

**CHAPTER 295  
ZONING**

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## ZONING SUBCHAPTER 1 INTRODUCTION

**295-101. Title.** This chapter shall be known as the "City of Milwaukee Zoning Code" and may be referred to as the "zoning code." The locations of the districts enumerated in this chapter, and boundaries of such districts, are established as shown on the zoning map located in the office of the city plan commission. The map referred to herein shall be known as the "City of Milwaukee Zoning Map," and may be referred to as the "zoning map".

**295-103. Purpose.** The purposes of this chapter are to:

1. Promote land uses and development that are consistent with the city's comprehensive plan.
2. Promote and protect the public health, safety and general welfare of the city.
3. Secure safety from fire, overcrowding and other dangers.
4. Maintain and promote safe pedestrian and vehicular circulation.
5. Provide adequate standards for light, air and open space.
6. Further the maintenance of safe and healthful water conditions.
7. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.
8. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
9. Protect environmentally sensitive areas.
10. Encourage compatibility of adjacent land uses.
11. Maintain a compatible scale of development within an area.
12. Promote sound, attractive development within the city.
13. Classify property in a manner that reflects its suitability for specific uses.
14. Assure adequate provision of urban services, including transportation, water, utilities, sewers, schools, parks and other services.
15. Enhance the streetscape and pedestrian environment.
16. Encourage innovative project design in the city, including developments that incorporate mixed uses.
17. Provide for effective signage that is compatible with the surrounding urban environment.
18. Encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
19. Conserve historic resources.
20. Promote the construction of affordable housing in the city.
21. Establish procedures to increase citizen awareness of land use activities and their impacts, and to coordinate necessary review processes.
22. Reduce nonpoint source water pollution by minimizing impervious cover on development sites.

**295-105. Applicability.** The provisions of this chapter shall be applicable to all property within the corporate limits of the city.

**295-106. Comprehensive Plan. 1. PLAN ADOPTION.** The city's comprehensive plan shall be the 13 area comprehensive plans and the citywide policy plan that are contained in common council file no. 100247, passed July 27, 2010, as well as any amendments or updates to those plans that are adopted by common council resolution. Copies of the plan, including any amendments or updates, shall be maintained and made available for public inspection by the department of city development and the city clerk.

**2. ZONING CODE CONSISTENCY WITH PLAN.** All provisions of this chapter shall be consistent with the adopted comprehensive plan, as required by s. 66.1001(3), Wis. Stats.

**295-107. Zoning Districts. 1. GENERAL.** The city is divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each district, to implement the adopted city comprehensive plan and to achieve the purposes of this code.

## 295-107-2 Zoning

2. ESTABLISHMENT OF DISTRICTS. For the purposes of this code, all land and water areas in the city are divided into the zoning districts listed in Table 295-107-2. The purposes of the districts are described in ss. 295-501, 295-601, 295-701, 295-801, 295-901, 295-1001 and 295-1105.

