



VILLAGE OF WATERFORD  
JOINT PLAN COMMISSION AND HERITAGE DISTRICT  
DESIGN COMMITTEE

September 15, 2021, 6:00 pm  
Village Hall, 123 N River Street

\*Or join virtually at <https://www.gotomeet.me/VillageofWaterford>

Or call in at: 1-872-240-3212, access code: 562-426-325

1. **Call to Order**
2. **Roll Call**
3. **Comments and Correspondence**
4. **Public Appearances**
5. **Reading and Approval of Min: 07.21.21 Jt. Plan and HDDC Minutes**

#### **New Business**

1. Review and discussion on design for 315 E Main Street, consider an appropriate motion for action.
2. Discussion on permitted uses in the Heritage District/B3 Zoning. Discussion on zoning occupancy permit for 306 E Main Street. Consider an appropriate motion for action.

#### **Adjournment**

#### **Public Notice**

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 262-806-1750 or at [zjackson@waterfordwi.org](mailto:zjackson@waterfordwi.org). It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Village Staff at 262-534-7912, or by writing to the Village Administrator at the Village Administration Building, 123 N. River St, Waterford WI, 53185 Copies of reports and other supporting documentation are available for review at the Village Administrator's Office, Administration Building, 123 N. River St, Waterford WI 53185 during operating hours. (8 a.m. – 5 p.m. weekdays).

9/8/2021; 2:00 p.m.

Village of Waterford  
Joint Planning Commission & HDDC Official Minutes  
July 21<sup>st</sup>, 2021

\*Held in Village Hall and via Teleconference

Houston called the meeting to order at 6:00pm.

Commissioners present: Bil Luth, Eric Halbur, Diane Lemancyk, Don Houston, Bob Nash, Brent Hess  
Excused: Howard Bryant, Brent Hess

H.D.D.C. members present: Don Houston, Diane Lemancyk, Kari Mullikin, Colleen Webber, Bil Luth

Also present: Colleen Schauer, Zeke Jackson, Rick Huening

Motion: Motion by Luth to approve the 6.16.21 HDDC Minutes. Second by Webber. All aye. Motion carried.

Motion by Halbur to approve the 7.21.21 Plan Commission Minutes. Second by Lemanczyk. All aye. Motion carried.

New Business:

1 – 206 W Main Street: Motion by Webber to approve the plans for 206 W Main Street on behalf of the Heritage District Design Committee. Second by Luth. All aye motion carried.

Halbur motion to approve the plans for 206 W Main Street on behalf of the Plan Commission. Second by Nash. All aye. Motion carried.

Motion by Webber to adjourn the Heritage District Design Committee at 6:06pm. Second by Mullikin. All aye. Motion carried.

2 – Motion by Halbur to grant preliminary approval for the NBR Sports Complex in the Mercury Business Park for programming and schematics, must come back for final approval including aesthetic and materials. Second by Luth. All aye. Motion carried.

3 – Motion by Nash to approve the final site approval for Atlas 6 Development in the Mercury Business Park including approval for site, landscaping, parking, building elevation, exterior façade plans and civil plans to be reviewed and approved by Village Engineers; and recommended on to the board to include final landscaping plans in final submittal. Second by Lemanczyk. All aye. Motion carried.

4 - Motion by Nash to approve preliminary approval for Vortex Development in the Gemini Business Park including approval for programming and schematics, must come back for final approval including aesthetic, site plan and materials. Second by Halbur. All aye. Motion carried.

Motion to adjourn at 6:50 by Nash. Second by Halbur. All aye. Motion carried.

Submitted by,  
Colleen Schauer, PIO



Siding  
Color

**§ 245-27. Waterford Heritage Overlay District. [Added 10-13-2003 by Ord. No. 439; amended 1-24-2005 by Ord. No. 471; 1-23-2006 by Ord. No. 489; 6-11-2012 by Ord. No. 589; 9-24-2012 by Ord. No. 593; 11-11-2013 by Ord. No. 610; 9-25-2017 by Ord. No. 640]**

There shall be a Waterford Heritage Overlay District, which shall consist of properties generally lying between Center Street on the west, Weber Street on the south, the Racine County Bicycle Trail/Seven Waters Bike Trail on the east and Rockrohr Court on the north, as specifically shown on the map attached hereto as Exhibit A and incorporated herein.<sup>1</sup> Streets in the district begin at the middle of the intersection.

