

VILLAGE OF ELM GROVE

13600 Juneau Boulevard
Elm Grove, WI 53122

LEGISLATIVE COMMITTEE

Wednesday, March 11, 2020 * 5:30 PM * Parkview Room

AGENDA

1. Bring meeting to order

2. Review and act on February 12, 2020 minutes

Documents:

[LC021220md.pdf](#)

3. Review and act on amendments to Chapter 335-22 B-1 Local Business District

Documents:

[B-1 Local Business District draft 02.12.20.pdf](#)

4. Review and act on amendments to Chapter 335-24 B-3 Mid-Rise Office and Professional District

Documents:

[B-3 Mid-Rise Office and Professional District draft 03.04.20.pdf](#)

5. Review and act on amendment to Chapter 171-4 Classes of Licenses and Permits

Documents:

[Operator license Chapter 174.pdf](#)

6. Other Business

7. Adjourn

Any person who has a qualifying disability as defined by the Americans with Disabilities Act who requires that the meeting or materials for the meeting has to be in an accessible location or format must contact the Village Clerk, Mary S. Stredni, at 262-782-6700 or 13600 Juneau Boulevard by 3:00 PM Friday prior to the meeting so that any necessary arrangements can be made to accommodate your request.

NOTICE: It is possible that members of, and possibly a quorum of, other governmental bodies of the Village may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to in the above notice.

**VILLAGE OF ELM GROVE
LEGISLATIVE COMMITTEE MINUTES
Wednesday, February 12, 2020**

Present: President Palmer, Trustee Haas, Angie Jodie and Barry Book
David De Angelis Village Manager, Tom Harrigan Zoning Administrator, and Village Attorney Hector de la Mora.

Absent: Chairman Domaszek

Trustee Haas motioned and Book seconded to appoint President Palmer as Chair Pro Tem in the Absence of Trustee Domaszek. Motion carried 4-0.

1. Call meeting to order
President Palmer brought the meeting to order at 5:33 p.m.
2. Minutes
Haas motioned and Book seconded to approve the November 12, 2019 minutes. Motion carried.
3. Review and act on amendments to Chapter 335-22 B-1 Local Business District.
The Committee discussed several revisions and amendments to the Draft B-1 Local Business District Zoning Ordinance. Please see Exhibit A attached for a comprehensive detail of amendments that were made to the working document.
4. Review and act on amendments to Chapter §335-23 B-2 Office Business District
The Committee reviewed the Draft B-2 Office Business District Zoning Ordinance and questioned if there is any use within the B-2 Zoning Ordinance that is not already served by the B-1 and B-3 Zoning Ordinance. The Committee directed staff prepare a recommendation as to whether the B-2 Ordinance should be removed from the Code of Ordinances, or if there are modifications that can be made in order to keep the section relevant.
5. Review and act on amendments to Chapter §335-24 B-3 Mid-Rise Office and Professional District
The Committee directed staff to incorporate revision into the Draft document based on comments Provided by Trustee Haas. Staff was also directed to research other “elevated commercial districts” and determine how other municipalities are addressing them.
6. Review and act on §335-30 Planned Development overlay District
This item was tabled, to be taken up at the next Legislative Committee meeting.
7. Review and act on Shoreland and Wetland Ordinance
Based on the comments provided by the Wisconsin Department of Natural Resources email, dated February 12, 2020, it was determined the Village is able to incorporate any aspect of the model Ordinances into existing Village Shoreland / wetland zoning. Staff was directed to draft amendments to the existing Village Shoreland / Wetland Ordinances for review at the next meeting.
8. Documents for Discussion – Wisconsin Act 67
No action was taken.
9. Adjourn
Trustee Haas motioned and Mr. Book moved and seconded to adjourn at 7:20 p.m. Motion carried.

Respectfully submitted,
Thomas Harrigan, Zoning and Planning Administrator / Assistant to the Village Manager

1 *The following Code does not display images or complicated formatting. Codes should be viewed online. This*
2 *tool is only meant for editing.*

3 [Reference to when a paragraph of these ordinances was added or amended has been deleted as the entire
4 ordinance is being amended dramatically.]