| TABLE 295-107-2<br>ZONING DISTRICTS        |                                 |   |                      |
|--|---------------------------------|---|----------------------|
| District                                   | Map Indicator                   | Most Similar District(s) Under the Previous Code    | Subchapter Reference |
| <b>Residential Districts</b>               |                                 |   |                      |
| Single-Family                              | RS1, RS2, RS3, RS4, RS5 and RS6 | R/F-1/40, R/F-2/40, R/F-3/40, R/F-4/40 and R/F-5/40 | 5                    |
| Two-Family                                 | RT1, RT2, RT3 and RT4           | R/D-1/40, R/C-1/40 and R/E/40                       | 5                    |
| Multi-Family                               | RM1                             | R/D/40  | 5                    |
| Multi-Family                               | RM2                             | R/C/40  | 5                    |
| Multi-Family                               | RM3                             | R/D/40, R/D/60 and R/D/85                           | 5                    |
| Multi-Family                               | RM4                             | R/C/40, R/C/60, R/C/85 and R/C/125                  | 5                    |
| Multi-Family                               | RM5                             | R/B/40  | 5                    |
| Multi-Family                               | RM6                             | R/B/60  | 5                    |
| Multi-Family                               | RM7                             | R/B/85, R/A/85 and R/A/125                          | 5                    |
| Residential and Office                     | RO1, RO2                        | all O and RO districts                              | 5                    |
| <b>Commercial Districts</b>                |                                 |   |                      |
| Neighborhood Shopping                      | NS1, NS2                        | all S districts                                     | 6                    |
| Local Business                             | LB1, LB2                        | all L districts                                     | 6                    |
| Commercial Service                         | CS                              | all CS districts                                    | 6                    |
| Regional Business                          | RB1, RB2                        | all RS districts                                    | 6                    |
| Central Business                           | C9A-C9H                         | C9A-C9H   | 7                    |
| <b>Industrial Districts</b>                |                                 |   |                      |
| Industrial-Office                          | IO                              | M/D/40, M/C/60, I/D/40 and I/E/40                   | 8                    |
| Industrial-Light                           | IL                              | M/B/85, M/A/125, I/C/60, I/D/40, I/D/60 and I/E/60  | 8                    |
| Industrial-Commercial                      | IC                              | none  | 8                    |
| Industrial-Mixed                           | IM                              | none  | 8                    |
| Industrial-Heavy                           | IH                              | I/A125 and I/B/85                                   | 8                    |
| <b>Special Districts and Overlay Zones</b> |                                 |   |                      |
| Parks                                      | PK                              | none  | 9                    |
| Institutional                              | TL                              | all T districts                                     | 9                    |
| Planned Development                        | PD and DPD                      | GPD and DPD   | 9                    |
| Redevelopment                              | RED                             | none  | 9                    |
| Neighborhood Conservation                  | NC                              | none  | 10                   |
| Interim Study                              | IS                              | none  | 10                   |
| Development Incentive                      | DIZ                             | DIZ   | 10                   |
| Site Plan Review                           | SP                              | SPROD   | 10                   |
| Shoreland-Wetland                          | WL                              | Shoreland-Wetland                                   | 10                   |
| Lakefront                                  | LF                              | LF/C/60   | 10                   |
| Master Sign Program                        | MSP                             | none  | 10                   |
| Floodplain                                 | FW, FF, FSD and GF              | FP1 and FP2   | 11                   |

**295-109. Zoning Map.** 1. GENERAL. All land in the city is zoned in accordance with the zoning map available in the office of the city plan commission.

2. NEW OR UNCLASSIFIED LAND. Any land not currently shown on the zoning map or any land annexed to the city shall be classified as RS2 until a zoning amendment establishes a different zoning classification in accordance with the city's comprehensive plan.

3. COMBINING OR DIVIDING PROPERTY. To insure that the zoning of property reflects its suitability for specific uses, the combination or division of lots will only be permitted if the lot or lots created meet the requirements of this chapter and each lot is located wholly within one base zoning district. If a land combination or division resulting from a right-of-way vacation will result in a lot being located in 2 zoning districts, the commissioner shall assign a single zoning designation to the lot, that designation being the zoning district in which the majority of the lot is located.

4. DISTRICT BOUNDARIES. The following rules shall be used to establish the precise location of any zoning district boundary line shown on the zoning map:

a. Except as provided in par. c, every district boundary line shall coincide with a property line. The centerlines of streets, alleys, railroads and watercourses shall not be district boundary lines except that, in the case of a watercourse, if the centerline of the watercourse is a property line, the centerline may also be a district boundary line.

b. If a street, alley or other public right-of-way is vacated, the vacated land will assume the zoning of the adjoining parcel, as determined by the commissioner.

c. The boundaries of an overlay zone established pursuant to subch. 10 need not coincide with property lines.

**295-111. Interpretation.** In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. It is not the intent of this chapter to interfere with, abrogate or annul any easements, covenants or other agreements between parties, or to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of structures or premises. However, where this chapter imposes a greater restriction upon the use of land, the provisions of this chapter shall control.

**295-113. Uses Not Specifically Enumerated.** If a proposed land use is not specifically enumerated as a permitted use, limited use, special use or prohibited use in any of the zoning districts established in this chapter, the commissioner of city development shall determine whether the use in question is similar to a use already listed. If such a determination can be made, the proposed use shall be allowed only upon compliance with the standards and regulations applicable to the designated similar use. If such a determination cannot be made, the proposed use shall be referred to the board of zoning appeals for consideration at its next regularly scheduled meeting. The board shall, within 30 days of such meeting, determine whether the proposed use should be classified as a permitted use, limited use, special use or prohibited use in each of the various zoning districts. The departments of city development and neighborhood services shall provide reports and recommendations to assist the board in its deliberations.