A. Purpose.

- (1) Area and usage. It is recognized that lands laid out and buildings erected prior to the enactment of Subdivision and Zoning Ordinances in the Village, while their existing uses and lot sizes are grandfathered, may contain buildings which, because of their history or architecture, may be suitable for purposes falling outside of existing allowed uses. In addition, the improvements existing in this area rarely conform to current, modern setbacks or yard area requirements, and the enforcement of these requirements may not preserve the character of the area. This zoning classification is intended to allow flexibility in allowing the use and, for certain uses, the site plan of a property which may not precisely conform to the uses and site layouts permitted in the underlying district, but which, because of the lot layout, building history or architecture, or other valid reason, may be suitable for an alternate use or site plan layout.
- (2) Visual and aesthetic character. The Village wishes to protect, enhance and preserve the improvements in the original downtown and in the surrounding areas that transition to the downtown. Doing so fosters civic pride, stabilizes and improves property values, enhances the visual and aesthetic character of the Village, protects and enhances the attraction to residents and visitors, and supports and stimulates business.

B. Uses.

- (1) Permitted use. All uses allowed in the underlying district are allowed in the Waterford Heritage Overlay District. The following uses are also allowed; provided, however, that such use shall not interfere with or be detrimental to the uses in the underlying district or a neighboring use.
  - (a) Bed-and-breakfast establishments as home occupations which provide not more than two bedrooms for rent with a maximum occupancy of four guests at any one time.
  - (b) Temporary seasonal gift or antique shop use of the property for not more than four days at any one time and not more than eight days of such use in any twelve-month period.

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1. Editor's Note: The map of the Waterford Heritage Overlay District is on file in the Village offices.



- (c) Hybrid uses. In an area where the underlying zoning is Business and Commercial District, but the building was originally constructed for another use, a part of the premises may be used in conformance with the building's original use. In the event that the entire premises is to be used for the original or any other use that is not in conformance with the Business and Commercial District zoning, the owner shall apply for a zoning amendment to change the underlying use. **[Amended 8-13-2018 by Ord. No. 658]**
- (2) Conditional uses. Other uses similar to an underlying use with Village Plan Commission approval. The Plan Commission shall conduct a review, including, but not limited to, the site, existing and proposed structures, neighboring uses, parking areas, driveway location, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. No conditional use in the overlay district shall be approved unless the Plan Commission finds that the use is appropriate for the neighborhood, the site, and the building pursuant to the purpose set forth in this section.
- C. Area, height, side yard, setback, rear yard, lot area per family, and auto parking. Except as they may be modified for certain uses pursuant to Subsection D of this section, or certain setback or yard requirements that must be met pursuant to the Design Guidelines adopted in Subsection E of this section, the area, height, side yard, setback, rear yard, lot area per family, and auto parking requirements shall be as set forth in the underlying district.
- D. Modification of Zoning Code requirements for school, municipal or institutional uses. For school, municipal, or institutional uses, the area, height, side yard, setback, rear yard, lot area per family, vision clearance triangle, parking and/or other area-type zoning requirements for a lot or site located within the overlay district may be modified under the following conditions. A use may not be authorized by a zoning modification permit.
  - (1) Application for zoning modification permit. An application for a zoning modification permit shall be made to the Village Plan Commission and shall include the following where pertinent and necessary for proper review by the Village Plan Commission. The applicant shall submit the number of copies and attachments required by the Clerk.
    - (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and the property owners of record of all lands extending 100 feet immediately abutting or lying opposite of the subject site.
    - (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operator or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

