tarot card/astrology reading; recording studio; tattoo or body piercing studio; and taxidermist.
- (3) Office or educational uses. The following office or educational uses are permitted:
- (a) Business or professional offices: law offices, accounting, architectural and engineering firms, insurance companies, real estate offices, travel agencies, ticket sale offices, dispatch offices without on-site vehicles, skilled trade office without outside storage or vehicles or materials, research and development office, and other executive, corporate, management or administrative offices for businesses and corporations. Excluding a medical and health practitioner office or veterinarian office.
 - (b) Medical and health practitioner offices: physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy office uses with no surgical, inpatient or overnight care.
 - (c) Medical clinic. A facility, that is not a hospital, used primarily for the provision of outpatient nursing, medical, podiatric, surgical, dental, chiropractic, optometric or mental health care and treatment including surgical and rehabilitation uses with no inpatient or overnight care. The facility may also include a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures. A medical clinic also includes blood banks and dialysis centers.
 - (d) Business or trade school. A post-secondary school focused on providing hands-on training and education in specific trades. These schools offer specialized programs that prepare students for careers in certain industries, such as but not limited to schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses.
 - (e) Post-secondary school, excluding dormitories.
 - (f) Veterinarian office that provides examinations, diagnosis and treatment, including surgical care, for animals. The facility may also provide boarding for animals as part of the medical services offered. A veterinarian office excludes facilities for the cremation of animals.
- (4) Commercial communication structures per § 420-89.
- (5) Utility substation building pursuant to the following standards:
- (a) The minimum lot size and frontage as specified in this district shall not apply; however, the lot shall be large enough to accommodate the applicable facilities associated with the substation with a minimum lot frontage on a public street of 50 feet.

- (b) The Plan Commission/Zoning Administrator may reduce the setbacks required as specified in this district to not less than 10 feet to allow for proper landscaping and screening.
- (c) All utility substations buildings shall be landscaped, screened and marked with appropriate warning signs. The Plan Commission/Zoning Administrator may require the facility to be surrounded by a commercial fence.
- (d) The design and building materials shall be complementary to the surrounding properties and are subject to approval of the Plan Commission/Zoning Administrator.

C. Unspecified permitted uses. The Zoning Administrator shall have authority to approve as a permitted use in the B-2 District a proposed principal use not listed in Subsection B above if the proposed use is similar in character to one or more of the listed permitted uses in the B-2 District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use approved shall be subject to all requirements of Subsection B above. Notwithstanding the foregoing authorization, the following uses shall not be construed to be permitted uses in the B-2 District:

- (1) Any listed permitted use or conditional use specified in any zoning district that is not specifically listed in this District.
- (2) Any use specifically listed as an unspecified permitted use within any District that is not specifically listed in this District.
- (3) Any use listed in Section 420-31 as a prohibited use including but not limited to:
 - (a) Motel.
 - (b) Fireworks (manufacturing, storage or sale)
 - (c) Flea market (indoor or outdoor)
 - (d) Liquor store with a drive-through facility.
 - (e) Pawnshop.
 - (f) Mini storage facility.
 - (g) Sale, serving, possession or consumption of alcoholic beverages in conjunction with or on premises containing any adult-oriented use.
 - (h) Truck stop and/or truck service facility.
- (4) Truck fueling facility.

D. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements).

- (1) Ambulance service.
- (2) Convenient cash business.
- (3) Gasoline station.
- (4) Pets (sale of).

E. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.

(1) In addition to any specific license requirements the following shall also apply to any adult oriented use:

(a) Any adult-oriented use, including, without limitation, an adult bookstore, adult club, adult dry cabaret, adult movie theater, adult video rental store, adult video store or adult viewing facility. In this chapter, an adult-oriented use (e.g., an adult dry cabaret) is classified and treated as a separate and distinct use from the closest type of non-adult-oriented use (e.g., a cabaret).

[1] Adult-oriented uses are allowed in the B-2 District, subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, provided that at the time the application for site and operational plan approval for the commencement or expansion of such proposed adult-oriented use is decided by the Village Plan Commission or Zoning Administrator:

[a] The physically separate defined area of the building in which an adult-oriented use is proposed to be commenced or expanded shall be not less than 300 feet in a direct line from the nearest lot line of any lot on which any school, church or day-care center for children is located or has a vested right to locate;

[b] The physically separate defined area of the building in which an adult-oriented use is proposed to be commenced or expanded shall be not less than 300 feet in a direct line from any land area zoned residential (including street and railroad rights-of-way); and

[c] The physically separate defined area of the building in which an adult-oriented use is proposed to be commenced or expanded shall be not less than 300 feet in a direct line from the physically separate defined area of the building in which any separately located adult-oriented use is located or has a vested right to locate.

[2] In the event that a proposed adult-oriented use involves a use which would otherwise require a conditional use permit (e.g., a proposed adult dry cabaret, involving a cabaret that would otherwise require a conditional use permit), the requirement of an adult-oriented-use license shall be substituted for the requirement of a conditional use permit. In the event that an existing use operating under a conditional use permit proposes to become an adult-oriented use (e.g., a cabaret for which a conditional use permit has been granted proposes to become an adult dry cabaret), the conditional use permit for the existing use shall automatically be terminated upon the granting of an adult-oriented-use license by the Village Board, so that the adult-oriented use will not be subject to conditional use permit requirements.

F. Combination of uses. Except as otherwise specifically provided for in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the B-2 District, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with each of the following restrictions to the extent such restrictions are applicable:

(1) Permitted uses allowed in the B-2 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with

other such permitted uses and their related accessory uses in the same principal building in the B-2 District.

- (2) Conditional uses allowed in the B-2 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the B-2 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (3) Permitted uses allowed in the B-2 District and their related accessory uses and conditional uses allowed in the B-2 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in the same principal building in the B-2 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (4) Nonconforming uses existing in the B-2 District as of the effective date of Ordinance No. 03-24 (June 4, 2003) and any related accessory uses existing as of such date may be continued in the same principal building with other uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.

G. Accessory uses.

- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the B-2 District are allowed, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the B-2 District are allowed.
 - (b) Accessory uses to principal conditional uses allowed in the B-2 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article XVIII of this chapter.
 - (c) Accessory uses to principal adult-oriented uses allowed in the B-2 District are allowed, but only pursuant to and in accordance with a Village adult-oriented-use license.
- (2) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.
- (3) The following uses/structures are considered an accessory use in the B-2 District. In the event of any issue about whether a particular use is an accessory use, the

Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.

- (a) Canopy structure for passenger vehicles or automobiles to drive under or park under subject to the following standards:
 - [1] Said canopy shall not exceed a maximum clearance height of 13'6" as measured from the ground to the underside of the canopy.
 - [2] Setbacks for the structure shall be a minimum of 20 feet from property lines as measured from the further extent of the canopy provided that there is adequate clearance, as required by the Fire Chief, for any fire lanes.
 - [3] The canopy supports shall be constructed of stone, brick or other material approved by the Zoning Administrator to match the building.
 - [4] The underside of the canopy shall be enclosed or capped so that the structure of the canopy is not exposed. Any vents or other apparatus on the roof of the canopy shall be screened with an appropriate parapet wall or other roof structure.

- (b) Drive-through facility that offers service directly to occupants of passenger vehicles or automobiles subject to the following standards:
 - [1] Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees are not classified as a drive-through facility.
 - [2] If drive through incorporates a canopy structure for passenger vehicles or automobiles to drive under then the canopy structure shall also meet those requirements.
 - [3] If a drive-through lane is not open, it should be marked that they are closed with an attractive movable sign and shall not be blocked with orange cones or other construction-related barricades.
 - [4] Landscaping shall be utilized to screen the drive-through facility from all abutting properties.
 - [5] Stacking lanes shall be provided to accommodate adequate stacking spaces and designed so that they do not interfere with parking and circulation, and do not extend into the right-of-way. Stacking lanes shall be clearly identified through the use of striping, landscaping and signs.
 - [6] The drive-through facility shall not be located near other uses where the location of such facility would be detrimental to pedestrian convenience or safety.
 - [7] The Plan Commission/Zoning Administrator may require additional measures to reduce the negative visual impact, and/or provide better circulation and parking so as to reduce the potential for accidents and impact the proposed use may have on neighboring development. Such measures may include, but are not limited to, increasing setbacks to property lines, increasing landscaping and screening requirements, redesign of parking areas, and relocation of entrances/exits.

- (c) Commercial greenhouse associated with an indoor retail use shall be located within an approved outdoor display of merchandise for sale related to the indoor retail use.

- (d) Outdoor display of merchandise for sale related to the indoor retail use subject to the following standards:
- [1] The outdoor area shall be attached to the building.
 - [2] The outdoor area shall only be used for displaying merchandise for sale and not storage for the business.
 - [3] The outdoor display area shall not be located within any street yard.
 - [4] The area used for outdoor sales or display shall not exceed 10% of the building area/tenant area occupied by the business but in no case shall the outside area exceed 2,500 square feet.
 - [5] The area shall be surrounded and enclosed with a decorative fence between 6 feet and 10 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility will require that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles as approved by the Zoning Administrator. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.
 - [6] The fence area shall be setback a minimum of 20 feet from any side or rear property line; however, the Plan Commission or the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property.
 - [7] Landscaping shall be utilized to screen the outdoor area from abutting properties.
 - [8] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
 - [9] The outside area shall be monitored by the required security camera system pursuant to Chapter 410 of the Village Municipal Code.
 - [10] The Zoning Administrator or Plan Commission may require additional security measures to ensure the merchandise displayed is secured.
 - [11] See subsection K (4) below for additional limited outside storage of an ice storage bin or LP storage cages.
- (e) Outdoor seating or patio area and/or any other outdoor extension area associated with a liquor license subject to the following standards:
- [1] The area shall be surrounded and enclosed with a decorative fence between 3 feet and 6 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility, public/private street requires that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.
 - [2] The fence area shall be setback a minimum of 20 feet from any property line; however, the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property and any public/private streets.