**295-115. Basis for Discretionary Reviews.** The land use policies of this chapter or the relevant comprehensive plan component, as applicable, shall be considered in making all discretionary land use decisions in all zoning districts where reliance on the land use policies is specifically made a criterion for the decisions. The land use policies or comprehensive plan component shall also be considered by the commissioner of city development in the promulgation of administrative procedures, making a decision upon a request for an interpretation and, where authorized, making a determination of what constitutes a similar use.

## **295-117 Zoning**

**295-117. Relief from Other Provisions.** Nothing in the provisions of this chapter shall relieve any property owner from satisfying any condition or requirement associated with a previous approval, special use permit, variance, development permit or other permit issued under any zoning ordinance previously in effect, or any other local, state or federal ordinance or statute.

**295-119. Severability.** If any section, subsection, paragraph or other portion of this chapter, or any provision adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portions of this chapter. If any section, subsection, paragraph or other portion of this chapter, or any provision adopted by reference, is adjudged invalid or unconstitutional as applied to a particular property, use, building or other structure, the application of such portion of this chapter to other property, uses or structures shall not be affected.

**295-121. Conflicting Requirements.** If any provision of this chapter conflicts with any other provision of this chapter, any other section of this code, or any applicable state or federal law, the more restrictive provision shall apply.

**295-123. Completion and Restoration of Existing Structures.** No amendment of this chapter shall require any change in the plans, construction or intended use of a structure for which a completed application for a permit was made prior to the effective date of the amendment, provided that construction or use of the structure was diligently undertaken and pursued in accordance with subch. 4 of ch. 200.

**295-125. Vesting.** Rights to a permit shall vest in applicants for approvals whose applications conform in all respects with zoning and building code requirements in effect at the time of the application. No applicant for a permit requiring discretionary approval can obtain a vested right. If construction or use is abandoned, the use shall no longer be permitted and a new permit conforming with this chapter shall be required. The applicant shall bear the burden of providing evidence that construction has commenced prior to permit expiration.

**295-127. Rules of Construction.** 1. TENSE; NUMBER. In this chapter, words used in the present tense include the future, the singular number includes the plural, and the plural the singular.

2. PARTS OF STRUCTURES. When used in this chapter, the term "building", "structure," or "premises," or any similar term, shall be deemed to include the phrase "or any part thereof" unless otherwise stated.

3. HEADINGS. Section, subsection, paragraph, and all other headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify or otherwise affect the scope, meaning or intent of any provision of this chapter.

4. ILLUSTRATION. In the case of any real or apparent conflict between the text of this chapter and any illustration explaining the text, the text shall control.

5. SHALL AND MAY. "Shall" is always mandatory; "may" is discretionary.

6. CONJUNCTIONS. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

a. "And" indicates that all connected item or provisions apply.

b. "Or" indicates that the connected items and provisions may apply singly or in any combination.

c. "Either...or" indicates that the connected items or provisions shall apply singly but not in combination.

**295-129. Statutory Authorization for Floodplain Regulations.** The provisions of this chapter relating to use and development of floodplain lands are adopted pursuant to ss. 62.23 and 87.30, Wis. Stats.

**[Pages 657 to 660 are blank]**

## SUBCHAPTER 2 DEFINITIONS AND RULES OF MEASUREMENT

**295-201. Definitions.** In this chapter, unless otherwise defined in a specific subchapter:

1. **ACCESS DRIVE** means a roadway leading from a public right-of-way to a parking area. Such a roadway shall be considered part of the parking area when it is adjacent to one or more parking spaces.
3. **ACCESSORY BUILDING** means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.
7. **ACCESSORY STRUCTURE** means a structure on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use. An accessory structure may be attached or detached from the principal structure. An accessory structure does not contain habitable space. Examples of accessory structures include, but are not limited to, garages, sheds, decks, fences, trellises, flagpoles, air conditioners and awnings.
9. **ACCESSORY USE** means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same site or development site as the principal use.
13. **ADULT FAMILY HOME** means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.
15. **ADULT RETAIL ESTABLISHMENT** means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.
17. **AIRPORT** means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.
19. **AIRPORT PERIMETER FEATURE** means a fence, lighting system, antennae system, on-premise sign, driveway or access road, other than a taxiway, associated with an airport.
20. **ALCOHOL BEVERAGE PRODUCTION FACILITY, MICRO** means an establishment that produces and packages up to 20,000 barrels of fermented malt beverages, up to 200,000 gallons of vinous spirits or up to 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption.
- 20.5. **ALCOHOL BEVERAGE PRODUCTION FACILITY, LARGE** means an establishment that produces and packages more than 20,000 barrels of fermented malt beverages, more than 200,000 gallons of vinous spirits or more than 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption. This term includes ancillary tasting rooms and facility tours.
21. **ALLEY** means a service way providing a secondary means of public vehicular access to abutting property and not intended for general traffic circulation.
23. **ALTERATION** means any change, addition, modification or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.
25. **AMBULANCE SERVICE** means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.
27. **ANIMAL BOARDING FACILITY** means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as a "kennel" in ch. 78.