- (c) Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Village Plan Commission, showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards.
  - (d) In addition, the plat of survey shall show the allocation, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines, types and slopes, ground surface elevations; and existing and proposed landscaping.
  - (e) Additional information, as may be required by the Village Board, Village Plan Commission, or Village Engineer.
  - (f) Conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting.
  - (g) A detailed list of the zoning modifications sought.
- (2) Fees. Every applicant for zoning modification permit shall pay to the Clerk of the Village of Waterford a fee in an amount set by the Village Board specifically as and for the zoning modification permit application process, which fee shall assist the Village in covering the cost of investigation, administration, publication, and hearing. This fee shall be paid at the time of application and shall be retained by the Village regardless of the outcome on the application. This fee shall be in addition to any and all required permit fees within the various building codes of the Village of Waterford.
- (3) Public hearing. Upon application for a zoning modification permit, the Village Clerk shall establish a date for public hearing before the Plan Commission of the Village of Waterford, shall mail notice to the abutting property owners as listed in the application of the applicant, and shall publish the notice as a Class 2 notice.
- (4) The Village Plan Commission shall conduct a review, including, but not limited to, the site, existing and proposed structures, conformance with required Design Guidelines, neighboring uses, parking areas, driveway location, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Upon review and a public hearing by the Plan Commission, and its consideration of the following criteria, the Plan Commission shall make a recommendation regarding the issuance of the permit, and shall forward its recommendation to the Village Board. The criteria to be considered are:
- (a) The determination as to whether the modification proposed is hazardous, harmful, or offensive, within the neighborhood or locale where proposed;
  - (b) Whether the modification proposed is adverse to the environment;

- (c) Whether the modification proposed adversely affects the property value, the aesthetics, or the general well-being of the neighborhood where proposed; and
  - (d) Whether the modification proposed presents safety or other issues that cannot be resolved.
- (5) Village Board consideration. The Village Board shall review the proposed modification and the recommendation of the Village Plan Commission, and shall determine whether to issue, issue with conditions, or deny the zoning modification permit. If written objection to the modification by is received from 20% or more of the property owners of record of all lands extending 100 feet immediately abutting or lying opposite of the subject site, the Village Board shall not issue said permit except by the favorable vote of 3/4 of the members of the Village Board.
- (6) Appeals. Appeals from the decision of the Village Board shall be made to the Board of Appeals pursuant to § 245-54 of this Municipal Code, and the Board of Appeals shall have the power to hear and decide such matters.
- (7) Penalties.
- (a) In every instance where work commences upon a project subject to this section, prior to the zoning modification permit being applied for and granted, there shall be a double fee imposed for the permit, and the applicant shall remain required to meet full compliance with this section.
  - (b) It shall be unlawful to use or improve any structure or land in violation of any of the provisions of the section. In addition to penalties imposed under Chapter 1, Article II, of this Code, the Village of Waterford may institute appropriate action to enjoin a violation of this section or to cause any structure so constructed or altered to be vacated or removed.

E. Design guidelines.

- (1) Guidelines adopted. The design standards set forth in the publication titled "Design Guidelines: Waterford Heritage Overlay District," as may be amended from time to time by resolution of the Village Board, are adopted by the Village of Waterford, are available at the Village Hall, and are published on the Village of Waterford website. These guidelines, which may be referred to as the Heritage District Guidelines, shall be used by the Village, the Plan Commission and the Heritage District Design Committee as design standards for properties located within non-residentially zoned areas lying within the Waterford Heritage Overlay District.
- (2) Purpose of Design Guidelines. The Heritage District Guidelines are intended to improve and protect the appearance, value, and function of the downtown and the surrounding properties in the Waterford Heritage Overlay District by providing a welcoming atmosphere for area residents and visitors. The Guidelines allow for creativity and variety within a framework of basic design

parameters that reinforce the best attributes of the historic downtown and its surrounding area.