- [3] Landscaping shall be utilized to screen the outdoor area from abutting properties.
- [4] Any tables and seating shall be kept within the enclosed area and shall be maintained and repaired/replaced as necessary.
- [5] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
- [6] Additional requirements may be imposed by the Village Board as part of any outdoor extension area associated with a liquor license pursuant to Chapter 194 of the Village Municipal Code.

- (f) Commercial communication structures per § 420-89.
- (g) Solar Energy System for individual users per § 420-88.2.
- (h) Stormwater retention and detention facilities.

H. Prohibited uses. Uses that are not specifically allowed in the B-2 District by this chapter and listed in § 420-31 are prohibited in the B-2 District.

I. Dimensional standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-2 District shall comply with the following dimensional standards to the extent applicable:

- (1) Lot size: two acres minimum, except that the minimum lot size for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
- (2) Lot frontage on a public street: 150 feet minimum; provided, however, that on a substantial curve the public street frontage may be reduced as necessary to an absolute minimum of 100 feet if all other requirements are satisfied, except that the minimum lot frontage on a public street for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
- (3) Open space: 30% minimum.
- (4) Principal building standards:
 - (a) Gross floor area: 4,000 square feet minimum and 25,000 square feet maximum, except that there is no minimum gross floor area for a utility substation building, and except that the maximum gross floor area for a hotel shall not exceed 100,000 square feet.
 - (b) Height: 35 feet maximum, except for a hotel which shall not exceed 60 feet.
 - (c) Setbacks:
 - [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - [2] Side setback: 30 feet minimum.
 - [3] Rear setback: 30 feet minimum.
 - [4] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - [5] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.

(5) Detached accessory building standards: detached accessory buildings are prohibited.

J. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-2 District shall comply with the following design standards to the extent applicable:

- (1) Number of principal structures per lot: One maximum; provided, however, that attached buildings are allowed if the attachment is a fire wall between each two attached buildings, with no pedestrian openings, and that the horizontal distance of the attachment is at least 75% of the length or width of one of each two attached buildings and a minimum of 75 feet, and, without limitation, that each such attached building individually satisfies the minimum gross floor area restriction for principal buildings and that all such buildings attached to one another collectively comply with any maximum gross floor area restriction for principal buildings, and further provided that one or more commercial communication antennas, whips, panels or other similar transmission or reception devices (but no towers) mounted on a principal building or structure are allowed.
- (2) Number of detached accessory buildings: none.
- (3) All accessory uses or structures shall be on the same lot or approved site as the principal use.
- (4) Site and operational plan requirements pursuant to Article IX of this chapter.
- (5) Parking, access and traffic requirements pursuant to Article VIII of this chapter.
- (6) Sign requirements pursuant to Article X of this chapter.
- (7) Fence requirements pursuant to Article XI of this chapter.
- (8) Each use, site, building and structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (9) The required garbage/recycling enclosure shall be attached to a building unless specifically approved by the Plan Commission or Zoning Administrator to be a detached enclosure. The enclosure shall be constructed pursuant to the requirements of 420-57.7G.

K. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-2 District shall comply with the following operational standards to the extent applicable:

- (1) Hours of operation (when the public is allowed to enter or remain on site for business purposes): 5:00 a.m. to 10:00 p.m. maximum; except for the following uses:
 - (a) hotels: no limit;
 - (b) for uses requiring a Village liquor license: as provided in § 125.68(4), Wis. Stats.;
 - (c) carwash, eating establishment, gasoline station, grocery store and pharmacy: 5:00 a.m. to 12:00 midnight maximum;
 - (d) veterinarian office may be open for emergency services between 10:00 p.m. to 5:00 a.m.;
 - (e) more restricted hours limited by the Plan Commission or Zoning Administrator due to its proximity to a residential zoned property; and

- (f) more restricted hours may be established by the Plan Commission pursuant to a conditional use permit.
- (2) Hours for deliveries, or any other activities outside the principal building that might cause a disturbance to neighboring residential areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal: 6:00 a.m. to 10:00 p.m. maximum, unless more restrictive hours are required by the Plan Commission due to its proximity to residential development.
- (3) Except as otherwise specifically permitted by this chapter, all business activities shall be conducted within a building.
- (4) No outside storage or display of merchandise is allowed, except as specified in subsection G (3). In addition, for gasoline station and grocery store uses the following is also allowed:
 - (a) A maximum of one eight-foot-by-six-foot-by-three-foot (L x H x D maximum) outdoor ice storage bin is allowed per parcel.
 - (b) A maximum of one eight-foot-by-six-foot-by-four-foot (L x H x D maximum) outdoor liquid propane (LP) storage cage shall be allowed per parcel.
 - (c) The ice storage bins and LP storage cages:
 - [1] Shall be located against a solid front or side wall of the principal structure.
 - [2] Shall not be located against a rear or back wall of a building.
 - [3] Shall not be located in front of windows or doorways and shall not block or obstruct any windows or doorways.
 - [4] Shall not block or obstruct any walkways associated with handicapped accessibility to the main entrance of the building.
 - [5] Shall be maintained in a state of good repair; not dented, crushed or bent.
 - [6] Shall not contain rust and shall not have peeling/chipped paint.
 - [7] Shall not be allowed to have plastic banners, streamers or other signage affixed, placed or attached to the containers.
 - [8] Are allowed limited signage on the exterior of the storage units that is limited to the use therein (i.e., ice and LP gas advertising signage).
 - (d) The LP storage cages:
 - [1] Shall be in compliance with the most current edition of the National Fire Protection Association (NFPA) Standard 58 (Liquefied Petroleum Gas Code).
 - [2] Shall be protected by a bollard, raised sidewalk or some other acceptable means to provide protection against accidental vehicle impact or damage. The means of protection shall be reviewed and approved, on a case-by-case basis, by the Chief of the Fire & Rescue Department, or his/her designee. The Chief of the Fire & Rescue Department shall determine the location, spacing and the quantity of the bollard(s). The means of protection shall not obstruct or inhibit on-site vehicular or pedestrian traffic flow.
 - (e) All LP containers/cylinders shall be stored inside the LP cages.
- (5) No on-site residential uses are allowed.

- (6) Each use, site, building and structure shall comply with all applicable performance standards set forth in § 420-38 of this chapter.
- (7) Each site, building and structure shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (8) Each use, site, building and structure shall be operated in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (9) No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.

L. Municipal services required. Except as otherwise specifically provided in this chapter, and without limitation, no proposed new, reconstructed or relocated principal building shall be permitted in the B-2 District unless it is connected to the Village's public sewer and water systems, and any existing principal building not already connected to the Village's public sewer and water systems shall be so connected before any proposed addition is made to such building, or before any proposed change in the use of such building is made from one use category to another (e.g., residential to business), and before any proposed use is commenced or recommenced in such a building that has been vacant or unused for 12 consecutive months or longer.

3. Section 420-120 related to the B-3, Regional Retail Business District is being repealed and recreated to read as follows:

420-120 B-3 Regional Retail Business District.

- A. The B-3 District. The B-3 Regional Retail Business District is intended to provide for "big box" retail stores or regional retail shopping centers to serve the needs of the region as well as the entire community. The territory in each B-3 District shall be contiguous (corner to corner shall be sufficient), exclusive of streets, highways, navigable waterways and wetlands. The area of each B-3 District shall be at least 20 acres, exclusive of streets, highways, navigable waterways and wetlands. No such district shall be established unless it is in compliance with the Village Comprehensive Plan, and if required, an approved Conceptual Plan.
- B. Permitted uses. The following listed principal uses, and certain unspecified principal uses approved pursuant to Subsection C below, are allowed as permitted uses in the B-3 District, subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes:
 - (1) Retail uses. The retail sale of any of the following goods or products within a regional retail shopping center: apparel, shoes and accessories; art and antiques; art, educational and office supplies; audio and video recordings; automobile supplies (no service); bakery and sale of baked goods; books, cards, games, toys, newspapers and magazines; cameras and photographic supplies; cigarettes, tobacco and electronic vaping and related supplies (including a smoke shop); cosmetics and pharmaceuticals; flowers and plants (excluding a nursery or orchard); gifts, novelties, souvenirs and sundries; groceries; hobby and craft supplies (including fabric and frames); home improvement; household goods; jewelry; liquor (sold as package goods); luggage; medical supplies (including eyewear and hearing aids); musical instruments and accessories; passenger vehicles or automobiles and recreational vehicles (indoor displays and sales only); pet supplies (excluding the sale of pets); pharmacy; religious affiliated

merchandise; and sporting goods and supplies (including camping supplies, bicycles and related accessories).

- (2) Service uses. The following service uses within a regional retail shopping center:
 - (a) Eating establishments. An establishment that includes a casual or fine dining restaurant, banquet hall, cafe, cafeteria, coffee shop, diner, donut shop, fast food restaurant, ice cream/yogurt shop, snack bar, supper club. Alcoholic beverages may be served as an accessory use to the eating establishment. An eating establishment also allows for the sale of prepared food not consumed on the property. An eating establishment excludes a dinner theater, drive-in restaurant and a mobile food truck.
 - (b) Dinner theater. An eating establishment in which a play or other dramatic performance is presented during or after the meal, inside a building. A dinner theater, may as an accessory use, sell or serve alcoholic beverages to consume on the premises.
 - (c) Consumer maintenance and repair service. An establishment that provides maintenance, cleaning and repair services for consumer goods on a site other than that of the customer (i.e., customers bring goods to the site of the repair/maintenance business) including laundry and dry cleaning, tailors, dressmakers, shoe repair, picture framing, locksmiths, upholstery, vacuum repair, electronics repair and similar establishments.
 - (d) Instruction studio. An establishment that provides individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities including: dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.
 - (e) Recreational and entertainment uses:
 - [1] Indoor commercial recreational and entertainment facility: An establishment that provides indoor activities such as but not limited to batting cages, bowling alley, indoor archery range, skating rinks, miniature golf, ax throwing, escape rooms, painting and pottery, health and athletic clubs, tennis, racquetball, handball courts, swimming pools, trampoline parks, arcades or community centers. Excluding an indoor shooting range.
 - [2] Movie theater.
 - [3] Museum or art gallery.
 - [4] Performance theater. A facility for live performances that involve entertaining an audience with singing, dancing or acting. Excluding any adult-oriented uses as defined in this chapter.
 - (f) Other services uses: beauty salon; day-care center; financial institution; hotel; library; mail and copy service; psychic/tarot card/astrology reading; recording studio; and tattoo or body piercing studio.
- (3) Commercial communication structures per § 420-89.
- (4) Office or educational uses. The following office or-educational uses are permitted in a regional retail shopping center:
 - (a) Business or professional offices: law offices, accounting, architectural and engineering firms, insurance companies, real estate offices, travel agencies, ticket sale offices, dispatch offices without on-site vehicles, skilled trade office without outside storage or vehicles or materials, research and

development office, and other executive, corporate, management or administrative offices for businesses and corporations. Excluding a medical and health practitioner office or veterinarian office.