## 295-201-29 Zoning

**29.** ANIMAL GROOMING OR TRAINING FACILITY means an establishment providing bathing, trimming or training of domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

**31.** ANIMAL HOSPITAL/CLINIC means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care. This term includes an animal crematorium.

**33.** ANTIQUE STORE means a retail establishment in which the display of man-made articles produced or constructed at least 100 years ago, or articles collected and recognized by a formal organization established to research, promote and provide information about such articles, covers at least 85% of the display floor area. See RETAIL ESTABLISHMENT, GENERAL.

**35.** APARTMENT BUILDING. See MULTI-FAMILY DWELLING.

**37.** APPLIANCE, MAJOR means non-portable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers and stoves.

**39.** APPLIANCE, SMALL means a portable device or instrument used for domestic functions, including but not limited to vacuum cleaners, televisions, toasters, hairdryers, mixers, fans, radios and food processors.

**41.** ARCADE means an open space covered by a roof or portion of a structure and open to the outside on at least one side.

**43.** ARTIST STUDIO means work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

**45.** ASSEMBLY HALL means an establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club or meeting space for a club or membership organization. This term does not include a convention center.

**47.** ATRIUM means a fully enclosed space lighted by skylights, or an outdoor space enclosed by walls and open to the sky.

**49.** ATTACHED SINGLE-FAMILY DWELLING means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

**51.** AUTOMOBILE. See LIGHT MOTOR VEHICLE.

**53.** AWNING means a roof-like shelter which is attached to the exterior wall of a structure and which slopes and drains away from such building or structure. See also HOOD.

**55.** BANK OR OTHER FINANCIAL INSTITUTION means a depository institution, mortgage banker, mortgage broker or mortgage loan originator, as defined in s. 224.71, Wis. Stats. This term does not include a currency exchange, a payday loan agency, an installment loan agency or a title loan agency.

**56.5.** BASEMENT means any enclosed area of a building having its floor below grade on all sides.

**57.** BED AND BREAKFAST means an establishment which:

- a. Provides rooms for rent for short periods of time.
- b. Provides meals only to renters of rooms in the establishment.
- c. Is the owner's personal residence.
- d. Is occupied by the owner at the time of rental.
- e. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.

**58.** BICYCLE PARKING SPACE, LONG-TERM means an area set aside, designated and of sufficient size for the parking of one bicycle by an employee, resident, student, commuter or other person expected to park his or her bicycle for approximately 3 hours or more.

**58.5.** BICYCLE PARKING SPACE, SHORT-TERM means an area set aside, designated and of sufficient size for the parking of one bicycle by a customer, patron, client, visitor, messenger or other person expected to park his or her bicycle for less than approximately 3 hours.

