

## ORDINANCE NO. 11-23

### AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF HUDSON, WISCONSIN

Upon review, recommendation, and consideration by the City of Hudson Common Council that the Common Council do ordain that Municipal Code §255-17.1 through §255-17.10 is hereby rewritten as Municipal Code §255-17.1 through §255-17.7 and reads as follows:

#### **ARTICLE III: Zoning Districts, Permitted Uses and Dimensional Standards**

##### **§ 255-17.1. Downtown Overlay District: purpose and intent.**

The purpose of this district is to blend the physical and functional aspects of multiple uses such as residential, commercial, cultural, institutional, and entertainment, into spaces with strong pedestrian connections; preserve and restore unique and historic buildings; ensure the coordinated design of new buildings and changes to existing buildings; minimize adverse impacts on adjacent properties and aid in improving the overall economic viability of the district all while retaining the characteristics of a Rivertown Management Zone as defined in Wisconsin Statute NR 118.04.

The purpose will be achieved by controlling the site design and appearance of development consistent with the Downtown Visioning Guidelines for Policy & Design Quality, March 19, 2007, the recommendations of the City of Hudson Comprehensive Plan and the regulations of this chapter. A copy of the Visioning Guidelines and the Comprehensive Plan is available for inspection in the Community Development Department office.

It is not the intent of this chapter to unduly restrict design freedom when reviewing and approving projects in relationship to the proposed land use, site characteristics and interior building layout.

##### **§ 255-17.2. Jurisdiction.**

The regulations of this chapter shall apply to all properties within the boundaries of the Downtown Overlay District as shown on the City of Hudson Zoning map which is incorporated by reference and is available for inspection in the Community Development Department office or online at [www.hudsonwi.gov](http://www.hudsonwi.gov).

- A. New construction, restoration, replacement, expansion, or modification of any property within the Downtown Overlay zone designation.
  - (1.) The regulations of this chapter apply to franchises and/or national chains.
  - (2.) The regulations of this chapter do not apply to interior remodeling.
- B. Restrictions and controls of land uses or activities permitted in the Downtown Overlay District are based upon what the underlying zoning district are listed in Schedule A 255 –Attachment 1 of the City of Hudson Zoning Code. Regulations for lot size, yards and similar bulk requirements are listed in Schedule A 255 –Attachment 2 of the City of Hudson Zoning Code. All schedules are hereby adopted and made part of this

chapter. A land use or activity not listed in Chapter 255 of the City of Hudson Zoning Code is thereby not a permitted use in the Downtown Overlay District, except that uses and activities which are similar to those listed in Schedule A 255 – Attachment 1 of the City of Hudson Zoning Code may, with Plan Commission and Common Council approval, be permitted.

**§ 255-17.3. Downtown Overlay District: covered activities.**

The following are considered Major Alterations and require a Downtown Certificate of Design Review:

- A. All new building construction.
- B. Any exterior alterations or additions to existing buildings.
- C. All new parking lots and their landscaping.
- D. Changes to existing color.

**§ 255-17.4. Downtown Overlay District: exemptions.**

The following Minor Alterations routine maintenance activities to an existing structure do not require a Downtown Certificate of Design Review, and can be administratively approved:

- A. Replacement of windows or doors matching the color and architectural style of the building.
- B. Renovation of the exterior appearance of a building such as repainting, reroofing, re-siding, or replacing with identical colors and materials previously approved.
- C. Replacement or reconstruction of a building, structure, or awning accidentally damaged or destroyed and which was previously approved.
- D. Interior remodeling.