5

6 **§ 335-22 B-1 Local Business District.**

7 The B-1 Business District is intended to provide for individual or small groups of retail and customer service
8 establishments serving primarily the convenience of the local neighborhood. The setting is that of a shopping
9 center with adequate off-street parking. The character, appearance and operation of local centers shall be
10 compatible with the character of the surrounding area.

11 A. Permitted uses. Except for those uses specifically stated as being conditional uses found in section §335-
12 22C, permitted uses include:

13 (1) Professional Offices, defined as follows. Establishments providing executive, management,
14 administrative, or professional services, or other recognized professions maintained for the conduct of
15 that profession. A Professional Office is use of a tenant space or building solely for administrative
16 functions of an organization with no retail or wholesale sales or services performed on site.

17 (2) Community Retail, defined as businesses, excluding those that have a drive up window that involve the
18 sale of goods, merchandise or services directly to the consumer who purchases in small quantities which
19 directly serves the consumer who purchases those goods.

20 B. Permitted accessory uses.

21 (1) Garages for storage of vehicles used in conjunction with the operation of business or owned or used by
22 tenants residing within quarters located in the same structure as the business.

23 (2) Off-street parking and loading areas.

24 (3) Residential quarters for the owner or proprietor of a business located in the same structure, provided
25 such living accommodations satisfy all applicable health, safety and current building code provisions
26 and such use is accurately reflected in a current plan of operation which identifies the number and
27 location of all residential occupants in such structure in accordance with § **335-22** of the Code of the
28 Village of Elm Grove.

29 C. Conditional uses, provided that an unreasonable amount of traffic is not generated, adequate loading and
30 unloading areas are provided and compatible hours of operation with the surrounding and adjacent
31 neighborhood are included in each respected plan of operation.

32 (1) Automotive and marine sales and service.

33 (2) Building supply stores and general sales of industrial products, such as building materials, electrical
34 supplies, heating supplies, lighting supplies, paint and painting supplies, plumbing supplies, roofing
35 supplies, wallpaper and wallpaper supplies, and windows and doors

36 (3) Businesses with drive-up windows.

- 37 (4) Equipment rental stores.
- 38 (5) Funeral homes.
- 39 (6) Gasoline service stations and car wash establishments, provided that all pumps and service islands meet
40 the setback and yard requirements.
- 41 (7) Grain processing and storage.
- 42 (8) Physical culture facilities, such as fitness centers, massage parlors, tanning parlors, and tattoo parlors
43 and body-piercing establishments as defined by Wis. Admin. Code § SPS 221.
- 44 (9) Power equipment centers, sales, service and storage.
- 45 (10) Restaurants with drive-up windows with take-away service. Only property which has frontage along,
46 and vehicular ingress and egress access to, Bluemound Road may be considered for such a use.
- 47 (11) Utilities.
- 48 (12) Wireless Communication Facilities as defined by Federal Law 47 CFR §§ 1.6100 and 1.6002
- 49 (13) Multifamily residential unit density up to 12 dwelling units per acre.
- 50 (14) Parking lots, driveways, walkways or other hardscape constructed using a permeable surface to exceed
51 the allowable percentage of maximum impervious surface area as defined within this chapter.
- 52 (15) Parking lots and parking structures serving groups of businesses in the district.

53

54 D. Site and Building Criteria

- 55 (1) Before determining appropriate setbacks, the Plan Commission shall first make a final determination
56 that due consideration has been given to the existing conditions and the potential for redevelopment of
57 adjacent properties when establishing front, side and rear yard setbacks, so as to provide a suitable,
58 streamlined and compatible transition between structures. The following criteria shall be considered by
59 the Plan Commission in determining front, side and rear yard setbacks:
- 60 (a) There shall be a minimum building setback of 20 feet from each abutting street right-of-way. (Attorney
61 de la Mora to create language HERE.
- 62 (b) There shall be no required side yard; however, when a side yard is provided, there shall be a minimum
63 of 10 feet from the lot line.
- 64 (c) There shall be a rear yard setback of not less than 25 feet.
- 65 (4). Yards within the Downtown Design Overlay District (principal and/or accessory structures).