- (3) Limitation on structural or appearance changes and new construction; permit required.
  - (a) Except as set forth in Subsection E(3)(b), there shall be no alteration in the architectural appearance or appearance of any structure, parking lot or open space area, or construction of any structure or parking lot, within the Waterford Heritage Overlay District without the approval of plans for the alteration or construction as set forth in this section and § 245-27F. All alterations and construction shall be made in conformance with the Heritage District Guidelines as adopted in this section. For the purposes of this section, alterations shall include any exterior change (including painting), addition to, or demolition of all or any part of the exterior of a structure.
  - (b) Exceptions.
    - [1] Subsection E(3)(a) shall not be applicable in areas within the Waterford Heritage Overlay District where the underlying zoning is residential.
    - [2] Except for paint colors, and siding colors and materials, modifications to the rear walls and rear yards of single- and two-family residential buildings that are used strictly for residential purposes are not subject to review or permit requirements under Subsection E(3)(a) if those modifications cannot be readily seen from the street.
- (4) Mandatory requirements.
  - (a) Heritage District Guidelines that use the words "shall," "must," "no more than," "prohibited," or other commands are requirements that must be met to obtain approval of proposed alterations or construction. All other guidelines are suggestions. Applicants that do not believe they can or should follow a required guideline may request that their application be directed to the Plan Commission after review by the Heritage District Design Committee and Zoning Administrator.
  - (b) The requirements for a Heritage District Permit are in addition to all other permits required.
  - (c) Signs, including exterior window signs, in the Heritage Overlay District, shall require sign permits as set forth in Article VI of this chapter, as well as Heritage District permits; provided, however, that a sign permit application shall also serve as the application for a Heritage District permit, and the separate application and information required under § 245-27E(5)(a) is not required for signs. The application for a sign permit for a permanent sign shall be reviewed by the Zoning



Administrator. The Zoning Administrator may request a determination from the Heritage District Design Committee as set forth in this section for review and approval. Applications for temporary signs do not require Zoning Administrator Review, but must meet the requirements set forth in the Heritage District Design Guidelines.

(5) Procedure.

(a) Application for Heritage District permit. An application for a Heritage District permit shall be made to the Village Zoning Administrator and shall include the following where pertinent and necessary for proper review:

- [1] Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- [2] Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operator or use of the structure or site; number of employees; and the underlying zoning district within which the subject site lies.
- [3] Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale, showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. The plat of survey shall show the allocation, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; and existing and proposed landscaping.
- [4] Details that include, where applicable, how the design will comply with each of the following sections of the Heritage District Guidelines: Pattern & Rhythm; Building Proportion; Building Setbacks; Building Height & Width; Segmentation of Building Facades; Facade Elements; Window & Door Openings; Materials; Color; Signage; Awnings; On-Site Parking; Open Space; Sustainability; and other information as may be required by the Zoning Administrator, the Heritage District Design Committee, and/or Plan Commission.
- [5] A historic photograph of the building, if available. If the applicant does not have a historic photograph, the applicant is required to check with the Waterford Public Library, which has an online catalogue of historic photographs.
- [6] An artist's rendering of the proposed improvements. Artist's

renderings may be available from Absolutely Waterford, Inc., and if not available, the applicant must submit a sketch of the proposed improvements on a current photograph of the building, showing where the colors will be used, where the signs will be hung, what awnings would cover, etc.

- [7] Conditions such as landscaping, type of construction, construction commencement and completion dates, and lighting.
- (b) Fees. Every applicant for Heritage District permit shall pay to the Clerk of the Village of Waterford a fee in an amount set by the Village Board specifically as and for the permit application process, which fee shall assist the Village in covering the cost of investigation and administration. This fee shall be paid at the time of application and shall be retained by the Village regardless of the outcome on the application. This fee shall be in addition to any and all required permit fees within the various codes of the Village of Waterford and State of Wisconsin.
- (c) Review.

- [1] As used in this section, the following terms shall have the meanings indicated:

**MAJOR ALTERATION** — A significant change in the exterior structure or architectural appearance of a building or land, including but not limited to, any change in the exterior color of the building, trim or roof; a change in the roof pitch or structure; a change in a window or door shape, size or location; or an addition to, or demolition of, any part or all of the exterior of a structure.

**MAJOR APPLICATION** — An application for review of all new construction and for major alterations.

**MINOR ALTERATION** — A change in the exterior of a structure or land including but not limited to, reroofing with no change to the structure or color of the roof; window replacement without a change in the shape or location of the window; or the replacement of fixtures such as air conditioners.

**MINOR APPLICATION** — An application for review of new or revised permanent signage or exterior lighting, and minor alterations.

- [2] The Zoning Administrator shall conduct a brief review of the application, and shall determine whether the application includes new construction, a major alteration, signage, or a minor alteration, and whether it appears to be complete. In the event that it is incomplete, the Zoning Administrator shall return it to the applicant. When complete, the Zoning Administrator shall label the application as a major or minor application.