**§ 255-17.5. Downtown Overlay District: process.**

The following process shall be used for new development or redevelopment projects located within the Downtown Overlay District:

- A. Prior to commencing any Major Alteration, the Applicant should contact the Community Development Department to explain the proposal, ask and answer questions, and gain an understanding of the Downtown Overlay District and the Downtown Certificate of Design Review process. A Downtown Certificate of Design Review form shall be available from the office of the Community Development Department.
- B. In addition to Architectural Review Standards found in § 255-17.6 the applicant shall submit the following:
  - (1) A narrative which shall include, but not be limited to, a timeline/schedule, a

description of the proposed alteration/repair processes and a description of how the proposal and proposed use(s), intend to meet the purpose of this chapter such as but not limited to:

- (a) How the physical and functional aspects of the proposal will be integrated into the unique and, where appropriate, historic characteristics of the building in question or downtown area.
  - (b) Description of the impact the proposal will have on adjacent properties and to the general design theme of the downtown.
  - (c) Description of the proposal's contributions to the overall economic viability of the district.
  - (d) How the proposal contributes to a positive pedestrian experience.
- (2) Front and side building elevations to scale, depicting the scope and scale of the proposed alteration/repair.
  - (3) A clear depiction of the existing appearance of the project. Color photographs are recommended, including photographs of adjoining and nearby properties.
  - (4) A color rendering showing the proposed appearance of the project.
  - (5) Samples of finish materials such as siding, brick type, roof shingles, paint chips, doors and windows, ornamentation, and other exterior materials and color pallets.
  - (6) Site plan to scale (when appropriate) depicting the footprint of existing and proposed buildings, parking layout, and landscaping.
  - (7) Details of exterior lighting.
  - (8) Other information city staff or the Plan Commission may deem necessary to review the application.

#### **§ 255-17.6. Architectural Review Standards**

A. To demonstrate an understanding of, and compatibility with the Downtown Overlay District, the Applicant shall provide documentation (scaled drawings, sketches, narrative descriptions etc.) as to how the following Architectural Standards (Standards) apply to the applicant's proposal.

- (1) The following Standards may not apply to every Downtown Certificate of Design Review application therefore:
  - (a) If the applicant finds that one or more of the Standard(s) do not apply to the proposal at hand, the applicant shall address such Standard(s) as "Not Applicable" and shall provide an explanation as to why such Standard(s) are not applicable.

[1] If the Plan Commission finds or agrees that such Standard(s) are not applicable, the Plan Commission may waive compliance or,

[2] If the Plan Commission finds that such Standard(s) are not applicable because strict compliance with the Standard(s) cannot be achieved, such Standard(s) may be modified to the degree necessary to constitute compliance. (Example; The applicant provides documentation that only 40% of the façade could be window and door openings instead of the minimum 60% requirement. The Plan Commission agrees and reduces the Standard to 40% to constitute compliance.)

- B. DESIGN ELEMENTS. New design elements should be compatible with existing buildings in the Central Business District and to the general design theme of the downtown.
- (1) The proposal should match or complement buildings in the downtown historic district, and adjacent and nearby structures when nearby structures are compatible with the downtown theme.
    - (a) Photographs, sketches, or color renderings are recommended, to depict the project area, and adjoining and nearby properties.
  - (2) The visual architectural continuity of existing and proposed roofs and contributing elements (parapet walls, cornices, etc.) should be maintained.
  - (3) The vertical pattern of exterior building elements should be compatible with existing buildings in the Central Business District and to the general design theme of the downtown area.
  - (4) The horizontal pattern of exterior building elements formed by patterns of windows and doors should be spaced at regular intervals across all visible facades of the proposal and should be compatible with existing buildings in the Central Business District and to the general design theme of the downtown.
- C. UNITY and THEME. Unity and theme pertain to a consistent architectural style that is compatible with the general design theme of the downtown. This is especially applicable to multiple building developments.
- (1) Unity can be accomplished with the use of the same materials throughout a development.
  - (2) An accessory structure should be compatible with the principal structure in terms of character, roof shape, building material, color, and architectural detail.
- D. COLOR and BUILDING MATERIALS. Color and building materials apply to a building exterior that is generally visible from a public street and/or alley. Samples of finish materials such as siding, brick type, roof shingles, paint chips should be submitted for the following (as applicable).
- (1) Building color should be nonreflective and relate to adjacent properties and to the general theme of the downtown area.
    - (a) High-intensity, fluorescent, day glow and/or neon and metallic colors are discouraged but may be allowed with Plan Commission approval.