- (b) Medical and health practitioner offices: physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy office uses with no surgical, inpatient or overnight care.
- (c) Business or trade school. A post-secondary school focused on providing hands-on training and education in specific trades. These schools offer specialized programs that prepare students for careers in certain industries, such as but not limited to schools of cosmetology, modeling academies, computer training facilities, vocational schools, administrative business training facilities and similar uses.
- (e) Post-secondary school, excluding dormitories.

C. Unspecified permitted uses. The Zoning Administrator shall have authority to approve as a permitted use in the B-3 District a proposed principal use not listed in Subsection B above if the proposed use is similar in character to one or more of the listed permitted uses in the B-3 District, is proposed to be located in a regional retail shopping center, if the use to which it is similar in character is a service use listed in Subsection B(2) above, and if the use is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use approved shall be subject to all requirements of Subsection B. Notwithstanding the foregoing authorization, the following uses shall not be construed to be permitted uses in the B-3 District:

- (1) Any listed permitted use or conditional use specified in any zoning district that is not specifically listed in this District.
- (2) Any use specifically listed as an unspecified permitted use within any District that is not specifically listed in this District.
- (3) Any use listed in Section 420-31 as a prohibited use such as but not limited to:
 - (a) Liquor store with a drive-through facility.
 - (b) Fireworks (manufacturing, storage or sale).
 - (c) Flea market (indoor or outdoor)
 - (d) Motel
 - (e) Pawnshop.
- (4) Convenient cash business.
- (5) Mini storage facility.
- (6) Adult-oriented uses, including, without limitation, an adult bookstore, adult cabaret, adult club, adult dry cabaret, adult movie theater, adult video rental store, adult video store or adult viewing facility.

D. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements).

- (1) Beer Garden.
- (2) Pets (sale of).

E. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by

the granting of a conditional use permit or of any other permit or approval under this chapter.

- F. Combination of uses. Except as otherwise specifically provided for in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the B-3 District, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with each of the following restrictions to the extent such restrictions are applicable:
- (1) Permitted uses allowed in the B-3 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such permitted uses and their related accessory uses in the same principal building in the B-3 District.
 - (2) Conditional uses allowed in the B-3 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the B-3 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
 - (3) Permitted uses allowed in the B-3 District and their related accessory uses and conditional uses allowed in the B-3 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in the same principal building in the B-3 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
 - (4) Nonconforming uses existing in the B-3 District as of the effective date of Ordinance No. 03-25 (June 4, 2003) and any related accessory uses existing as of such date may be continued in the same principal building with other uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.
- G. Accessory uses.
- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the B-3 District are allowed, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the B-3 District are allowed.

- (b) Accessory uses to principal conditional uses allowed in the B-3 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article XVIII of this chapter.
- (2) The following uses/structures are considered an accessory use in the B-3 District. In the event of any issue about whether a particular use is an accessory use, the Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.
- (a) Canopy structure for passenger vehicles or automobiles to drive under or park under subject to the following standards:
 - [1] Said canopy shall not exceed a maximum clearance height of 13'6" as measured from the ground to the underside of the canopy.
 - [2] Setbacks for the structure shall be a minimum of 20 feet from property lines as measured from the further extent of the canopy provided that there is adequate clearance, as required by the Fire Chief, for any fire lanes.
 - [3] The canopy supports shall be constructed of stone, brick or other material approved by the Zoning Administrator to match the building.
 - [4] The underside of the canopy shall be enclosed or capped so that the structure of the canopy is not exposed. Any vents or other apparatus on the roof of the canopy shall be screened with an appropriate parapet wall or other roof structure.
 - (b) Drive-through facility that offers service directly to occupants of passenger vehicles or automobiles subject to the following standards:
 - [1] Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees are not classified as a drive-through facility.
 - [2] If drive through incorporates a canopy structure for passenger vehicles or automobiles to drive under then the canopy structure shall also meet those requirements.
 - [3] If a drive-through lane is not open, it should be marked that they are closed with an attractive movable sign and shall not be blocked with orange cones or other construction-related barricades.
 - [4] Landscaping shall be utilized to screen the drive-through facility from all abutting properties.
 - [5] Stacking lanes shall be provided to accommodate adequate stacking spaces and designed so that they do not interfere with parking and circulation, and do not extend into the right-of-way. Stacking lanes shall be clearly identified through the use of striping, landscaping and signs.
 - [6] The drive-through facility shall not be located near other uses where the location of such facility would be detrimental to pedestrian convenience or safety.
 - [7] The Plan Commission/Zoning Administrator may require additional measures to reduce the negative visual impact, and/or provide better circulation and parking so as to reduce the potential for accidents and impact the proposed use may have on neighboring development. Such measures may include, but are not limited to, increasing setbacks to property lines, increasing landscaping and screening

requirements, redesign of parking areas, and relocation of entrances/exits.

- (c) Outdoor seating or patio area and/or any other outdoor extension area associated with a liquor license subject to the following standards:
 - [1] The Plan Commission or Zoning Administrator may require the area to be surrounded and enclosed with a decorative fence between 3 feet and 6 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility, public/private street requires that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.
 - [2] The fence area shall be setback a minimum of 20 feet from any property line; however, the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property and any public/private streets.
 - [3] Landscaping shall be utilized to screen the outdoor area from abutting properties.
 - [4] Any tables and seating shall be kept within the enclosed area and shall be maintained and repaired/replaced as necessary.
 - [5] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
 - [6] Additional requirements may be imposed by the Village Board as part of any outdoor extension area associated with a liquor license pursuant to Chapter 194 of the Village Municipal Code.
- (d) Utility substation building pursuant to the following standards:
 - [1] The Plan Commission/Zoning Administrator may reduce the setbacks required as specified in this district to not less than 10 feet to allow for proper landscaping and screening.
 - [3] All utility substation buildings shall be landscaped, screened and marked with appropriate warning signs. The Plan Commission/Zoning Administrator may require the facility to be surrounded by a commercial fence.
 - [4] The design and building materials shall be complementary to the surrounding properties and are subject to approval of the Plan Commission/Zoning Administrator.
- (e) Commercial communication structures per § 420-89.
- (f) Solar Energy System for individual users per § 420-88.2.
- (g) Stormwater retention and detention facilities.
- (3) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.

H. Prohibited uses. Uses that are not specifically allowed in the B-3 District by this chapter and listed in § 420-31 are prohibited in the B-3 District.

- I. Dimensional standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-3 District shall comply with the following dimensional standards to the extent applicable:
- (1) Lot size: 10 acres minimum, except that the minimum lot size for a freestanding commercial communication structure shall be pursuant to § 420-89.
 - (2) Lot frontage on a public street: 600 feet minimum; provided, however, that on a substantial curve the public street frontage may be reduced as necessary to an absolute minimum of 400 feet if all other requirements are satisfied, except that the minimum lot frontage on a public street for a freestanding commercial communication structure shall be pursuant to § 420-89.
 - (3) Open space: 25% minimum.
 - (4) Principal building standards:
 - (a) Gross floor area: 50,000 square feet minimum, except that the minimum gross floor area for a utility substation building which shall be pursuant to the standards specified in this district; and except that a hotel shall meet the following minimum requirements:
 - [1] Three floors above grade;
 - [2] Fifteen thousand square feet of gross floor area per floor; and
 - [3] Eighty guest rooms.
 - (b) Height: 40 feet maximum, except for a hotel, which shall not exceed 90 feet.
 - (c) Setbacks:
 - [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - [2] Side setback: 45 feet minimum.
 - [3] Rear setback: 45 feet minimum.
 - [4] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - [5] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.
 - (5) Detached accessory building standards: detached accessory buildings are prohibited.
- J. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-3 District shall comply with the following design standards to the extent applicable:
- (1) Number of principal structures per lot: one maximum; provided, however, that attached buildings are allowed if the attachment is a fire wall between each two attached buildings, with no pedestrian openings, and that the horizontal distance of the attachment is at least 75% of the length or width of one of each two attached buildings and a minimum of 100 feet, and, without limitation, that each such attached building individually satisfies the minimum gross floor area restriction for principal buildings and that all such buildings attached to one another collectively comply with any maximum gross floor area restriction for principal buildings, and further provided that one or more commercial communication antennas, whips, panels or other similar transmission or reception devices (but no towers) mounted on a principal building or structure are allowed.

- (2) Number of detached accessory buildings: none.
- (3) All accessory uses or structures shall be on the same lot or approved site as the principal use.
- (4) Site and operational plan requirements pursuant to Article IX of this chapter.
- (5) Parking, access and traffic requirements pursuant to Article VIII of this chapter.
- (6) Sign requirements pursuant to Article X of this chapter.
- (7) Fence requirements pursuant to Article XI of this chapter.
- (8) Each use, site, building and structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (9) The required garbage/recycling enclosure shall be attached to a building unless specifically approved by the Plan Commission or Zoning Administrator to be a detached enclosure. The enclosure shall be constructed pursuant to the requirements of 420-57.7G.

K. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-3 District shall comply with the following operational standards to the extent applicable:

- (1) Hours of operation (when the public is allowed to enter or remain on site for business purposes): 5:00 a.m. to 11:00 p.m. maximum; except for
 - (a) hotels: no limit; and
 - (b) for uses requiring a Village liquor license: as provided in Chapter 194 of the Village Municipal Code, except a beer garden may be open from 5:00 a.m. to 9:00 a.m. for special events, provided that alcoholic beverages are not served, sold or consumed prior to 9:00 a.m.
- (2) Except as otherwise specifically permitted by this chapter, all business activities shall be conducted within a building.
- (3) No outside storage or display of merchandise is allowed.
- (4) No on-site residential uses are allowed.
- (5) Each use, site, building and structure shall comply with all applicable performance standards set forth in § 420-38 of this chapter.
- (6) Each building, structure and site shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (7) Each use, site, building and structure shall be operated in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (8) Hours for deliveries, or any other activities outside the principal building that might cause a disturbance to neighboring residential areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal: 6:00 a.m. to 10:00 p.m. maximum, unless more restrictive hours are required by the Plan Commission due to its proximity to residential development.

(9) No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.

L. Municipal services required. Except as otherwise specifically provided in this chapter, and without limitation, no proposed new, reconstructed or relocated principal building shall be permitted in the B-3 District unless it is connected to the Village's public sewer and water systems, and any existing principal building not already connected to the Village's public sewer and water systems shall be so connected before any proposed addition is made to such building, or before any proposed change in the use of such building is made from one use category to another (e.g., residential to business), and before any proposed use is commenced or recommenced in such a building that has been vacant or unused for 12 consecutive months or longer.

4. Section 420-121 related to the B-4, Freeway Service Business District is being repealed and recreated to read as follows:

420-121 B-4 Freeway Service Business District.

A. Purpose and characteristics. The B-4 Freeway Service Business District is intended to provide for a cluster of hotel, restaurant, office, gasoline station and freeway convenience store uses to serve the needs of freeway travelers as well as the community. B-4 Districts shall be located near freeway interchanges. The territory in each B-4 District shall be contiguous (corner to corner shall be sufficient), exclusive of streets, highways, navigable waterways and wetlands. The area of each B-4 District shall include a minimum of 10 acres, exclusive of streets, highways, navigable waterways and wetlands; provided, however, that parcels zoned to a business classification as of January 1, 2002, which could appropriately be zoned B-4 but for the minimum district area requirements may nevertheless be zoned B-4. No such district shall be established unless it is in compliance with the Village Comprehensive Plan, and if required, an approved Conceptual Plan.

B. Permitted uses. The following listed principal uses are allowed as permitted uses in the B-4 District, subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes:

(1) Food and beverage uses:

(a) Eating establishments. An establishment that includes a casual or fine dining restaurant, banquet hall, cafe, cafeteria, coffee shop, diner, donut shop, fast food restaurant, ice cream/yogurt shop, snack bar, supper club. Alcoholic beverages may be served as an accessory use to the eating establishment. An eating establishment also allows for the sale of prepared food not consumed on the property. An eating establishment excludes a dinner theater, drive-in restaurant and a mobile food truck.

(b) Brewpub. Small-batch alcohol producers: including microbreweries, micro distilleries, and micro wineries that produce less than 10,000 beer barrels or 1,173,478 liters, 310,000 gallons of cumulative product per year as an accessory use to an eating establishment.

(2) Hotel.

(3) Freeway convenience store. A retail store selling groceries; gifts, novelties, souvenirs and sundries; household goods; cosmetics and pharmaceuticals; and other convenience products to the freeway traveling public. Excluding any adult-oriented uses or convenient cash business as defined in this chapter.

(4) Business or professional offices: law offices, accounting, architectural and engineering firms, insurance companies, real estate offices, travel agencies, ticket

sale offices, dispatch offices without on-site vehicles, skilled trade office without outside storage or vehicles or materials, research and development office, and other executive, corporate, management or administrative offices for businesses and corporations. Excluding a medical and health practitioner office or veterinarian office.

- (5) Medical and health practitioner offices: physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy office uses with no surgical, inpatient or overnight care.
- (6) Medical clinic. A facility, that is not a hospital, used primarily for the provision of outpatient nursing, medical, podiatric, surgical, dental, chiropractic, optometric or mental health care and treatment including surgical and rehabilitation uses with no inpatient or overnight care. The facility may also include a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures. A medical clinic also includes blood banks and dialysis centers.
- (7) Commercial communication structures-pursuant to § 420-89.
- (8) Utility substation building pursuant to the following standards:
 - (a) The minimum lot size and frontage as specified in this district shall not apply; however, the lot shall be large enough to accommodate the applicable facilities associated with the substation building with a minimum lot frontage on a public street of 50 feet.
 - (b) The Plan Commission/Zoning Administrator may reduce the setbacks required as specified in this district to not less than 10 feet to allow for proper landscaping and screening.
 - (c) All utility substation building sites shall be landscaped, screened and marked with appropriate warning signs. The Plan Commission/Zoning Administrator may require the facility to be surrounded by a commercial fence.
 - (d) The design and building materials shall be complementary to the surrounding properties and are subject to approval of the Plan Commission/Zoning Administrator.

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements).

- (1) Gasoline station.

D. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.

E. Combination of uses. Except as otherwise specifically provided for in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the B-4 District, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with the following restrictions to the extent such restrictions are applicable:

- (1) Permitted uses allowed in the B-4 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such permitted uses and their related accessory uses in the same principal building in the B-4 District.

- (2) Conditional uses allowed in the B-4 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the B-4 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (3) Permitted uses allowed in the B-4 District and their related accessory uses and conditional uses allowed in the B-4 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in the same principal building in the B-4 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (4) Nonconforming uses existing in the B-4 District as of the effective date of Ordinance No. 03-26 (June 4, 2003) and any related accessory uses existing as of such date may be continued in the same principal building with other uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.

F. Accessory uses.

- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the B-4 District are allowed, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the B-4 District are allowed.
 - (b) Accessory uses to principal conditional uses allowed in the B-4 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article XVIII of this chapter.
- (2) The following uses/structures are considered an accessory use in the B-4 District. In the event of any issue about whether a particular use is an accessory use, the Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.
 - (a) Retail sales of cigarettes, tobacco and electronic vaping and related supplies (excluding a smoke shop).
 - (b) Canopy structure for passenger vehicles or automobiles to drive under or park under subject to the following standards:
 - [1] Said canopy shall not exceed a maximum clearance height of 13'6" as measured from the ground to the underside of the canopy.

- [2] Setbacks for the structure shall be a minimum of 20 feet from property lines as measured from the further extent of the canopy provided that there is adequate clearance, as required by the Fire Chief, for any fire lanes.
 - [3] The canopy supports shall be constructed of stone, brick or other material approved by the Zoning Administrator to match the building.
 - [4] The underside of the canopy shall be enclosed or capped so that the structure of the canopy is not exposed. Any vents or other apparatus on the roof of the canopy shall be screened with an appropriate parapet wall or other roof structure.
- (c) Drive-through facility that offers service directly to occupants of passenger vehicles or automobiles subject to the following standards:
- [1] Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees are not classified as a drive-through facility.
 - [2] If drive through incorporates a canopy structure for passenger vehicles or automobiles to drive under then the canopy structure shall also meet those requirements.
 - [3] If a drive-through lane is not open, it should be marked that they are closed with an attractive movable sign and shall not be blocked with orange cones or other construction-related barricades.
 - [4] Landscaping shall be utilized to screen the drive-through facility from all abutting properties.
 - [5] Stacking lanes shall be provided to accommodate adequate stacking spaces and designed so that they do not interfere with parking and circulation, and do not extend into the right-of-way. Stacking lanes shall be clearly identified through the use of striping, landscaping and signs.
 - [6] The drive-through facility shall not be located near other uses where the location of such facility would be detrimental to pedestrian convenience or safety.
 - [7] The Plan Commission/Zoning Administrator may require additional measures to reduce the negative visual impact, and/or provide better circulation and parking so as to reduce the potential for accidents and impact the proposed use may have on neighboring development. Such measures may include, but are not limited to, increasing setbacks to property lines, increasing landscaping and screening requirements, redesign of parking areas, and relocation of entrances/exits.
- (d) Outdoor seating or patio area and/or any other outdoor extension area associated with a liquor license subject to the following standards:
- [1] The area shall be surrounded and enclosed with a decorative fence between 3 feet and 6 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility, public/private street requires that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.

- [2] The fence area shall be setback a minimum of 20 feet from any property line; however, the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property and any public/private streets.
- [3] Landscaping shall be utilized to screen the outdoor area from abutting properties.
- [4] Any tables and seating shall be kept within the enclosed area and shall be maintained and repaired/replaced as necessary.
- [5] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
- [6] Additional requirements may be imposed by the Village Board as part of any outdoor extension area associated with a liquor license pursuant to Chapter 194 of the Village Municipal Code.

- (e) Commercial communication structures per § 420-89.
- (f) Solar Energy System for individual users per § 420-88.2.
- (g) Stormwater retention and detention facilities.

- (3) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.

G. Prohibited uses. Uses that are not specifically allowed in the B-4 District by this chapter and listed in § 420-31 are prohibited in the B-4 District.

