

# CHAPTER 9

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## PERFORMANCE STANDARDS FOR THE BUSINESS PARK DISTRICT (BPD)<sup>1</sup>

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### 9.01 Intent and Compliance

It is the intent of this Ordinance to describe performance standards for the regulation of industrial and commercial uses in the Business Park District to establish an objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or outside the Business Park zoning district. In addition, these performance standards are intended to comply with other applicable local, state, and federal codes and standards. All uses, structures, land, air, and water in the BPD shall hereafter comply with the performance standards set forth in this Chapter 9 of the Developmental Codes of the Village.

### 9.02 Control of Hazardous Air Pollutants and Emissions

Operations or activities which emit into the ambient air from any direct or portable source any matter that will affect air quality shall perform in accord with the limitations and procedures established in Chs, NR 400 through NR 449, WIS. Adm. Code, including any revisions or amendments thereto. Hazardous pollutant shall be specifically controlled and perform in accord with NR 445, including any revisions or amendments thereto.

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<sup>1</sup> Adopted by Ordinance 8-1998, Adopted July 13, 1998, Published August 22, 1998. See Minutes of the Village Board, Vol. 12, pgs. 1159.

### **9.03 Control of Particulate Emissions and Dust**

- A. Operations or activities which emit into the ambient air from any direct or portable source any particulate emissions shall perform in accord with the limitations and procedures established in Ch. NR 415, Wis. Adm. Code, or in other applicable chapters which regulate particulate emissions.
- B. Fugitive dust and other types of emissions and air pollution from sources such as storage areas, outdoor operation yards, and roads or parking lots shall be kept to a minimum by appropriate paving, spraying and watering, application of suitable chemicals, landscaping, or other acceptable and environmentally safe methods in accord with Ch. NR 415.04, Wis. Adm. Code, including any revisions or amendments thereto.

### **9.04 Control of Odors**

No operation or activities shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Ch. NR 429, Wis. Adm. Code, including any revisions or amendments thereto.

### **9.05 Control of Fire and Explosive Hazards**

- A. All uses involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices as may be required by the Village of Oostburg Fire Prevention Code or the Village Fire Department.
- B. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.
- C. The storage of fuels and other materials that produce flammable or explosive vapors shall be permitted only after review and approval by the Village of Oostburg Fire Department and in accord with their requirements to minimize fire and explosive hazards.

### **9.06 Glare, Heat, and External Lighting**

- A. No operation or activity shall produce any intense lighting, glare, or heat with the source directly visible beyond the boundary of the Business Park District. Operations producing light, glare, or heat shall be conducted entirely within an enclosed building at all times.
- B. External lighting shall be shielded so that light rays do not adversely affect adjacent uses.

### **9.07 Water Quality Standards**

- A. No activity shall locate, store, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might runoff, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant, or aquatic life.
- B. No activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward exceeding the minimum standards and those other standards and the application of those standards set forth in Wis. Adm. Code NR 102, including any revisions or amendments thereto, or in other applicable chapters which regulate water quality.

- C. Operations in the BPD which may discharge wastewater other than toilet wastewater to the Village of Oostburg Wastewater Treatment Plant shall install a sampling manhole to allow monitoring of wastewater disc

### **9.08 Noise**

No operation or activity shall transmit any noise beyond the boundaries of the Business Park District so that it becomes a nuisance.

### **9.09 Vibration**

- A. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by direct means such as, but not limited to, sensation by touch or visual observation of moving objects.
- B. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

### **9.10 Approval of Building Plans**

No building, structure, or improvement shall be constructed or placed on any lot, nor shall any building, structure, or improvement be remodeled or altered, until detailed plans and specifications for such building, structure, or improvement or remodeling, alteration, or addition thereto, have been reviewed and approved by the Plan Commission.