- [3] The Zoning Administrator shall refer all major applications to the Heritage District Design Committee for review. The Committee shall proceed pursuant to § 245-27F. The Zoning Administrator shall review all minor applications, and may enlist the aid of Village Staff in determining whether the proposed design meets the Heritage District Guidelines. If the proposed design clearly meets the Guidelines, the Zoning Administrator may issue the permit; provided, however, that the Zoning Administrator may refer the application to the Heritage District Design Committee for review in the Zoning Administrator's sole discretion. In the event that the application is referred to the Heritage District Design Committee, the Village will require the applicant to submit copies of the items listed in this section in the amount required on the application, and the Committee shall proceed pursuant to § 245-27F.
- [4] If, after review of the application by the Heritage District Design Committee, the application is referred to the Plan Commission, the Plan Commission shall conduct a review for conformance with the Design Guidelines, and shall consider the recommendations of the Heritage District Design Committee. After review, the Plan Commission shall direct the Zoning Administrator to issue or deny a permit. If the permit is denied, the applicant may appeal the decision to, or apply for a variance from, the Board of Appeals.
- [5] Appeals. Appeals from the decision of the Plan Commission, or application for a variance, shall be made to the Board of Appeals pursuant to § 245-54 of this Municipal Code, and the Board of Appeals shall have the power to hear and decide such matters. In making its determination for a variance, the Board of Appeals, in addition to the requirements set forth in § 245-54, shall consider the following:
- [a] No variance shall be permitted that would tend to destroy or seriously impair the particular character and quality of the Waterford Heritage Overlay District. No change or alteration (including painting) of a structure or site shall be permitted which destroys, seriously impairs, or significantly alters its character in terms of its historical or architectural interest.
  - [b] No variance shall be permitted if doing so would diverge from the purpose of the Guidelines as set forth in § 245-27E(2).
  - [c] In order to obtain a variance, the applicant shall be required to show good cause for the variance, which shall include, but not be limited to, a showing that the required design feature cannot be met on the site; the requirement would create undue hardship for the applicant as compared to other properties in the district, or the intent of the Guidelines can be successfully met with an

alternative design.

- (6) Government order for emergencies. Nothing contained in this chapter shall prohibit the making of necessary construction, reconstruction, alteration, or demolition of any improvement in the Heritage Overlay District pursuant to the order of any governmental agency or pursuant to any court judgment for remedying emergency conditions determined to be dangerous to life, health, or property. In such emergency cases only, no Heritage District design approval shall be required.

F. Heritage District Design Committee.

- (1) Purpose. The Heritage District Design Committee (HDDC) is intended to safeguard the Village's Heritage Overlay District and carry out the purpose of the Design Guidelines adopted in § 245-27E. By doing so, the HDDC will stabilize and improve property values, promote civic pride in the beauty of the Heritage Overlay District, protect and enhance the Village for its residents, tourists and visitors and general welfare, and strengthen the economy of the Village.

- (2) Membership; terms; officers; vacancies.

- (a) Membership and terms. The Heritage District Design Committee shall consist of seven or eight voting members appointed by the Village President for one-year terms at the first meeting in May each year, subject to confirmation by the Village Board. Memberships shall consist of the following:

[1] Two members of the Absolutely Waterford Design Committee;

[2] One member of the Absolutely Waterford Economic Restructuring Committee;

[3] An owner of a building located in the Heritage Overlay District;

[4] An owner of a business located in the Heritage Overlay District;

[5] A Realtor, banker, architect or similar professional;

[6] A member of the Plan Commission, and if the Plan Commission member is not a Village Trustee, a Village Trustee shall also be a member;

[7] The Building Inspector, who shall be an ex officio, nonvoting member.

- (b) Chairperson. The Village President shall appoint the Chairperson.

- (c) Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

- (3) Meetings; minutes; quorum.

