

ORDINANCE NO. 699-031124
**Amending PCD-09 Waterford Centre Commercial Industrial Planned Community
Development District**

The Village Board of the Village of Waterford, Racine County, Wisconsin, do ordain as follows:

I. Chapter 245 of the Municipal Code of the Village of Waterford, Racine County, Wisconsin, **Zoning Code**, Section 245-74, **Planned Community Development District**, subsection 245-74, **Waterford Centre Commercial / Industrial Planned Community Development District**, as adopted in Ordinance 396 and amended in Ordinances 421 and 456, is hereby repealed and recreated as follows:

245-74 Waterford Business/Industrial Planned Community Development District.

(a) Permitted Uses. Multiple Family Residences, Business and Industrial Uses and Institutional Uses as provided in Village of Waterford Municipal Code §§§ 245-20; 245-22 and 245-26.1 and this ordinance, excepting those listed in subsection (b), below, including off-street parking, common green space areas, and easement areas for public utilities and storm water drainage installations as contained in the Developer's Agreement and deed restrictions, together with the necessary support and green space areas, all as to be provided for upon the Precise Implementation Plans as from time to time submitted and which will remain on file with the Village of Waterford. The permitted uses identified in this subsection shall be permitted uses allowed in Waterford Centre Business / Industrial Planned Community Development District, and within the District, the land shall be zoned as Multiple Family Residences, Business and Industrial or Institutional with such permitted uses as follows:

1. In the areas zoned Business Uses:
 - a. Office/Hospital/Medical Care
 - b. Personal or professional service
 - c. Artisan studio
 - d. Indoor sales or service
 - e. Outdoor display
 - f. Indoor commercial entertainment
 - g. Outdoor commercial entertainment
 - h. In-vehicle sales or service

- i. Commercial indoor lodging
- j. Group day-care center
- k. Commercial small animal boarding
- l. Indoor maintenance service
- m. Outdoor maintenance service
- n. Vehicle sales
- o. Truck-trailer rental establishment
- p. Vehicle towing establishment
- q. Business or light industrial incubator
- r. Any other use that is permitted in the Business and Commercial District as provided in the Village of Waterford Municipal Code §245-21 and §245-113 in effect on the date of this ordinance, and as hereafter from time to time amended.

2. In the areas zoned Industrial Uses:

- a. Light industrial
- b. Heavy industrial
- c. Production greenhouse
- d. Indoor food production
- e. Indoor storage and wholesaling
- f. Multipurpose business storage
- g. Outdoor storage and wholesaling
- h. Personal storage facility
- i. Transit center
- j. Distribution center

- k. Freight terminal
- l. Off-site parking
- m. Any other use that is permitted in the Business and Industrial Uses District as provided in the Village of Waterford Municipal Code §245-22 and §245-114, in effect on the date of this document, and is hereafter amended from time to time.

3. In the areas zoned Institutional Uses, Business and Commercial and Business and Industrial Zones, as follows:

- a. Institutional residential
- b. Community living arrangement 1-8 residents
- c. Community living arrangement 9-15 residents
- d. Community living arrangement 16+ residents

(b) Uses Not Permitted:

- 1. Reserved.
- 2. No service, filling station or auto repair shop shall be allowed unless its primary business is the service of automobiles and not tractor-trailers; and the use conforms with the well-head protection requirements of the DNR;
- 3. Any and all signage shall be subject to a determination as to the specific uses that apply to each part of the District per the provisions of Village of Waterford Municipal Code §245-33;
- 4. No trucking company or motor freight company shall be allowed;
- 5. No heavy manufacturing uses shall be allowed, such as acid, ammonia, bleach or soap manufacture; ammunition manufacture; explosives or fireworks manufacture or storage; asphalt, coal and coal tar or coke manufacture; distillation of bones; cement, lime, gypsum or plaster of Paris manufacture; fat rendering; garbage, rubbish, offal or dead animal reduction or dumping; gelatin, glue or size manufacture; manufacture, refinement or storage of inflammable gases or liquids; overground tank farms; slaughterhouses; stockyards; or smelting facilities;
- 6. No automobile wrecking yard, junkyard, or salvage yard shall be allowed;

7. No mini-warehousing uses shall be allowed;
8. Adult bookstores and Adult only video stores;
9. Any other use that is prohibited in the Business and Industrial and Business and Commercial Districts as provided in the Village of Waterford Municipal Code §245-21, §245-113, §245-22 and §245-26.1 in effect on the date of this document, and hereafter from time to time amended.