H. Dimensional standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-4 District shall comply with the following dimensional standards to the extent applicable:

- (1) Lot size: 2.5 acres minimum, except that the minimum lot size for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
- (2) Lot frontage on a public street: 150 feet minimum; provided, however, that on a substantial curve the public street frontage may be reduced as necessary to an absolute minimum of 100 feet if all other requirements are satisfied, except that the minimum lot frontage on a public street for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
- (3) Open space: 25% minimum.
- (4) Principal building standards:
 - (a) Gross floor area: 4,000 square feet minimum, except that there is no minimum gross floor area for a utility substation building; a freeway convenience store shall have a minimum gross floor area of 5,000 square feet and shall not exceed 15,000 square feet; and a hotel shall meet the following minimum requirements:
 - [1] Three floors above grade;
 - [2] Fifteen thousand square feet of gross floor area per floor; and
 - [3] Eighty guest rooms.

- (b) Height: 35 feet maximum, except for a hotel, which shall not exceed 90 feet.
- (c) Setbacks:
 - [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - [2] Side setback: 45 feet minimum.
 - [3] Rear setback: 45 feet minimum.
 - [4] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - [5] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.

I. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-4 District shall comply with the following design standards to the extent applicable:

- (1) Number of principal structures per lot: one maximum; provided, however, that attached buildings are allowed if the attachment is a fire wall between each two attached buildings, with no pedestrian openings, and that the horizontal distance of the attachment is at least 75% of the length or width of one of each two attached buildings and a minimum of 25 feet, and, without limitation, that each such attached building individually satisfies the minimum gross floor area restriction for principal buildings and that all such buildings attached to one another collectively comply with any maximum gross floor area restriction for principal buildings, and further provided that one or more commercial communication antennas, whips, panels or other similar transmission or reception devices (but no towers) mounted on a principal building or structure are allowed.
- (2) Number of detached accessory buildings: none.
- (3) All accessory uses or structures shall be on the same lot or approved site as the principal use.
- (4) Site and operational plan requirements pursuant to Article IX of this chapter.
- (5) Parking, access and traffic requirements pursuant to Article VIII of this chapter.
- (6) Sign requirements pursuant to Article X of this chapter.
- (7) Fence requirements pursuant to Article XI of this chapter.
- (8) Each use, site, building or structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (9) The required garbage/recycling enclosure shall be attached to a building unless specifically approved by the Plan Commission or Zoning Administrator to be a detached enclosure. The enclosure shall be constructed pursuant to the requirements of 420-57.7G.

J. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-4 District shall comply with the following operational standards to the extent applicable:

- (1) Hours of operation (when the public is allowed to enter or remain on site for business purposes): 5:00 a.m. to 12:00 midnight maximum; except for the following uses

- (a) hotels: no limit;
 - (b) for uses requiring a Village liquor license: as provided in § 125.68(4), Wis. Stats.;
 - (c) business or professional offices; medical and health practitioner offices; and medical clinic: 5:00 a.m. to 10:00 p.m. maximum; and
 - (d) more restricted hours may be established by the Plan Commission or Zoning Administrator due to its proximity to a residential zoned property.
- (2) Except as otherwise specifically permitted by this chapter, all business activities shall be conducted within a building.
- (3) No outside storage or display of merchandise is allowed, except as specified in subsection F (2). In addition, for gasoline station and freeway convenience store uses the following is also allowed:
- (a) A maximum of one eight-foot-by-six-foot-by-three-foot (L x H x D maximum) outdoor ice storage bin is allowed per parcel.
 - (b) A maximum of one eight-foot-by-six-foot-by-four-foot (L x H x D maximum) outdoor liquid propane (LP) storage cage shall be allowed per parcel.
 - (c) The ice storage bins and LP storage cages:
 - [1] Shall be located against a solid front or side wall of the principal structure.
 - [2] Shall not be located against a rear or back wall of a building.
 - [3] Shall not be located in front of windows or doorways and shall not block or obstruct any windows or doorways.
 - [4] Shall not block or obstruct any walkways associated with handicapped accessibility to the main entrance of the building.
 - [5] Shall be maintained in a state of good repair; not dented, crushed or bent.
 - [6] Shall not contain rust and shall not have peeling/chipped paint.
 - [7] Shall not be allowed to have plastic banners, streamers or other signage affixed, placed or attached to the containers.
 - [8] Are allowed limited signage on the exterior of the storage units that is limited to the use therein (i.e., ice and LP gas advertising signage).
 - (d) The LP storage cages:
 - [1] Shall be in compliance with the most current edition of the National Fire Protection Association (NFPA) Standard 58 (Liquefied Petroleum Gas Code).
 - [2] Shall be protected by a bollard, raised sidewalk or some other acceptable means to provide protection against accidental vehicle impact or damage. The means of protection shall be reviewed and approved, on a case-by-case basis, by the Chief of the Fire & Rescue Department, or his/her designee. The Chief of the Fire & Rescue Department shall determine the location, spacing and the quantity of the bollard(s). The means of protection shall not obstruct or inhibit on-site vehicular or pedestrian traffic flow.
 - (e) All LP containers/cylinders shall be stored inside the LP cages.
- (4) No on-site residential uses are allowed.

- (5) Each use, site, building and structure shall comply with all applicable performance standards set forth in § 420-38 of this chapter.
- (6) Each building, structure and site shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (7) Each use, site, building and structure shall be operated in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (8) Hours for deliveries, or any other activities outside the principal building that might cause a disturbance to neighboring residential areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal: 6:00 a.m. to 10:00 p.m. maximum, unless more restrictive hours are required by the Plan Commission due to its proximity to residential development.
- (9) No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.

K. Municipal services required. Except as otherwise specifically provided in this chapter, and without limitation, no proposed new, reconstructed or relocated principal building shall be permitted in the B-4 District unless it is connected to the Village's public sewer and water systems, and any existing principal building not already connected to the Village's public sewer and water systems shall be so connected before any proposed addition is made to such building, or before any proposed change in the use of such building is made from one use category to another (e.g., residential to business), and before any proposed use is commenced or recommenced in such a building that has been vacant or unused for 12 consecutive months or longer..

5. Section 420-121 related to the B-5, Freeway Office District is being repealed and recreated to read as follows:

420-121 B-5 Freeway Office District.

- A. Purpose and characteristics. The B-5 Freeway Office District is intended to provide for corporate, business and professional office uses at a community or regional level. B-5 Districts shall be located near freeway interchanges. The territory in each B-5 District shall be contiguous (corner to corner shall be sufficient), exclusive of intervening streets, highways, navigable waterways and wetlands. The area of each B-5 District shall be a minimum of 15 acres, exclusive of intervening streets, highways, navigable waterways and wetlands. No such district shall be established unless it is in compliance with the Village Comprehensive Plan, and if required, an approved Conceptual Plan.
- B. Permitted uses. The following listed principal uses, and certain auxiliary principal uses provided for in Subsection C below, are allowed as permitted uses in the B-5 District, subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes:
 - (1) Business or professional offices: law offices, accounting, architectural and engineering firms, insurance companies, real estate offices, travel agencies, ticket sale offices, dispatch offices without on-site vehicles, skilled trade office without outside storage or vehicles or materials, research and development office, and other executive, corporate, management or administrative offices for businesses

and corporations. Excluding a medical and health practitioner office or veterinarian office.

- (2) Day-care facility.
- (3) Commercial communication structures-per § 420-89.
- (4) Medical and health practitioner offices: physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy office uses with no surgical, inpatient or overnight care.
- (5) Medical clinic. A facility, that is not a hospital, used primarily for the provision of outpatient nursing, medical, podiatric, surgical, dental, chiropractic, optometric or mental health care and treatment including surgical and rehabilitation uses with no inpatient or overnight care. The facility may also include a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures. A medical clinic also includes blood banks and dialysis centers.
- (6) Utility substation building pursuant to the following standards:
 - (a) The minimum lot size and frontage as specified in this district shall not apply; however, the lot shall be large enough to accommodate the applicable facilities associated with the substation building with a minimum lot frontage on a public street of 50 feet.
 - (b) The Plan Commission/Zoning Administrator may reduce the setbacks required as specified in this district to not less than 10 feet to allow for proper landscaping and screening.
 - (c) All utility substation building sites shall be landscaped, screened and marked with appropriate warning signs. The Plan Commission/Zoning Administrator may require the facility to be surrounded by a commercial fence.
 - (d) The design and building materials shall be complementary to the surrounding properties and are subject to approval of the Plan Commission/Zoning Administrator.

C. Auxiliary permitted uses. The Plan Commission or Zoning Administrator may allow limited retail and service auxiliary uses; provided that such uses are auxiliary to the permitted office uses(s), in that they are located in the principal office building, and are designed to serve the needs of the occupants of the principal office building, and have no dedicated outside entrance to such building, and have no signage visible from the exterior of such building, and further provided that all auxiliary permitted uses in a principal office building together shall not occupy more than 10% of the gross floor area of such building, all subject to the requirements of Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes.

D. Unspecified permitted uses. The Zoning Administrator shall have authority to approve as a permitted use in the B-5 District a proposed principal use not listed in Subsection B above if the proposed use is similar in character to one or more of the listed permitted uses in the B-5 District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use so approved shall be subject to all requirements of Subsection B above. Notwithstanding the foregoing authorization, the following uses shall not be construed to be permitted uses in the B-5 District:

- (1) Any listed permitted use or conditional use specified in any zoning district that is not specifically listed in the District.

- (2) Any use specifically listed as an unspecified permitted use within any District that is not specifically listed in this District.
 - (3) Any use listed in Section 420-31 as a prohibited use.
- E. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements). There are no conditional uses in this district.
- F. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.
- G. Combination of uses. Except as otherwise specifically provided for in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the B-5 District, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with each of the following restrictions to the extent such restrictions are applicable:
- (1) Permitted uses allowed in the B-5 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such permitted uses and their related accessory uses in the same principal building in the B-5 District.
 - (2) Conditional uses allowed in the B-5 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the B-5 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
 - (3) Permitted uses allowed in the B-5 District and their related accessory uses and conditional uses allowed in the B-5 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in the same principal building in the B-5 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
 - (4) Nonconforming uses existing in the B-5 District as of the effective date of Ordinance No. 03-27 (June 4, 2003) and any related accessory uses existing as of such date may be continued in the same principal building with other uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a

nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.