- (a) Meetings. Regular meetings shall be held once per month, as necessary. Special meetings may be held at the call of the Chairperson of the Heritage District Design Committee or when requested by the Village Board or Plan Commission. Meetings shall be open to the public.
  - (b) Minutes. Minutes shall be kept showing all actions taken and shall be a public record. The grounds for every decision shall be stated in the minutes.
  - (c) Quorum. Quorum shall be four members when there are seven voting members, and five members when there are eight voting members, and all actions shall require the concurring vote of a majority of the members present.
- (4) Powers. Except as set forth in § 245-27E(3)(b), the Heritage District Design Committee shall have the power to review applications for permits for construction, reconstruction, and exterior alteration of all properties in the Heritage Overlay District. Except as set forth in § 245-27E(3)(b), no permit shall be issued to any owner or person in charge of a structure or site within the Heritage Overlay District, and no owner of a such a structure or site shall reconstruct or alter all or any part of the exterior of such property, construct any improvement upon such designated property, or cause or permit any such work to be performed upon such property (including the placement of permanent exterior signage), unless a Heritage District permit has been granted.
- (5) Procedures. Applications for a Heritage District permit shall be filed with the Zoning Administrator in conformance with § 245-27E(5).
- (a) Minor application. All minor applications referred to the Heritage District Design Committee by the Zoning Administrator shall, within 60 days of submission of the application, be reviewed by the Heritage District Design Committee based upon whether the proposed construction, reconstruction, or exterior alteration conforms to the objectives and design criteria of the Design Guidelines duly adopted by the Village, and the Committee shall:
    - [1] Direct the Zoning Administrator to issue the Heritage District permit;
    - [2] Direct the Zoning Administrator to issue the Heritage District permit with conditions;
    - [3] Reject the request for a Heritage District permit; or
    - [4] Recommend that the matter be reviewed by the Plan Commission and state the reasons for the referral.
    - [5] In the event that an applicant has requested Plan Commission review because the applicant does not believe that it can or should follow a

required guideline, the Heritage District Design Committee shall attach its recommendations regarding the request to its referral to the Plan Commission.

- (b) Major application. In the case of a major application, within 60 days of submission of the application, the Heritage District Design Committee shall review the application based upon whether the proposed construction, reconstruction, or exterior alteration conforms to the objectives and design criteria of the Design Guidelines duly adopted by the Village. If the major application is solely for a color change, the Committee shall proceed pursuant to Subsection E(5)(a) above. For all other major applications, the Committee shall forward its recommendation to the Plan Commission for a final determination regarding the Heritage District Permit. The Heritage District Design Committee shall:
- [1] Recommend to the Plan Commission that it grant approval of the Heritage District permit;
  - [2] Recommend to the Plan Commission that it approve the Heritage District permit with conditions;
  - [3] Recommend to the Plan Commission that it reject the request for a Heritage District permit; or
  - [4] Recommend to the Plan Commission that it require changes to the planned construction, reconstruction, or exterior alteration, and state the reasons therefor.
- (6) Other duties. The Heritage District Design Committee shall make recommendations to the Village's Board of Appeals on all appeals and applications to the Board of Appeals regarding errors, variances, and interpretations relating to the Heritage Overlay District. Said recommendation to the Board of Appeals shall be made by the Heritage District Design Committee within 30 days of such request. The Committee shall perform such other tasks as may be assigned by the Village Board or Village Plan Commission.

#### G. Penalties.

- (1) In every instance where work commences upon a project subject to this section, prior to the Heritage District Permit being applied for and granted, there shall be a double fee imposed for the permit, and the applicant shall remain required to meet full compliance with this section.
- (2) It shall be unlawful to use or improve any structure or land in violation of any of the provisions of the section. In addition to penalties imposed under Chapter 1, Article II, of this Code, the Village of Waterford may institute appropriate action to enjoin a violation of this section or to cause any structure so constructed or altered to be vacated, removed, or altered.



**§ 245-26.2. B-3 Downtown District. [Added 8-13-2018 by Ord. No. 658]**

There shall be a B-3 Downtown District, which shall be a business mixed-use district and consist of all of that land within the Village identified on the Zoning Map.