- (b) Colors which constitute a component of a standardized corporate theme or identity, muted versions colors, but may be allowed with Plan Commission approval.
- (2) Primary exterior building materials should be similar and/or complementary to existing structures within the immediate area and to the general theme of the downtown area. Building materials should consider the facades of the proposed structure and adjoining structures to provide a suitable transition between facades. Where a side and/or rear elevation is not exposed to view from a public street, a combination of primary and secondary materials may be used.
  - (a) Secondary materials should be similar in color, shape, and appearance to the primary materials but the aesthetic and/or finished qualities of the primary materials are not required.
- (3) Acceptable building materials include, but are not limited to, glass, brick, ceramic tile, terra cotta, cultured stone, cut stone, carved stone, stucco, wood, and decorative concrete block.
  - (a) Stone or brick facing shall be of relatively even coloration and consistent in size.
  - (b) The use of nondecorative exposed concrete block, pre-engineered metal building systems, and sheet metal is discouraged but may be allowed with Plan Commission approval.
  - (c) The use of plywood or oriented strand board (OSB) or similar materials is prohibited.
  - (d) Metal roofs, decorative metal and metal accent components are discouraged but may be allowed with Plan Commission approval.
  - (e) Other building materials may be allowed with Plan Commission approval when compatible to adjacent properties and to the general theme of the downtown area.
- (4) The traditional storefront design theme, characterized by strong horizontal and vertical rhythms formed by building openings, columns, cornices, kick plates, sign bands, large display windows and transom windows, shall be employed, when practical.
- (5) Building facades should not be cluttered with brackets, wiring, meter boxes, antennas, gutters, downspouts, and other appurtenances.
  - (a) Appurtenances shall be colored to blend with the building exterior.
  - (b) Ornamentation that is inconsistent with the general design theme of the downtown area may be allowed with Plan Commission approval.
- (6) Clear or slightly tinted glass should be used. Mirror glass, smoked glass or heavily tinted glass is not permitted.

(7) When facade changes are made, hidden architectural elements and original materials should be restored or replaced, when practical, to match or to be consistent with the architecture of adjacent and nearby buildings.

E. BUILDING WIDTHS and FACADES. Buildings greater than one hundred (100) feet in width shall be divided into smaller increments of between forty-five (45) feet and eighty-five (85) feet through articulation of the facade.

(1) This can be achieved through combinations of the following techniques or, with Plan Commission approval, other similar techniques:

- (a) Stepping back or extending forward a portion of the facade.
- (b) Using different textures or materials. The materials shall be drawn from a common palette.
- (c) Dividing the storefronts, with separate display windows and entrances.
- (d) Varying the rooflines by alternating dormers, stepped roofs, gables or other roof elements.
- (e) Using arcades, awnings, window bays, arched windows, and balconies.

(2) Windows and doors should be similar in size, proportion and alignment based on the architectural style of the building.

- (a) Original door and window openings and accenting features shall be maintained where practical.
- (b) Windows shall establish visibility and transparency along the street.

[1] A minimum of 60% of the ground-level facade fronting a public street and a minimum of 30% of the ground level of side and rear facades shall consist of either windows or door openings that allow views into and out of the building's interior.

[2] A minimum of 15% of all upper floors on front, side and rear facades shall be made transparent through the use of windows and balcony doorways.

(3) Replacement windows and doors should, where possible, fit into the original opening, minimizing the amount of blocking and/or filler panels. Replacements should match the existing/original in size, shape, and arrangement of panes.

(4) Awnings and canopies shall be the same type and style for a single building or property and utilize the same mounting characteristics.

- (a) Awnings on a single building shall have a consistent horizontal alignment across the front of the entire building, unless the slope of the pedestrian walk, or ground requires a horizontal stagger.
- (b) Awning/canopy size, color and placement should complement the

architectural character of the building.