H. Accessory uses.

- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the B-5 District are allowed, subject to Article IX and all other applicable provisions of this chapter and of other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the B-5 District are allowed.
 - (b) Accessory uses to principal conditional uses allowed in the B-5 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article XVIII of this chapter.
 - (c) Without limitation, the following uses are allowed as accessory uses in the B-5 District for a single company or firm solely occupying a principal office building (exclusive of the area occupied by auxiliary permitted uses pursuant to Subsection C above) having a minimum of 100,000 square feet of gross floor area: auditorium; cafeteria; conferencing facilities; day care (for children or adults); entrance feature (which may include a guard station, gate house, security checkpoint, or architectural entrance gates); indoor and/or outdoor fitness/recreation facilities; parking, either surface, underground or within an attached parking structure; incidental retail sale of the company's own products; training facilities; tour center; visitor information center; and additional accessory uses allowed as conditional uses in Subsection E above.
- (2) The following uses/structures are considered an accessory use in the B-5 District. In the event of any issue about whether a particular use is an accessory use, the Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.
 - (a) Retreat center for a single company or firm solely occupying a minimum gross floor area of 100,000 square feet of a principal office building (exclusive of the area occupied by auxiliary permitted uses pursuant to Subsection C above).
 - (b) Outdoor seating or patio area and/or any other outdoor extension area associated with a liquor license subject to the following standards:
 - [1] The area shall be surrounded and enclosed with a decorative fence between 3 feet and 6 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility, public/private street requires that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.
 - [2] The fence area shall be setback a minimum of 20 feet from any property line; however, the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property and any public/private streets.
 - [3] Landscaping shall be utilized to screen the outdoor area from abutting side and rear property lines.
 - [4] Any tables and seating shall be kept within the enclosed area and shall be maintained and repaired/replaced as necessary.

[5] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.

[6] Additional requirements may be imposed by the Village Board as part of any outdoor extension area associated with a liquor license pursuant to Chapter 194 of the Village Municipal Code.

(c) Utility substation building pursuant to the following standards:

[1] The Plan Commission/Zoning Administrator may reduce the setbacks required as specified in this district to not less than 10 feet to allow for proper landscaping and screening.

[2] All utility substation building sites shall be landscaped, screened and marked with appropriate warning signs. The Plan Commission/Zoning Administrator may require the facility to be surrounded by a commercial fence.

[3] The design and building materials shall be complementary to the surrounding properties and are subject to approval of the Plan Commission/Zoning Administrator.

(d) Entry gatehouse subject to providing adequate queueing to ensure that all vehicles waiting to enter the site can be accommodated on-site and outside of the right-of-way as approved by the Plan Commission or Zoning Administrator.

(e) Commercial communication structures per § 420-89.

(f) Solar Energy System for individual users per § 420-88.2.

(g) Stormwater retention and detention facilities.

(3) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.

I. Prohibited uses. Uses that are not specifically allowed in the B-5 District by this chapter and listed in § 420-31 are prohibited in the B-5 District.

J. Dimensional standards: Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-5 District shall comply with the following dimensional standards to the extent applicable:

(1) Lot size: 2.5 acres minimum, except that the minimum lot size for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.

(2) Lot frontage on a public street: 150 feet minimum; provided, however, that on a substantial curve the public street frontage may be reduced as necessary to an absolute minimum of 100 feet if all other requirements are satisfied, except that the minimum lot frontage on a public street for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.

(3) Open space: 25% minimum.

(4) Principal office building standards:

(a) Each principal office building shall have a minimum of two floors above grade.

- (b) The gross floor area of a principal office building shall be a minimum of 24,000 square feet, and each of the first two floors above grade shall have a gross floor area of at least 10,000 square feet.
 - (c) The gross floor area for all auxiliary permitted uses within a principal office building shall not exceed 10% of the gross floor area of such building.
 - (d) The gross floor area occupied by research, development and/or testing of products, and applied research activities, within a principal office building shall not exceed 25% of the gross floor area of such building.
 - (e) Height: 30 feet minimum.
 - (f) Setbacks:
 - [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - [2] Side setback: 45 feet minimum.
 - [3] Rear setback: 45 feet minimum.
 - [4] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - [5] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.
- (5) Detached office-related accessory building standards:
- (a) Gross floor area:
 - [1] Detached retreat facility: 6,000 square feet maximum.
 - [2] Detached entry gatehouse: 300 square feet maximum.
 - (b) Height:
 - [1] Detached retreat facility: 35 feet maximum.
 - [2] Detached entry gatehouse: 20 feet maximum.
 - (c) Detached retreat facility shall only be located in the side yard or rear yard.
 - (d) Setbacks:
 - [1] Street setback for a detached retreat facility: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - [2] Street setback for detached guard station/gate house: 20 feet minimum.
 - [3] Side setback: 45 feet minimum.
 - [4] Rear setback: 45 feet minimum.
 - [5] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - [6] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.
- (6) Principal day-care building standards:
- (a) The gross floor area of a principal day-care building shall be a minimum gross floor area of 10,000 square feet.
 - (b) Height: 35 feet maximum.

(c) Setbacks:

- [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
- [2] Side setback: 45 feet minimum.
- [3] Rear setback: 45 feet minimum.
- [4] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
- [5] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.

- (7) Distance between principal building and detached accessory building on the same lot or parcel: 50 feet minimum.

K. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-5 District shall comply with the following design standards to the extent applicable:

- (1) Number of principal structures per lot or parcel: one maximum; provided, however, that attached buildings are allowed if the attachment is a fire wall between each two attached buildings, with no pedestrian openings, and that the horizontal distance of the attachment is at least 75% of the length or width of one of each two attached buildings and a minimum of 75 feet, and, without limitation, that each such attached building individually satisfies the minimum gross floor area restriction for principal buildings and that all such buildings attached to one another collectively comply with any maximum gross floor area restriction for principal buildings, and further provided that one or more commercial communication antennas, whips, panels or other similar transmission or reception devices (but no towers) mounted on a principal building or structure are allowed.
- (2) Number of detached accessory buildings:
 - (a) One detached retreat center, in accordance with Subsection H(2)(a) above.
 - (b) One detached entry gatehouse, in accordance with Subsection H(2)(d) above.
- (3) The required garbage/recycling enclosure shall be attached to a building unless specifically approved by the Plan Commission or Zoning Administrator to be a detached enclosure. The enclosure shall be constructed pursuant to the requirements of § 420-57.7G.
- (4) All accessory uses or structures shall be on the same lot or approved site as the principal use.
- (5) A day-care facility may have a fenced recreational area with accessory recreational structures.
- (6) All loading facilities shall be inside the principal building.
- (7) Site and operational plan requirements pursuant to Article IX of this chapter.
- (8) Parking, access and traffic requirements pursuant to Article VIII of this chapter.
- (9) Sign requirements pursuant to Article X of this chapter.
- (10) No fences are allowed, except as may be required for a day-care play area.
- (11) Each use, site, building and structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, any

required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.

- L. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-5 District shall comply with the following operational standards to the extent applicable:
- (1) Hours of operation (when the public is allowed to enter or remain on site for business purposes): 5:00 a.m. to 10:00 p.m. maximum; except for a retreat center with overnight stays: no limit.
 - (2) Except as otherwise specifically permitted by this chapter, all business activities shall be conducted within a building.
 - (3) Auxiliary permitted uses located in a principal office building shall satisfy the limitations set forth in Subsection C above.
 - (4) No outside storage or display of goods or merchandise is allowed.
 - (5) No on-site residential uses are allowed (overnight stays associated with a retreat center shall not be considered a residential use).
 - (6) Each use, site, building and structure shall comply with all applicable performance standards set forth in § 420-38 of this chapter.
 - (7) Each building, structure and site shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
 - (8) Each use, site, building and structure shall be operated in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
 - (9) Hours for deliveries, or any other activities outside the principal building that might cause a disturbance to neighboring residential areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal: 6:00 a.m. to 10:00 p.m. maximum, unless more restrictive hours are required by the Plan Commission due to its proximity to residential development.
 - (9) No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
- M. Municipal services required. Except as otherwise specifically provided in this chapter, and without limitation, no proposed new, reconstructed or relocated principal building shall be permitted in the B-5 District unless it is connected to the Village's public sewer and water systems, and any existing principal building not already connected to the Village's public sewer and water systems shall be so connected before any proposed addition is made to such building, or before any proposed change in the use of such building is made from one use category to another (e.g., residential to business), and before any proposed use is commenced or recommenced in such a building that has been vacant or unused for 12 consecutive months or longer.

6. Section 420-122.1 related to the B-6, Freeway Oriented Business Center District is being repealed and recreated to read as follows:

420-122.1 B-6 Freeway Oriented Business Center District.