### **9.11 Architectural Standards**

Buildings and structures shall comply with the following standards:

- A. Buildings shall be designed by an architect or engineer. All sides, elevations, or facades of all buildings and structures shall be visually pleasing and architecturally and aesthetically compatible with the surrounding environment. Building materials shall be selected for their ability to present a visual statement of a building's purpose, attractiveness, and permanence. The building materials used shall be harmonious with the general character of other building and structures in the Business Park or intended therefore.
- B. The front, side, and rear walls of all buildings shall be faced with brick, or decorative masonry or stone or architecturally finished precast concrete panels or other decorative material approved by the Plan Commission. For the purpose of this architectural standard, light weight or cinder concrete block shall not be considered a decorative masonry material. Exterior gutters and downspouts shall be permitted only along the side and rear of buildings.

Metal siding shall be used only as a minor building component not to exceed twenty-five percent (25 %) of exterior wall surface, excluding roofing, in combination with one of the above materials unless there is planning commission approval to exceed this amount. The metal panels must be attractive, durable, of an earth tone or compatible color, and not merely an inexpensive method of building.

- C. No building, structure, or improvement shall be in excess of thirty-five (35) feet in height above grade.
- D. The architectural standards and design of any accessory buildings shall be consistent with the design and materials of the principal buildings(s).
- E. Prefinished metal siding on rear or side walls shall be permitted until all expansions have been completed. At the time of completion, all side and rear walls shall have finished materials as agreed upon by the Plan Commission.

## 9.12 Site Design Standards

Sites shall be designed to comply with the following standards:

- A. No part or portion of any building shall be erected, constructed, or extended nearer than forty (40) feet from the street yard (front) right - of - way line of the subject site.  
All sites shall be sodded or seeded and suitably landscaped not later than twelve (12) months after occupancy with materials approved by the Plan Commission.
- B. No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five (25) feet to any interior side lot line in said Business Park District. Side yards on the street side of corner lots shall be a minimum of forty (40) feet.
- C. No part or portion of any building shall be erected, constructed, or extended nearer than twenty-five (25) feet to any rear lot line.
- D. To achieve a park-like appearance, site coverage by buildings, accessory structures, and surface parking and driveways shall not exceed seventy percent (70%) of the lot area. Landscaped open space not covered by buildings, accessory structures, and surface parking and driveways shall occupy a minimum of thirty percent (30%) of the lot area. The open space may include stormwater retention or detention areas and required setbacks. All landscaped space in the parking lot shall be considered part of the open space requirement.
- E. Loading Areas and Docks, Garbage and Trash Areas.  
Loading areas or docks shall be located in side or rear yards. No outdoor loading docks shall be allowed in the BPD.
- F. All trash must be kept in proper containers enclosed by a fence of solid decorative material that will provide a visual screen. Such fence shall be a minimum of -six (6) feet in height and shall be painted or otherwise maintained so as to present a good appearance and be in good repair at all times. Planting shall be provided at the base of all fencing where such base is visible from any existing or planned public street right-of-way.
- G. All utility lines within said property shall, where feasible, be installed underground in easements provided therefor.

## 9.13 Exterior Lighting

Exterior lighting shall be in accord with the following standards:

- A. Exterior lighting shall be located, oriented, and shielded and of an intensity so as to illuminate only the building or lot without adversely affecting activity on adjacent buildings, lots, or traffic on streets and highways. Exterior light poles shall not exceed a maximum height of fifteen (15) feet.
- B. The emission of exterior light shall be directed away from nearby residential areas.
- C. Exterior lights shall not flash, pulsate, nor impair or hinder vision on public streets rights-of-way or adjacent properties.
- D. Exterior lighting shall meet the standards promulgated by the illuminating Engineering Society of North America.

## 9.14 Parking Standards

Parking shall be in accord with the following standards

- A. Amount of parking spaces provided shall be in accord with applicable requirements of the Village of Oostburg Zoning Ordinance.