- (c) Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installations shall be used. Wood and plastic awnings are prohibited.
- (d) Metal awnings fitting the context of adjacent buildings, which are properly treated and maintained to prevent rusting may be allowed with Plan Commission approval.
- (e) Internally illuminated awnings are prohibited.

(5) Rear facades shall be lit and signed to clearly identify the entrance.

F. METERING AND MECHANICALS. All metering and mechanicals such as but not limited to transformers, gas and electric meters, rooftop units, utility service boxes, cables, conduits, vents, turbines, flues, chillers and fans, telecommunication devices, and trash/recycling storage receptacles shall be screened from public view, except when state statutes or other regulations require otherwise, by incorporating the following design standards:

- (1) Locate mechanical equipment and service areas at the rear of the building along an alley facade or on the building rooftop.
- (2) Screen mechanical equipment and service areas using architectural screen walls, screening devices and/or landscaping.
- (3) Mechanical equipment located on a building rooftop shall be set back from the building edge a sufficient distance to screen the equipment from view of adjacent streets.

G. PARKING.

- (1) Unless approved otherwise, all off-street parking shall be located on the same buildable lot as the principal use and on the side or rear of such buildings, not at intersections or between a building and the street. Refer to §§ 255-48 and 255-49.
- (2) Off-street parking may be provided on a proximate property within 200 feet of the proposal if an agreement is on file with the City and there is conformance with all requirements of this Chapter.
- (3) Parking lot layout. Off-street parking shall be located to the side or rear of buildings, not at intersections or between a building and the street.
- (4) Landscaping and screening. Refer to §§ 255-17.6(H)(1) and 255-34.

H. OUTDOOR SPACE AND LANDSCAPING

- (1) Landscaping and screening.
  - (a) Rows of parking shall be broken every 10 spaces by a landscape median a minimum of seven feet in width. Parking lots shall provide a minimum of one indigenous shade tree per median.

- (b) In addition to Subsection (2) of this section, shrubs and ground cover shall comprise the remainder of the required parking lot landscape breaks; and no individual required landscape break shall be devoid of shrubs or ground cover.
- (c) Parking lots shall be separated from the street or sidewalk by a landscaped buffer strip. The buffer shall be a minimum of five feet in width, containing one two-and-one-half-caliper overstory tree per 60 linear feet of parking lot frontage. A combination of deciduous and coniferous shrubs and decorative wall or fence made of wood, brick or ornamental iron railing is considered to create an effective screen of a parking lot.
- (d) Landscaping or screening with a fence or wall shall be required along street edges that abut arterial streets and along property lines that abut residential land uses.

(2) Outdoor space.

- (a) Outdoor seating areas shall not block storefront entrances or inhibit access for the pedestrian or physically disabled.
- (b) Outdoor seating placed within the right-of-way or public open space shall require a Certificate of Compliance. The Certificate of Compliance application shall be available from the office of the Community Development Department. Complete applications shall be submitted to the Zoning Administrator and shall contain the following:

[1] A non-refundable application fee(s) in accordance with the City of Hudson Fee Schedule, adopted by resolution and as amended from time to time. The fee schedule is on file with the City Clerk.

[2] Samples of the color and style of the proposed outdoor furniture and accessories such as tables, chairs, benches, umbrellas, planters, railings, fencing etc. Samples should include paint chips, fabric swatches, photographs, catalog specification sheets or other means to describe such item(s)

[3] Colors shall be nonreflective and relate to adjacent properties and to the general theme of the downtown area.

- (c) Outdoor storage, service or loading areas facing adjacent residential uses or a public street, alley or walkway shall be screened from view by masonry walls or plant material at least five feet in height. Dumpsters shall be screened by a wood fence or masonry wall at least five feet in height. Screen walls and fences shall be architecturally compatible with the primary structure.