(c) Special Uses, Limitation on Permitted Uses:

1. The uses permitted by this ordinance may be further limited in accordance with any wellhead protection ordinance that is duly enacted by the Village Board.
2. Whereas the District is substantially coextensive with the boundaries of Tax Increment District No. 3 of the Village of Waterford (“TID No. 3”), so long as TID No. 3 is in existence, no tax exempt ownership or use shall be permitted within said TID No. 3 (except for those parcels designated as “Well Sites or Lift Station” on the attached Land Use Map), and the land and all buildings and improvements on the land located within said TID No. 3 shall be owned and used in such a way as to be fully assessable and taxable for real estate tax and special assessment purposes.
3. In the area zoned Multiple Family Residences on the attached Land Use Map, in addition to the uses permitted in Business and Industrial and Business and Commercial zoned areas as established in this Ordinance, multi family dwelling units may be constructed, used and occupied, provided that the following conditions are met prior to the approval of a Precise Implementation Plan for the development of said residential units:
 - a. At the time a Precise Implementation Plan is presented for the residential units for approval by the Plan Commission, a separate Developer’s Agreement and covenants will be presented for approval by the Plan Commission and Village Board.
 - b. Impact fees for parks, library, fire protection, and local and regional utilities and as may be adopted in the future, shall be imposed on each constructed dwelling unit in the project.
 - c. At the time a Precise Implementation Plan is presented for approval by the Plan Commission, the developer will have the rental restriction language prepared for approval by the Plan Commission. The Developer will produce evidence that said language regarding the rental restriction has been recorded as a deed restriction before the first building permit for the project is issued.

- (d) Garbage Collection. Garbage collection shall be provided to the users with the district based upon the standards and regulations of the Village.
- (e) Submission of Precise Implementation Plans. In addition to the plans and related detailed documents and schedule requirements in Village of Waterford Municipal Code §245-65(F), additional plans, drawings, diagrams and documents required for Application Plans, as set forth within said ordinance shall be submitted to the Plan Commission as part of a Precise Implementation Plan and Application Procedure.
- (f) Site Restrictions and Building Standards. Those requirements as shown in the General Development Plan, Village of Waterford Municipal Code §245-65 shall be complied with.
- (g) Off-Street Automobile Parking Facilities. All parking areas within this district shall be constructed with either cement concrete or asphaltic concrete over an approved sub-base, to depths for each application as established by the Village Engineer prior to construction, giving consideration to the anticipated traffic flow and nature of vehicles to be serviced by said facilities.
- (h) Electric and Telephone Service. All electric, fiber optic and cable wires or cables, including cable television services, shall be installed underground within the boundaries of the development.
- (i) Developer's Agreement. The Developer, Owner, Community Development Authority and Village of Waterford shall enter into a written Developer's Agreement.
- (j) Easements.
 1. In all areas where public utilities are located outside of the public rights-of-way, the Developer shall provide the Village with easements, such easements shall be maintained free and clear of natural plantings, accessory outdoor appurtenances or permanent outdoor recreation facilities and shall be kept free of parked vehicles, so as to allow open and free access to emergency vehicles as may be from time to time required.
 2. The Developer shall grant to the Village easements over and across the private roads in the development together with additional easements over and across the aprons abutting the private roadways for purposes of providing public services including, but not limited to, fire, rescue, police protection and garbage/recycling collection. These easements shall be thirty feet in width, with the easement centerline corresponding to the centerline of the pavement of the private roadway. In every instance, easements to be provided shall require that no obstruction be allowed within the thirty foot width, no lighting or other utility poles be erected within the

easement area, the owner or association to be responsible for removing snow accumulations from the easement area, and no parking of vehicles be allowed within the easement area.

- (a) The Village shall have the right to tow any vehicles and similarly remove any other types of personal property which are located within the easement area after giving notice of such encroachment. This notice shall be given by written citation placed upon the vehicle or other encroaching property.
 - (b) In the event the Village must remove personal property from the easement area pursuant to sub-paragraph (a) hereof, the property shall be impounded by the Village until payment of the costs and forfeiture for such violation have been paid. The Village shall seek payment from the owner of the property seized and after reasonable efforts have been made to obtain such payment, the Village may proceed for payment against the property owner or association. In no event shall the Village be required to commence legal action against the owner of the property seized prior to seeking collection from the owner of the development or the parcel.
 - (c) In each instance where it becomes necessary for the Village to remove personal property from the easement area pursuant to sub-paragraphs (a) and (b) hereof, the penalty shall be impoundment and the collection of the costs above defined, including actual attorney's fees and costs, plus \$100.00 to defray administrative expenses in enforcement of this subsection.
- (k) Private Streets and Drive Maintenance. Private off-street parking areas, walks, and access roads shall be maintained by the owner so as to provide safe access at all times to all areas of the Development.

(DECLARATION ON NEXT PAGE)

II. It is further ordained that this ordinance shall become effective from and after its public hearing, passage and publication as required by law.

All other language as contained in Chapter 245 of the Municipal Code of the Village of Waterford shall remain without change and in full force and effect.

Introduced: March 11, 2024

Passed and adopted: March 11, 2024

BY ORDER OF THE VILLAGE BOARD

Don Houston, Village President

ATTEST:

Rachel Ladewig, Clerk

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DRAFTED BY:

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EXHIBIT A

Legal Description of the District

(see attached)