**59.** BILLBOARD. See SIGN, OFF-PREMISE.

**61.** BLOCK means land surrounded on all sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.



- 63.** BLOCKFACE means that portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the blockface parallel to the lot's front lot line.
- 65.** BLOOD PROCESSING CENTER. See MEDICAL SERVICE FACILITY.
- 67.** BOARD means the board of zoning appeals.
- 69.** BOATHOUSE means a structure used for the storage of watercraft and associated materials, which has one or more walls or sides.
- 70.** BREWPUB means a tavern or restaurant which contains an on-premises alcohol beverage production facility that produces up to 10,000 barrels of fermented malt beverages, 100,000 gallons of vinous spirits or 15,000 gallons of distilled spirits annually, primarily for on-site consumption or retail sale.
- 71.** BROADCASTING OR RECORDING STUDIO means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.
- 73.** BUFFER means a setback or open space with a fence, wall or landscaping that provides a visual barrier between uses.
- 75.** BUILDABLE AREA means the area enclosed by the front, side and rear setbacks, as well as any side street or rear street setbacks.
- 77.** BUILDING means an enclosed structure built, erected or framed of component parts for the housing, shelter, support and enclosure of persons, animals or property.
- 79.** BUILDING CODE means chs. 200 to 290 of this code.
- 81.** BUILDING ENVELOPE means the 3-dimensional area enclosed by the front, side and rear setbacks and the maximum height, as well as any side street or rear street setbacks.
- 83.** BUILDING MAINTENANCE SERVICE. See CONTRACTOR's SHOP or CONTRACTOR's YARD.
- 85.** BUILDING SUPPLY STORE. See HOME IMPROVEMENT CENTER.
- 87.** BULK means the volumetric character of a structure, including but not limited to combinations of height, lot coverage, floor area, floor area ratio and open space.
- 89.** BUSINESS SERVICE means an establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.
- 91.** CANOPY means a rigid, roof-like structure which is accessory to a principal building and which provides shelter but is not enclosed. Such a structure, which may be either freestanding or attached to a principal building, is characterized by vertical support elements.
- 93.** CAR WASH means an establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.
- 94.** CASH-FOR-GOLD BUSINESS means an establishment primarily engaged in buying used gold or jewelry.
- 95.** CATERING SERVICE means an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.
- 97.** CEMETERY OR OTHER PLACE OF INTERMENT means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.

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- 101.** CHURCH. See RELIGIOUS ASSEMBLY.
- 103.** CLERESTORY WINDOW means a window in the upper part of a wall, with a sill at least 6.5 feet above the interior floor level of a building.
- 105.** COLLEGE means an educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.
- 106.** COMMERCIAL FARMING ENTERPRISE means a premises used to grow and harvest plants or compost for sale to the general public, retail businesses or wholesale establishments. This use does not include community gardens or outdoor storage facilities.
- 107.** COMMISSION means the city plan commission.
- 109.** COMMISSIONER means, unless otherwise specified, the commissioner of city development or a designated representative.
- 111.** COMMUNITY CENTER means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities. A community center may include a health clinic or social service facility if the clinic or facility is ancillary to the principal recreational, social, educational or cultural use of the premises.
- 112.** COMMUNITY GARDEN means any use of land or a premises for the growing of crops, plants or other vegetation by a group of individuals or by a public or non-profit organization. This use includes composting and the raising of crops, native vegetation or fruit not otherwise in violation of this code. It also includes the sale of produce and ornamental crops grown on-site. This use does not include a commercial farming enterprise or outdoor storage facilities.
- 113.** COMMUNITY LIVING ARRANGEMENT means either of the following facilities licensed, operated or permitted by the state of Wisconsin:
- Residential care center. A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days each in any consecutive 12-month period by persons other than a relative or guardian. The term does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, sanitariums, foster homes, shelter care facilities, prisons, jails or institutions for children with mental health disabilities having a capacity of less than 150 children.
  - Community-based residential facility. A facility where 5 or more adults not related to the operator reside and are provided with care, treatment or services above the level of room and board but less than nursing care. Such care shall include supportive home care service unless contraindicated by the facility program, and may also include 7 hours or less of prescribed personal care service per week, per resident. This term does not include nursing homes, prisons, jails, correctional facilities, convents or facilities owned or operated exclusively by and for members of a religious order, or educational institutions and related student housing.
- 114.** CONCRETE/BATCH PLANT, PERMANENT. See MANUFACTURING, HEAVY.
- 115.** CONCRETE/BATCH PLANT, TEMPORARY means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.
- 117.** CONFORMING USE means any of the following:
- A use which is currently classified as a permitted use in the zoning district in which it is located.
  - A use which is currently classified as a limited use in the zoning district in which it is located and has received approval from the commissioner.
  - A use which is currently classified as a special use in the zoning district in which it is located and has received special use approval from the board.
  - A use for which the board has granted a variance.
- 119.** CONSTRUCT or CONSTRUCTION means the erection of a new structure or an addition to a structure.

**121.** CONTIGUOUS means land abutting other land which is not separated by streets, ways, pipelines, electric power lines, conduits or rights-of-way owned by other persons.

**123.** CONTRACTOR'S SHOP means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

**125.** CONTRACTOR'S YARD means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.

**127.** CONVENT, RECTORY OR MONASTERY means a building used to house the staff of a church or the members of a religious order.