- I. **LOADING DOCKS and LOADING DOORS.** Loading docks and loading doors shall be located to the side or rear.
- J. **SIGNS.** All signs in the downtown design district are regulated and are allowed only by sign permit. Permit fees for new or replacement signs shall be in accordance with the current fee schedule on file with the City Clerk.

- (1) **Sign plan.** A sign plan for the entire building must be provided with the application



for a sign permit.

- (2) Materials. Sign materials shall be consistent or compatible with the original construction materials and architectural style of the building facade on which they are to be displayed. Natural materials such as wood and metal shall be permitted.
  - (a) Natural materials such as wood and metal shall be permitted.
  - (b) Lighted signs shall;
    - [1] Be aimed and focused to illuminate only the face of the sign.
    - [2] Be aimed, focused and where applicable fitted with cutoffs to eliminate glare to pedestrians and motorists.
    - [3] High-intensity signs such as neon, LED, and fluorescent, are discouraged but may be allowed with Plan Commission approval.
- (3) Position. Wall, projecting or overhanging signs shall be positioned so as to create an integral design feature of the building to complement and enhance the building's architectural features. Signs shall not obscure or destroy architectural details such as stone arches, glass transom panels or decorative brickwork.
- (4) Awning and canopy signs. Awning and canopy signs in the Downtown Overlay District shall meet the following requirements:
  - (a) Area. The surface area of an awning or canopy sign shall not exceed 10% of the gross surface area of any face of the awning or canopy to which the sign is affixed.
  - (b) Location. A sign may be affixed to or located upon any awning, canopy or marquee.
  - (c) Height. An awning or canopy sign shall not project higher than 17 feet nor less than seven feet as measured from the base of the building wall to which the sign is affixed.
  - (d) No canopy or awning shall be less than seven feet above the level of the sidewalk or ground.
- (5) Directional signs. Directional signs limited in area to four square feet shall be permitted and not included in any computation of sign area, to consist of one per entrance not to exceed 2 1/2 feet in height nor located within five feet of any street right-of-way line.
- (6) Portable signs.
  - (a) One portable sign shall be allowed per business in addition to the total building signage.
  - (b) Portable signs shall not exceed three feet in height and 2 1/2 feet in width.
  - (c) Portable signs, if located in the right-of-way, shall be placed directly adjacent to the building and only if there are five continuous feet of sidewalk clear for pedestrian movement.
  - (d) Portable signs shall not be considered temporary signs.

- (7) Flags. Flags that function as signs shall be considered as part of the total signage area for a building except that the following flags will not be considered signage: United States of America, State of Wisconsin, P.O.W., and M.I.A.
- (8) Banner signs. A permit shall be obtained prior to a banner sign being used or erected.
- (9) Abandonment and maintenance.
  - (a) Any sign that is found to be unsafe, unsecured, abandoned, unlawful or in disrepair shall be repaired or removed by the owner or lessee.
  - (b) If the owner or lessee fails to repair or remove the sign, the City shall give the owner a thirty-day written notice by certified mail to remove the sign.
  - (c) Upon failure to remove the sign within 30 days, the City may remove the sign and charge the cost of removal to the property owner. If the property owner fails to pay, the cost shall become a delinquent special charge under W.S.A. § 66.0627 and shall be collected along with property taxes under W.S.A. § 66.0627.
  - (d) All signs or sign messages shall be removed by the owner or lessee of the premises upon which a sign is located when the business it advertises is no longer conducted therein.
- (10) Exemptions:
  - (a) Governmental regulatory and informational signs.
  - (b) Political campaign signs.
  - (c) Real estate "For Sale" or "For Lease" signs located on the property for sale or lease.
  - (d) Banners on public property used in part or fully for promoting licensed events.
  - (e) Memorials or historical plaques.