- 66 (a) Subject to the provisions of § **335-22G(2)**, the Plan Commission may approve deviations from any of
67 the yard requirements specified in § **335-22F**.
- 68 (b) Notwithstanding the provisions of § **335-22F(1), (2) and (3)**, an applicant shall propose, and the Plan
69 Commission shall review and may approve, the proposed side, front and rear yard setbacks for
70 structures to be developed or redeveloped within the boundaries of the Downtown Design Overlay
71 District as established by § **335-12G(3)**.
- 72 (i) Whether the building setbacks of new or modified structures are compatible with those of existing,
73 adjacent structures and are scaled at an appropriate distance based on massing and height characteristics
74 to adjacent structures;
- 75 (ii) Whether the proposed new or modified structure fosters a harmonious relationship to adjacent
76 structures;
- 77 (iii) Whether the proposed location of the new or modified structure is reasonably accessible to streets and
78 public walkways, as contemplated in the Downtown District Site Design Guidelines;
- 79 (iv) Whether the major facade and/or major entrance of the proposed new or modified structure is
80 functionally linked to the primary pedestrian access as determined by the Plan Commission on a case-
81 by-case basis; and
- 82 (v) Whether the proposed new or modified structure maintains an appropriate distance from any adjacent
83 single- and/or multiple-family residentially zoned properties as determined by the Plan Commission on
84 a case-by-case basis.
- 85 H. Maximum impervious surface: 80% of lot area.
- 86 I. Maximum building footprint area: 60% of lot area.
- 87 J. Plan of operation required. (Refer to § **335-85**.)

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2 *tool is only meant for editing.*

3 **§ 335-24 B-3 Mid-Rise Office and Professional District.**

4 The B-3 Business District is intended to provide for office, professional and special service uses in a more
5 intense, urban setting.

6 A. Permitted uses.

7 Except for those uses specifically stated as being conditional uses found within §335-24C, permitted uses
8 include:

- 9 (1) Business offices, defined as follows. A business office consisting of use of a tenant space or building
10 solely for administrative functions of an organization, with no retail or wholesale sales or services
11 performed on site.
- 12 (2) Office services defined as establishments providing executive, management, administrative, or
13 professional services, or other recognized professions maintained for the conduct of that profession,
14 which may include retail or wholesale sales or services on site.
- 15 (3) Trustee Haas Comment: The phrase “other recognized professions” lacks an antecedent basis. Although
16 the term “professional services” does appear, such services do not provide a basis for the term “other
17 recognized professions”. There are two different things. What are “other recognized professions?”
- 18 (4) Also, why are retail or wholesale sales or services allowed here and not for Business offices in paragraph
19 (1).
- 20 (5) “Office Services” could include banks i.e. financial services. What about drive-in banks.
- 21 (6) Office Services appear to include professional services, such as beauty salons, barber shapos, and tattoo
22 parlors. Is that indented?

23
24

25 B. Permitted accessory uses.

- 26 (1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for
27 occupants of the premises.
- 28 (2) Off-street parking areas, parking structures and loading areas.

29 C. Conditional uses.

- 30 (1) Convention and conference centers.
- 31 (2) Restaurants with drive-up windows with take-away service. Only property which has frontage along,
32 and vehicular ingress and egress access to, Bluemound Road may be considered for such a use.