A. Purpose. It is recognized that lands laid out and buildings erected prior to the enactment of subdivision and zoning ordinances in the Village, while their existing uses and lot sizes are grandfathered, may contain buildings which, because of their history or architecture, may be suitable for purposes falling outside of typical single-use districts. In addition, the improvements existing in this area rarely conform to current, modern setbacks or yard area requirements, and the enforcement of these requirements may not preserve the character of the area. This district is designed to recognize and enhance the viability of the Village Center by allowing and encouraging retail, mixed-use and civic uses that are compatible with the scale and character of the Village Center. The goals of this district are:

- (1) Maintain and enhance the downtown as one of the predominant activity center and community gathering place for the Village and the surrounding region.
- (2) Promote and enhance the downtown's vitality and cultural character by enhancing day and night activity, providing and maintaining public spaces, and requiring pedestrian-oriented design.
- (3) Protect the significant historical resources in the downtown and encourage their renovation or adaptive reuse to commercial structures.
- (4) Increase high-quality employment, retail, and diverse mixed-use and commercial housing opportunities in the downtown area.

B. Area requirements.

- (1) Minimum lot width: Zero, unless necessary to meet the applicable Building Code.
- (2) Minimum lot area: None, provided that there is sufficient area to satisfy the off-street parking requirements set forth in § 245-15.
- (3) Street setback:
  - (a) All new buildings must be constructed to a zero lot line setback from the street.
  - (b) Buildings in existence on the date of the passage of this section (July 23, 2018) that do not conform to the zero lot line setback are considered legal nonconforming structures (see § 245-10F). Additions to and expansions of existing buildings should conform to the required setbacks for new buildings whenever possible.
- (4) Side yards: Zero, unless necessary to meet the applicable Building Code.
- (5) Rear setback: There is no required rear setback, except as follows:

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- (a) There must be a rear setback when necessary to meet the applicable Building Code.
  - (b) There must be sufficient area to satisfy the off-street parking requirements set forth in § 245-15.
- (6) Shoreline setbacks. In every instance where a lot abuts shoreline, there shall be a forty-foot setback from the shoreline at its ordinary high water mark.
- (7) Height. Buildings hereafter erected or structurally altered shall not exceed 45 feet in height.
- (8) Auto parking. See § 245-15, except as follows:
- (a) Notwithstanding the provisions of § 245-15N(1), use of on-street or the municipal parking lots may not be counted as meeting the required number of parking stalls for any building constructed after the effective date of this section unless a payment in lieu of parking has been assessed against the building and is paid.
  - (b) All newly constructed parking lots shall be constructed to the rear of or underneath buildings.
- (9) Vision clearance triangle. See § 245-13H.
- C. Permitted, conditional and accessory uses.
- (1) Residential uses in existence in the Downtown District on the effective date of this section are legal nonconforming uses (see § 245-10F). No new purely residential use is allowed. All new residential uses shall be either in a mixed-use building, or shall only allow residential use for short-term rentals.
  - (2) An existing residential use may be converted to a mixed-use (commercial and residential) building or a purely commercial building. Once converted, the building may not be converted back to purely residential use.
  - (3) No more than 50% of the ground floor of a new structure or a structure converted to a business use may contain a residential use.
  - (4) In the Downtown District, no building or premises shall be used and no building shall be erected, moved or structurally altered, unless otherwise provided in this chapter, except as set forth in Appendix A, Table of Land Uses.<sup>1</sup>
- D. Design guidelines and permit requirements and procedures. The design standards set forth in the publication titled "Design Guidelines: Waterford Heritage Overlay District," as may be amended from time to time by resolution of the Village Board, adopted in § 245-27E, shall be fully applicable in this district, provided that the regulations set forth in this section shall be applied and shall override any

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1. Editor's Note: Said appendix is included as an attachment to this chapter.

conflicting provision of the guidelines. The Heritage District Design Committee shall have the same powers, duties, and procedures in this district as are set forth in § 245-27F. The Zoning Administrator may deny any application that he or she determines to be out of compliance with the standards set forth in § 245-27F.

E. Penalties.

- (1) In every instance where work commences upon a project subject to this section, prior to the Heritage District permit being applied for and granted, there shall be a double fee imposed for the permit, and the applicant shall remain required to meet full compliance with this section.
- (2) It shall be unlawful to use or improve any structure or land in violation of any of the provisions of the section. In addition to penalties imposed under Chapter 1, Article II, of this Code, the Village of Waterford may institute appropriate action to enjoin a violation of this section or to cause any structure so constructed or altered to be vacated, removed, or altered.