#### K. SETBACKS.

- (1) Interior building setbacks. At least 70% of the front facade, where possible, shall meet the established building facade line on the block where it is located. On most downtown blocks, this is the edge of the sidewalk. The remaining 30% of the facade may be set back up to 15 feet to emphasize entries or create outdoor seating and gathering areas. Such front yard areas shall be landscaped as per §§ 255-17.6(H)(2) and 255-34 and/or hard surfaced pedestrian-friendly spaces, with amenities such as benches and planters.
- (2) Corner buildings. Buildings on corner lots shall be oriented to the corner and both public streets. Both street-facing facades shall be built up to the established building facade line on each block for at least 50% of the length of their facades. The remaining 50% of the facade may be set back up to 30 feet to emphasize entries or create outdoor seating and gathering areas. Such front yard areas shall be landscaped as per §§ 255-17.6(H)(2) and 255-34 and/or hard surfaced pedestrian-friendly spaces, with amenities such as benches and planters. Corner entrances are

desirable but are not required. Street-facing facades shall maintain similar articulation, detailing and rhythm of window openings.

L. EXTERIOR ARCHITECTURAL DESIGN ELEMENTS.

- (1) Applicants will be required to fill out the Downtown Design Guideline Checklist and include design elements that address at least 50% of the categories within the checklist. If a category is not addressed, the Applicant shall provide a written justification for not including it as part of the project.

**§ 255-17.7. Administration**

A. Application Review for a Major Alteration. The Plan Commission shall review and act on Downtown Certificate of Design Review applications for a Major Alteration and shall have such other powers and duties as the Common Council may prescribe from time to time such as but not limited to:

- (1) Approve, approve with conditions, or deny an application based upon compliance with the standards of this chapter, the City's Comprehensive Land Use Plan, and all other City ordinances, rules, regulations, and Downtown Design Guidelines Checklist provided by City staff.
- (2) The Plan Commission shall act on a Certificate of Design Review application for a Major Alteration within sixty (60) Days of receiving a complete application unless the time is extended by mutual agreement with the Applicant.
  - (a) At least ten (10) Days prior to the Plan Commission meeting in which the application will be reviewed, all owners of property that share a lot line with the subject property (including those where just the lot corners connect), shall be provided a meeting notice detailing the date and time of the item's consideration by the Plan Commission.
  - (b) From time to time the Plan Commission, at its discretion, may forward a Downtown Certificate of Design Review application along with any Plan Commission recommendations to the Common Council for additional review and possible action.
- (3) Failure of the Plan Commission to act within sixty (60) Days of the date of receiving a complete application or within the time as extended by agreement with the Applicant shall constitute an approval.

B. Appeal.

- (1) In the event the Plan Commission denies an application, the Applicant can:
  - (a) Resubmit the application bringing the request into compliance.
  - (b) Appeal the Plan Commission's decision to the Common Council within thirty (30) Days after the date of such decision,

[1] The Common Council shall conduct a due process hearing and issue a written decision on the appeal within thirty (30) Days of

the City's receipt of the written appeal.

C. Fees.

- (1) All Downtown Certificate of Design Review applications shall be accompanied by a non-refundable application fee(s) in accordance with the City of Hudson Fee Schedule, adopted by resolution and as amended from time to time. Such fee(s) shall be for the purpose of payment of the administrative costs and services expended by the City of Hudson for processing such application(s). The current fee schedule is on file with the City Clerk.
- (2) The Zoning Administrator or Plan Commission may request consultation with outside resources such as architectural, landscape architectural, civil engineering or legal expertise for review assistance. Any cost for such services shall be charged to the applicant.

**Effective Date:** This Ordinance shall become effective upon adoption by the Common Council and publication as provided by law.

Adopted this 17<sup>th</sup> day of June, 2024.

**APPROVED:**



Rich O'Connor, Mayor

**ATTEST:**



Becky Eggen, City Clerk

First Reading: 9/18/2023

Second Reading: 3/18/2024

Third Reading: 6/17/2024

Date Adopted: 6/17/2024

Date Published: \_\_\_/\_\_\_/2024; please send affidavit of publication.