- A. Purpose and characteristics. The B-6 Freeway Oriented Business Center District is intended to provide for a cluster of businesses along and adjacent to the freeway (IH-94) at a density where a full range of urban services are available for office, retail, and customer services for adjacent manufacturing and office park uses. The B-6 District shall be located near freeway interchanges (within 4,000 feet of the travel lanes of the freeway). The territory in each B-6 District shall be contiguous (corner to corner shall be sufficient), exclusive of intervening streets, highways, navigable waterways and wetlands. The area of each B-6 District shall be a minimum of 15 acres, exclusive of intervening streets, highways, navigable waterways and wetlands. No such district shall be established unless it is in compliance with the Village Comprehensive Plan, and if required, an approved Conceptual Plan.
- B. Permitted uses. The following listed principal uses, and certain unspecified principal uses approved pursuant to Subsection C below, are allowed as permitted uses in the B-6 District, subject to the requirements of Article IX of this chapter and all other applicable provisions of this chapter and of other Village ordinances and codes:
- (1) Retail uses. The limited retail sale of any of the following goods or products are permitted: apparel, shoes and accessories; art and antiques; art, educational and office supplies; audio and video recordings; automobile supplies (no service); bakery and sale of baked goods; books, cards, games, toys, newspapers and magazines; cameras and photographic supplies; cigarettes, tobacco and electronic vaping and related supplies (excluding a smoke shop); cosmetics and pharmaceuticals; flowers and plants (excluding a nursery or orchard); gifts, novelties, souvenirs and sundries; groceries; hobby and craft supplies (including fabric and frames); home improvement; household goods; jewelry; liquor (sold as package goods); luggage; medical supplies (including eyewear and hearing aids); musical instruments and accessories; pet supplies (excluding the sale of pets); pharmacy; religious affiliated merchandise; and sporting goods and supplies (including camping supplies, bicycles and related accessories).
 - (2) Service uses. The following limited service uses are permitted:
 - (a) Food and beverage uses:
 - [1] Eating establishments. An establishment that includes a casual or fine dining restaurant, banquet hall, cafe, cafeteria, coffee shop, diner, donut shop, fast food restaurant, ice cream/yogurt shop, snack bar, supper club. Alcoholic beverages may be served as an accessory use to the eating establishment. An eating establishment also allows for the sale of prepared food not consumed on the property. An eating establishment excludes a dinner theater, drive-in restaurant and a mobile food truck.
 - [2] Brewpub. Small-batch alcohol producers: including microbreweries, micro distilleries, and micro wineries that produce less than 10,000 beer barrels or 1,173,478 liters, 310,000 gallons of cumulative product per year as an accessory use to an eating establishment.
 - [3] Microbrewery/craft brewery. Small-batch alcohol producers: including microbreweries, micro distilleries, and micro wineries that produce less than 10,000 beer barrels or 1,173,478 liters, 310,000 gallons of cumulative product per year and contain at least 500 square feet of customer-facing service area.

- (b) Dinner theater. An eating establishment in which a play or other dramatic performance is presented during or after the meal, inside a building. A dinner theater, may as an accessory use, sell or serve alcoholic beverages to consume on the premises.
 - (c) Instruction studio. An establishment that provides individual or small group instruction or training in fine arts, music, dance, drama, fitness, language or similar activities including: dance studios, ballet academies, yoga studios, martial arts instruction, tutoring, photography studios and other studios for artists that do not involve the use of power tools or power machinery.
 - (d) Hotel.
 - (e) Recreational and entertainment uses:
 - [1] Indoor commercial recreational and entertainment facility: An establishment that provides indoor activities such as but not limited to batting cages, bowling alley, indoor archery range, skating rinks, miniature golf, ax throwing, escape rooms, painting and pottery, health and athletic clubs, tennis, racquetball, handball courts, swimming pools, trampoline parks, arcades or community centers. Excluding an indoor shooting range.
 - [2] Museum or art gallery.
 - [3] Performance theater. A facility for live performances that involve entertaining an audience with singing, dancing or acting. Excluding any adult-oriented uses as defined in this chapter.
 - (f) Other services uses: beauty salon; day-care center; financial institution; mail and copy service; and recording studio.
- (3) Office or educational uses:
- (a) Business or professional offices: law offices, accounting, architectural and engineering firms, insurance companies, real estate offices, travel agencies, ticket sale offices, dispatch offices without on-site vehicles, skilled trade office without outside storage or vehicles or materials, research and development office, and other executive, corporate, management or administrative offices for businesses and corporations. Excluding a medical and health practitioner office or veterinarian office.
 - (b) Medical and health practitioner offices: physicians, dentists, psychiatrists, psychologists, chiropractors and practitioners of massage therapy office uses with no surgical, inpatient or overnight care.
 - (c) Medical clinic. A facility, that is not a hospital, used primarily for the provision of outpatient nursing, medical, podiatric, surgical, dental, chiropractic, optometric or mental health care and treatment including surgical and rehabilitation uses with no inpatient or overnight care. The facility may also include a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises, except the custom fabrication of dentures. A medical clinic also includes blood banks and dialysis centers.
 - (d) Business or trade school. A post-secondary school focused on providing hands-on training and education in specific trades. These schools offer specialized programs that prepare students for careers in certain industries, such as but not limited to schools of cosmetology, modeling academies,

computer training facilities, vocational schools, administrative business training facilities and similar uses.

(e) Post-secondary school.

(4) Utility substation building pursuant to the following standards:

(a) The minimum lot size and frontage as specified in this district shall not apply; however, the lot shall be large enough to accommodate the applicable facilities associated with the substation building with a minimum lot frontage on a public street of 50 feet.

(b) The Plan Commission/Zoning Administrator may reduce the setbacks required as specified in this district to not less than 10 feet to allow for proper landscaping and screening.

(c) All utility substation building sites shall be landscaped, screened and marked with appropriate warning signs. The Plan Commission/Zoning Administrator may require the facility to be surrounded by a commercial fence.

(d) The design and building materials shall be complementary to the surrounding properties and are subject to approval of the Plan Commission/Zoning Administrator.

(5) Commercial communication structures per § 420-89.

C. Unspecified permitted uses. The Zoning Administrator shall have authority to approve as a permitted use in the B-6 District a proposed principal use not listed in Subsection B above if the proposed use is similar in character to one or more of the listed permitted uses in the B-6 District and is free of potential problems requiring special regulation. The Zoning Administrator shall make written findings supporting any such decision. Any use approved shall be subject to all requirements of Subsection B above. Notwithstanding the foregoing authorization, the following uses shall not be construed to be permitted uses in the B-6 District:

(1) Any listed permitted use or conditional use specified in any zoning district that is not specifically listed in this District.

(2) Any use specifically listed as an unspecified permitted use within any District that is not specifically listed in this District.

(3) Any use listed in Section 420-31 as a prohibited use.

D. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII for procedures and additional standards and requirements).

(1) Gasoline station.

(2) Truck fueling station.

E. Special licensed uses. Some uses require a special license approved by the Village Board and may only be operated pursuant to and in accordance with such license. The granting of a Village license by the Village Board is not assured either by permitted use status or by the granting of a conditional use permit or of any other permit or approval under this chapter.

F. Combination of uses. Except as otherwise specifically provided for in this section, two or more principal uses and their related accessory uses may be located and conducted in the same principal building in the B-6 District, subject to Article IX of this chapter and all other applicable provisions of this chapter and of other Village ordinances and codes, in accordance with each of the following restrictions to the extent such restrictions are applicable:

- (1) Permitted uses allowed in the B-6 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such permitted uses and their related accessory uses in the same principal building in the B-6 District.
- (2) Conditional uses allowed in the B-6 District and their related accessory uses may be located separately or together, and may be conducted separately or together, with other such conditional uses and their related accessory uses in the same principal building in the B-6 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (3) Permitted uses allowed in the B-6 District and their related accessory uses and conditional uses allowed in the B-6 District and their related accessory uses may be located separately or together, and may be conducted separately or together, in the same principal building in the B-6 District; provided, however, that the area of a building occupied by a conditional use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind (or any use of any kind existing as of the time when the conditional use permit for such conditional use or any amendment of such permit is approved) shall be allowed only pursuant to and in accordance with the conditional use permit issued for such conditional use under Article XVIII of this chapter.
- (4) Nonconforming uses existing in the B-6 District as of the effective date of Ordinance No. 17-14 (April 17, 2017) and any related accessory uses existing as of such date may be continued in the same principal building with other uses; provided, however, that no nonconforming use and no accessory use to a nonconforming use may be extended or expanded into new areas, and no new accessory use related to such nonconforming use (and no prior accessory use to such nonconforming use that has been discontinued as an actively conducted use for a period of 12 or more consecutive months) may be commenced or recommenced, and further provided that the area of a building occupied by a nonconforming use and any related accessory uses shall be a physically separate defined area in which any proposed new use of any kind shall be prohibited.

G. Accessory uses.

- (1) Except as otherwise specifically provided in this chapter, accessory uses to principal uses allowed in the B-6 District are allowed, subject to Article IX of this chapter and all other applicable provisions of this chapter and of other Village ordinances and codes, as follows:
 - (a) Accessory uses to principal permitted uses in the B-6 District are allowed.
 - (b) Accessory uses to principal conditional uses allowed in the B-6 District are allowed, but only pursuant to and in accordance with a conditional use permit issued under Article XVIII of this chapter.
- (2) New proposed accessory uses to nonconforming uses (and any prior accessory uses to a nonconforming use that have been discontinued as actively conducted uses for 12 or more consecutive months) are prohibited.
- (3) The following uses/structures are considered an accessory use in the B-6 District. In the event of any issue about whether a particular use is an accessory use, the

Zoning Administrator shall have authority to decide. The Zoning Administrator shall make written findings to support any such decision.