**129.** CONVENTION AND EXPOSITION CENTER means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

**131.** CORRECTIONAL FACILITY means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.

**133.** CULTURAL INSTITUTION means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

**135.** CURRENCY EXCHANGE means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

**137.** DAY CARE CENTER means an establishment in which the operator is provided with compensation in return for providing individuals with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term also includes a family day care home in which the operator does not reside.

**138.** DECK means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

**139.** DEPARTMENT means the department of city development, unless otherwise specified.

**141.** DEPTH OF LOT means the distance from the front lot line to the rear lot line, measured in the general direction of the side lines of a lot.

**143.** DEVELOPMENT means any man-made modification to real estate, including construction or alteration of structures, repair of damaged structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storing, depositing or extracting materials or equipment, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**144.** DISABLED PERSON means a person who is or will be housed in a community living arrangement or other group living facility required to be licensed by the state of Wisconsin and who falls into one or more of the following client groups:

- a. Advanced age.
- b. Irreversible dementia/Alzheimer's disease.
- c. Developmental disability.
- d. Emotionally disturbed/mental illness.
- e. Physical disability.
- f. Terminal illness.

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- g. Traumatic brain injury.
- h. Acquired immunodeficiency syndrome (AIDS).
- i. Alcohol or other drug abuse.
- j. Any other physical or mental impairment which substantially limits one or more of such person's major life activities, or a record of having such an impairment, provided the impairment is not related to current, illegal use of, or an addiction to, a controlled substance.

**145.** DISPLAY AREA. See s. 295-205.

**147.** DORMITORY means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.

**149.** DRAINAGE SYSTEM means one or more artificial ditches, tiles, drains or similar devices which collect water and convey it to a point of discharge.

**151.** DRIVE-THROUGH FACILITY means a facility which is used for dispensing services or products to customers in motor vehicles. Such facility may include access lanes, signing, lighting and audio systems. This term does not include a drive-in theater.

**153.** DRY CLEANING ESTABLISHMENT means an establishment which launders or dry cleans articles dropped-off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

**155.** DUPLEX. See TWO-FAMILY DWELLING.

**157.** DWELLING means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, excluding any commercial lodging facility.

**159.** DWELLING UNIT means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit providing complete, independent facilities which are used by one family for living, sleeping, cooking, eating and sanitation.

**161.** EASEMENT means any portion of a parcel subject to an agreement between the property owner and another person which grants the other person the right to make use of that portion of the property for a specified purpose.

**163.** EMERGENCY RESIDENTIAL SHELTER means a facility, other than a community living arrangement, that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect, including emergency housing during crisis intervention for victims of rape, child abuse or physical beatings, and which contains individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

**164.** ENCROACHMENT INTO THE FLOODWAY means any fill, structure, equipment, building, use or development in the floodway.

**165.** ENLARGEMENT means an increase in the floor area, bulk or dimensions of a structure or of the portions of a site devoted to a use.

**167.** ENVIRONMENTAL CONTROL FACILITY means any facility which is used to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed to supplement or replace facilities not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

**173.** EXTENSION means an increase in the amount of floor area devoted to a use within a structure or an increase in the land area devoted to a use.

**175.** FAÇADE means all wall planes of a building which are visible from one side or perspective.

**177.** FAÇADE, FRONT means those portions of a façade which face and are most closely parallel to the front lot line.

**179.** FAÇADE, STREET means those portions of a façade which face and are most closely parallel to a street lot line.

**181.** FAMILY means a single person or group of persons who are related by blood, marriage, adoption or affinity and live together in a stable family relationship.

**183.** FAMILY DAY CARE HOME means a dwelling unit licensed as a family day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Admin. Code, or certified as a day care center by Milwaukee county, where care is provided for not more than 8 children at any given time. A family day care home is typically the primary residence of its operator.

**185.** FENCE means a structure composed of posts, boards, pickets or chain link which are fabricated from masonry, wood, metal or other rigid materials and intended to provide a visual screen or a separation of properties or uses.

**187.** FESTIVAL GROUNDS means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

**189.** FILLING STATION means an establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast-food/carry-out restaurant.

**191.** FIXED HOUSEBOAT means a floating structure which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

**193.** FLAG means an exhibit made of flexible material which is mounted on a pole and which represents or symbolizes an organization, group, cause, event, activity or unit of government.