- B. Parking, Driveways, Loading and Storage Areas Parking facilities, driveways, and loading and storage areas shall be paved with either asphaltic concrete or portland cement concrete prior to the occupancy of the building.
- C. Parking lots shall incorporate the following landscaping design standards:
  - 1. Perimeter and interior lot line greenbelt: A perimeter greenbelt of at least five (5) feet in width shall be installed along all interior lot lines. Perimeter edges should be landscaped with a combination of plant material and earth berming whenever possible. Perimeter greenbelt landscaping may be omitted along side lot lines, which have shared driveways with adjacent lots. The omitted area is limited to that portion from the street to the required minimum building setback line or as necessary to accommodate access cuts.
  - 2. Additional interior greenspace: The interior of parking lots shall be provided with landscape areas consisting of at least five percent (5 %) of the total surface area intermittently placed throughout the parking area.
  - 3. Location: Interior landscape plantings may be located in protected areas such as along walkways, in center islands, in end islands, or between parking stalls. Perimeter edge screening and berming should be limited in height to allow a line of sight to the buildings and not obstruct sight distance at entry drives. Parking areas located beyond the forty- (40-) foot setback required from existing or planned public street right-of-way shall be screened by berm(s) and/or landscaping.
  - 4. Landscape Materials: Landscape materials may include shrubs, hardy flowering trees and/or decorative evergreen and deciduous trees. New trees shall have a minimum caliper of two inch (2") to two and one-half inches (2-1/2") for canopy trees. The area around trees and planting beds shall be planted with shrubs or ground cover and covered with mulch, bark, or appropriate landscape stones.

### **9.15 Landscaping Standards**

The following landscaping standards shall be adhered to for all developments within the Business Park District:

- A. All developed areas of any lot not used for building, parking, driveways, or storage shall be landscaped with a combination of grass, trees, shrubs, berms, and planted ground covers. Areas of the site held or designated for expansion shall be planted with grass and maintained as specified herein. Parking lots shall be landscaped as indicated above in Section 9.14.
- B. A landscaping plan shall be prepared and submitted by the owner for approval by the Plan Commission at the plan review stage. All landscaping shall be installed prior to the commencement of business operations or the end of the first planting season, whichever is feasible. To insure compliance with these provisions, the owner shall submit a bond or letter of credit in an amount equal to the estimated cost of the landscaping as specified in the landscaping plan. The bond will be refunded to the owner or letter of credit released upon satisfactory installation of all landscaping elements as specified in the approved landscaping plan.
- C. It is the owner's responsibility to maintain all landscaping in an attractive and well-trimmed condition at all times. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- D. All unused land area that is planned for future building expansion or other purposes shall be maintained and kept free of unsightly plant growth, stored material, rubbish, refuse, or debris.

### **9.16 Signage Standards**

Signs shall be in accord with the following standards:

- A. Signs shall be restricted to displaying only the person, firm, company, or corporation operating a business on the premises.
- B. One freestanding, two-sided monument sign, with the name of the business and address, not exceeding one hundred (100) square feet in area per side shall be erected. Plan Commission approval is required for all freestanding signs.
- C. A wall sign containing the company name and logo may be installed on one building facade provided the sign does not exceed five percent (5 %) of the area of the building facade to which it is attached, excluding doors and windows, or one hundred (100) square feet in area, whichever is less. Wall signs shall be approved by the Plan Commission.
- D. Signs shall be permanently affixed to the face of the building or to the ground, and shall not flash, pulsate, rotate, or be affixed with moving appurtenances. Rooftop signs are prohibited.
- E. Signs attached to buildings shall not extend more than two (2) feet above the higher of the ceiling line of the top floor or the top of a parapet wall.
- F. Smaller signs adjacent to individual tenant entrances and identifying individual tenants or directing traffic may also be allowed by the Plan Commission.
- G. All signs must be architecturally compatible with other improvements.
- H. Temporary signs may be allowed for a period not to exceed sixty (60) consecutive days within a calendar year.