- (a) Canopy structure for passenger vehicles or automobiles to drive under or park under subject to the following standards:
 - [1] Said canopy shall not exceed a maximum clearance height of 13'6" as measured from the ground to the underside of the canopy.
 - [2] Setbacks for the structure shall be a minimum of 20 feet from property lines as measured from the further extent of the canopy provided that there is adequate clearance, as required by the Fire Chief, for any fire lanes.
 - [3] The canopy supports shall be constructed of stone, brick or other material approved by the Zoning Administrator to match the building.
 - [4] The underside of the canopy shall be enclosed or capped so that the structure of the canopy is not exposed. Any vents or other apparatus on the roof of the canopy shall be screened with an appropriate parapet wall or other roof structure.
- (b) Drive-through facility that offers service directly to occupants of passenger vehicles or automobiles subject to the following standards:
 - [1] Automatic teller machine kiosks and similar drop-off or pick-up facilities that do not have on-site employees are not classified as a drive-through facility.
 - [2] If drive through incorporates a canopy structure for passenger vehicles or automobiles to drive under then the canopy structure shall also meet those requirements.
 - [3] If a drive-through lane is not open, it should be marked that they are closed with an attractive movable sign and shall not be blocked with orange cones or other construction-related barricades.
 - [4] Landscaping shall be utilized to screen the drive-through facility from all properties.
 - [5] Stacking lanes shall be provided to accommodate adequate stacking spaces and designed so that they do not interfere with parking and circulation, and do not extend into the right-of-way. Stacking lanes shall be clearly identified through the use of striping, landscaping and signs.
 - [6] The drive-through facility shall not be located near other uses where the location of such facility would be detrimental to pedestrian convenience or safety.
 - [7] The Plan Commission/Zoning Administrator may require additional measures to reduce the negative visual impact, and/or provide better circulation and parking so as to reduce the potential for accidents and impact the proposed use may have on neighboring development. Such measures may include, but are not limited to, increasing setbacks to property lines, increasing landscaping and screening requirements, redesign of parking areas, and relocation of entrances/exits.
- (c) Outdoor seating or patio area and/or any other outdoor extension area associated with a liquor license subject to the following standards:

- [1] The area shall be surrounded and enclosed with a decorative fence between 3 feet and 6 feet in height. Any outdoor area located adjacent to a parking lot, fire lane, maneuvering lane, drive-through facility, public/private street requires that the fence incorporate appropriately spaced decorative pillars (acting as bollards) to define the area and provide separation of pedestrians and vehicles. The Zoning Administrator may allow for concrete planters acting as bollards adjacent to the fence.
- [2] The fence area shall be setback a minimum of 20 feet from any property line; however, the Zoning Administrator may require greater setbacks if the area is located adjacent to any residential zoned property and any public/private streets.
- [3] Landscaping shall be utilized to screen the outdoor area from abutting properties.
- [4] Any tables and seating shall be kept within the enclosed area and shall be maintained and repaired/replaced as necessary.
- [5] No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.
- [6] Additional requirements may be imposed by the Village Board as part of any outdoor extension area associated with a liquor license pursuant to Chapter 194 of the Village Municipal Code.

- (d) Commercial communication structures per § 420-89.
- (e) Solar Energy System for individual users per § 420-88.2.
- (f) Stormwater retention and detention facilities.

H. Prohibited uses. Uses that are not specifically allowed in the B-6 District by this chapter and listed in § 420-31 are prohibited in the B-6 District.

I. Dimensional standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-6 District shall comply with the following dimensional standards to the extent applicable:

- (1) Lot size: 2.5 acres minimum, except that the minimum lot size for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
- (2) Lot frontage on a public street: 150 feet minimum; provided, however, that on a substantial curve the public street frontage may be reduced as necessary to an absolute minimum of 100 feet if all other requirements are satisfied, except that the minimum lot frontage on a public street for a freestanding commercial communication structure shall be pursuant to § 420-89 or a utility substation building shall be pursuant to the standards specified in this district.
- (3) Open space: 25% minimum.
- (4) Principal building standards:
 - (a) Gross floor area: 4,000 square feet minimum and 50,000 square feet maximum, except:
 - [1] No minimum gross floor area for a utility substation building;
 - [2] There is no maximum gross floor area for a hotel; however a hotel shall meet the following minimum requirements:

- [a] Three floors above grade;
 - [b] Fifteen thousand square feet of gross floor area per floor; and
 - [c] Eighty guest rooms.
- [3] An office building shall have minimum of two floors above grade; the gross floor area of a principal office building shall be a minimum of 24,000 square feet, and each of the first two floors above grade shall have a gross floor area of at least 10,000 square feet with no maximum area.
- (b) Height: 40 feet maximum, except a hotel, conference center or office building shall not exceed 100 feet.
- (c) Setbacks:
- [1] Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.
 - [2] Side setback: 45 feet minimum.
 - [3] Rear setback: 45 feet minimum.
 - [4] Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
 - [5] Wetland setback: 25 feet minimum from any field delineated wetlands on the property.
- (5) Detached accessory building standards: detached accessory buildings are prohibited.

J. Design standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-6 District shall comply with the following design standards to the extent applicable:

- (1) Number of principal structures per lot: One maximum; provided, however, that attached buildings are allowed if the attachment maintains a fire wall between each two attached buildings, with no pedestrian openings, and that the horizontal distance of the attachment is at least 75% of the length or width of one of each two attached buildings and a minimum of 75 feet, and, without limitation, that each such attached building individually satisfies the minimum gross floor area restriction for principal buildings and that all such buildings attached to one another collectively comply with any maximum gross floor area restriction for principal buildings, and further provided that one or more commercial communication antennas, whips, panels or other similar transmission or reception devices (but no towers) mounted on a principal building or structure are allowed.
- (2) Number of detached accessory buildings: none.
- (3) All accessory uses or structures shall be on the same lot or approved site as the principal use.
- (4) Site and operational plan requirements pursuant to Article IX of this chapter.
- (5) Parking, access and traffic requirements pursuant to Article VIII of this chapter.
- (6) Sign requirements pursuant to Article X of this chapter.
- (7) Fence requirements pursuant to Article XI of this chapter.
- (8) Each use, site, building and structure shall be designed, laid out, constructed and maintained in full compliance with the approved site and operational plan, any

required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.

- (9) The required garbage/recycling enclosure shall be attached to a building unless specifically approved by the Plan Commission or Zoning Administrator to be a detached enclosure. The enclosure shall be constructed pursuant to the requirements of 420-57.7G.

K. Operational standards. Except as otherwise specifically provided in this chapter, and without limitation, all uses, sites, buildings and structures in the B-6 District shall comply with the following operational standards to the extent applicable:

- (1) Hours of operation (when the public is allowed to enter or remain on site for business purposes), except for hotels, retreat centers with overnight stays and uses requiring a Village liquor license: 5:00 a.m. to 10:00 p.m. maximum; except for the following uses:
 - (a) hotels: no limit;
 - (b) for uses requiring a Village liquor license: as provided in § 125.68(4), Wis. Stats.
 - (c) eating establishment, grocery store and pharmacy: 5:00 a.m. to 12:00 midnight maximum;
 - (d) gasoline station and truck fueling station pursuant to the conditional use permit;
 - (e) more restricted hours limited by the Plan Commission or Zoning Administrator due to its proximity to a residential use; and
 - (f) more restricted hours may be established by the Plan Commission pursuant to a conditional use permit.
- (2) Hours for deliveries, or any other activities outside the principal building that might cause a disturbance to neighboring residential areas (e.g., outside loading or unloading, the arrival of deliveries, idling of delivery trucks, beeping of backing vehicles, and garbage pickup), except for snow removal: 6:00 a.m. to 10:00 p.m. maximum, unless more restrictive hours are required by the Plan Commission due to its proximity to residential development.
- (3) Except as otherwise specifically permitted by this chapter, all business activities shall be conducted within a building.
- (4) No outside storage or display of merchandise is allowed, except for gasoline station pursuant to the following:
 - (a) A maximum of one eight-foot-by-six-foot-by-three-foot (L x H x D maximum) outdoor ice storage bin is allowed per parcel.
 - (b) A maximum of one eight-foot-by-six-foot-by-four-foot (L x H x D maximum) outdoor liquid propane (LP) storage cage shall be allowed per parcel.
 - (c) The ice storage bins and LP storage cages:
 - [1] Shall be located against a solid front or side wall of the principal structure.
 - [2] Shall not be located against a rear or back wall of a building.
 - [3] Shall not be located in front of windows or doorways and shall not block or obstruct any windows or doorways.
 - [4] Shall not block or obstruct any walkways associated with handicapped accessibility to the main entrance of the building.

- [5] Shall be maintained in a state of good repair; not dented, crushed or bent.
- [6] Shall not contain rust and shall not have peeling/chipped paint.
- [7] Shall not be allowed to have plastic banners, streamers or other signage affixed, placed or attached to the containers.
- [8] Are allowed limited signage on the exterior of the storage units that is limited to the use therein (i.e., ice and LP gas advertising signage).

(d) The LP storage cages:

- [1] Shall be in compliance with the most current edition of the National Fire Protection Association (NFPA) Standard 58 (Liquefied Petroleum Gas Code).
- [2] Shall be protected by a bollard, raised sidewalk or some other acceptable means to provide protection against accidental vehicle impact or damage. The means of protection shall be reviewed and approved, on a case-by-case basis, by the Chief of the Fire & Rescue Department, or his/her designee. The Chief of the Fire & Rescue Department shall determine the location, spacing and the quantity of the bollard(s). The means of protection shall not obstruct or inhibit on-site vehicular or pedestrian traffic flow.

(e) All LP containers/cylinders shall be stored inside the LP cages.

- (5) No on-site residential uses are allowed.
- (6) Each use, site, building and structure shall comply with all applicable performance standards set forth in § 420-38 of this chapter.
- (7) Each site, building and structure shall be maintained in a neat, presentable, aesthetically pleasing, structurally sound and nonhazardous condition. All litter and debris shall be promptly removed.
- (8) Each use, site, building and structure shall be operated in full compliance with the approved site and operational plan, any required conditional use permit, any required license and all other applicable provisions of this chapter and of all other Village ordinances and codes.
- (9) No outside amplified sound, as defined in this chapter, is allowed outside of a building during the hours of 10:00 p.m. and 7:00 a.m. and further compliance with Chapter 250 of the Village Municipal Code is required.

L. Municipal services required. Except as otherwise specifically provided in this chapter, and without limitation, no proposed new, reconstructed or relocated principal building shall be permitted in the B-6 District unless it is connected to the Village's public sewer and water systems, and any existing principal building not already connected to the Village's public sewer and water systems shall be so connected before any proposed addition is made to such building, or before any proposed change in the use of such building is made from one use category to another (e.g., residential to business), and before any proposed use is commenced or recommenced in such a building that has been vacant or unused for 12 consecutive months or longer.

Adopted this 11th day of August 2025.

VILLAGE OF PLEASANT PRAIRIE

ATTEST:

David J. Klimisch
Village President

Jane C. Snell
Village Clerk

Posted: _____
27-business districts.docx
CODE24-07-03