- 33 (5) Automotive parking on a short-term basis related to businesses on adjacent properties.
- 34 (6) Wireless communication antennas.
- 35 (7) Multifamily residential units as part of a Mixed Compatible Residential Planned Development Overlay
36 District project under § **335-30**. Densities of up to 12 dwelling units per net acre may potentially be
37 granted subject to the adjustments provided for in § **335-30F(3)** and **(4)**.
- 38 (8) Parking lots, driveways, walkways or other hardscape constructed using a permeable surface to exceed
39 the allowable percentage of maximum impervious surface area as defined within this chapter.
- 40 (9) Other unspecified uses which are found to be similar in character to those principal uses conditionally
41 permitted by the Plan Commission.

42 George Haas Comment: This term is too vague. How similar in character? What is the criteria to allow
43 or disallow some conditional uses?

44 D. Site and Building Plan

- 45 (1) Lot area and width. Lots shall have a minimum area of 40,000 square feet and shall be not less than 100
46 feet in width at the front building line.
- 47 (2). Building height.
- 48 (a) Principal structures in the B-3 Business District shall not be less than three, nor more than five, stories
49 in height. No accessory structure shall exceed 10 feet in building height.
- 50 (b) No principal structure or parts of a principal structure shall exceed 65 feet in height. Accessory
51 structures shall not exceed 10 feet in height.
- 52 (3). Yards (principal and/or accessory structures).
- 53 (a) There shall be a minimum setback of 50 feet from each abutting street right-of-way for structures not
54 exceeding 35 feet in height.
- 55 (b) There shall be a side yard setback on each side of all buildings not less than 25 feet in width for
56 structures not exceeding 35 feet in height.
- 57 (c) There shall be a rear yard setback of not less than 25 feet for structures not exceeding 35 feet in height.
- 58 (d) The setback requirements in all yards shall be increased one foot for each two feet the structure exceeds
59 35 feet in height.
- 60 (4). Maximum impervious surface: 80% of lot area.
- 61 (5). Maximum building footprint area: 60% of lot area.
- 62 I. Plan of operation required. (Refer to § **335-85**.)

CHAPTER 171-4
CLASSES OF LICENSES AND PERMITS

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

Section 1: § 171-4 Classes of licenses and permits of the Village of Elm Grove Code of Ordinances is hereby amended by the addition of underlined text and the deletion of text as follows:

J. Operator’s license

(1) Under § 125.17, Wis. Stats., an operator's license may be issued by the Village ~~Board~~ Clerk for purposes of compliance with §§ 125.32(2) and 125.68(2), Wis. Stats. after a background check has been completed. The fee shall be \$50 and it shall be valid for two years.

(2) Effective July 1, 1991, no operator’s license may be issued unless the applicant provides the Village ~~Board~~ Clerk with evidence of compliance with license training provisions contained in § 125.17(6), Wis. Stats.

(3) A provisional operator's license shall be issued to an applicant by the Village Clerk upon written application. The applicant must be 18 years of age and a resident of this state and must have applied for an operator's license and have provided proof of enrollment in the training class required by § 125.17(6), Wis. Stats. No provisional operator's license shall be granted if the applicant has been denied an operator's license by the Village ~~Board~~ Clerk or if the applicant, subject to §§ 111.321, 111.322 and 111.335, Wis. Stats., has an arrest or conviction record of alcohol offenses. The provisional operator's license shall cost \$15 and expire 60 days from the date of issuance or when an operator's license is issued by the Village ~~Board~~ Clerk, whichever is sooner. The Village Clerk shall immediately revoke the provisional operator's license in the event the holder fails to successfully complete the course required by § 125.17(6), Wis. Stats.

K. Temporary operator’s license. A temporary operator’s license may be issued by the Village ~~Board~~ Clerk for purposes of compliance with §§125.32(2) and 125.68(2), Wis. Stats, to persons employed by or donating their services to nonprofit corporations. No person may hold more than ~~one~~ two temporary operator’s license per year. The temporary operator’s license shall cost \$10 and shall be valid for the period stated on the license, which shall be from one day to 14 days.

Section 2: If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

Section 3: This ordinance shall take effect and be in full force from and after its passage

VILLAGE OF ELM GROVE

Dated this

Neil H. Palmer, Village President

Mary S. Stredni, Village Clerk