**213.** FLOOR AREA. See s. 295-205.

**215.** FLOOR AREA, GROSS. See s. 295-205.

**217.** FLOOR AREA PREMIUM means additional floor area allowed as a bonus in certain zoning districts.

**219.** FLOOR AREA RATIO. See s. 295-205.

**220.** FOOD PROCESSING means the preparation, processing, or canning or other packaging of food products. This term does not include the processing or packaging of alcohol beverages or animal or poultry slaughter.

**221.** FORMER CODE means ch. 295 in existence as of the September 30, 2002.

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**223.** FOSTER HOME means either of the following facilities, licensed by either the state of Wisconsin, a county agency or a child welfare agency, where children reside and are provided with care and maintenance by persons other than a relative or guardian:

a. Foster family home. A facility which houses from one to not more than 4 children and is the primary dwelling of a foster parent.

b. Small foster home. A facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation.

**225.** FRATERNITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.

**227.** FREEWAY means a highway with full control of access and with all crossroads separated in grade from the lanes used for through traffic.

**229.** FUNERAL HOME means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary

**231.** FURNITURE AND APPLIANCE RENTAL AND LEASING means an establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

**233.** GAMING FACILITY means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.

**235.** GARAGE, PRIVATE RESIDENTIAL means a structure which is accessory to a residential building and which is used for the parking or storage of light motor vehicles owned by a resident of the principal residential building, and which is not a separate commercial enterprise available to the general public.

**237.** GARDEN SUPPLY OR LANDSCAPING CENTER means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

**239.** GENERAL OFFICE means use of a building for business, professional or administrative office. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor.

**241.** GOVERNMENT OFFICE means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

**243.** GROUND TRANSPORTATION SERVICE means an establishment providing the storage, maintenance or dispatching of:

- a. Taxicabs, limousines or other public passenger vehicles, as defined in s. 100-3-21.
- b. Vehicles licensed or otherwise regulated as human service vehicles by the state of Wisconsin and used for the transportation of elderly or handicapped persons.
- c. School buses, as described in s. 341.26(2)(d) and (dm), Wis. Stats.
- d. Tow trucks, as defined in s. 340.01(67n), Wis. Stats.

**245.** GROUP HOME OR GROUP FOSTER HOME means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

**246.** HABITABLE STRUCTURE means any structure or portion thereof used or designed for human habitation.

**247.** HALFWAY HOUSE. See COMMUNITY LIVING ARRANGEMENT.

**249.** HEALTH CLINIC means a group of associated offices for 4 or more physical or mental health care professionals who provide specialized diagnostic, testing, physical therapy or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours. This term does not include a medical office or hospital.

**251.** HEALTH CLUB means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

**252.** HEARING NOTICE means publication or posting meeting the requirements of ch. 985, Wis. Stats., as amended. For appeals, a class 1 notice, published at least 7 days before the hearing, is required. For all zoning map and text amendments, a class 2 notice, published twice, once each week consecutively, the last at least 6 days before the hearing is required.

**253.** HEAVY MOTOR VEHICLE means any construction or agricultural equipment, van used for commercial purposes, truck used for commercial purposes or having a cargo capacity or more than 1.5 tons, boat exceeding 20 feet in length or recreational vehicle exceeding 3 tons in weight, 20 feet in length or having more than 6 wheels.

**255.** HEAVY MOTOR VEHICLE BODY SHOP means an establishment providing the repair or rebuilding of heavy motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

**257.** HEAVY MOTOR VEHICLE OUTDOOR STORAGE means the outdoor storage of operable heavy motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

**259.** HEAVY MOTOR VEHICLE PARKING LOT, ACCESSORY USE means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is not the principal use of the premises. This term does not include commercial parking operations, which are a principal use, or parking lots that are used exclusively for the parking of light motor vehicles.

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**261.** HEAVY MOTOR VEHICLE PARKING LOT, PRINCIPAL USE means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include parking lots that are used exclusively for the parking of light motor vehicles.

**263.** HEAVY MOTOR VEHICLE RENTAL FACILITY means an establishment where contracts are prepared or reservations accepted for the rental or leasing of heavy motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

**265.** HEAVY MOTOR VEHICLE REPAIR FACILITY means an establishment providing the repair or servicing of heavy motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery.

This term does not include vehicle dismantling or salvage, tire retreading or recapping, or body bumping and painting.

**267.** HEAVY MOTOR VEHICLE SALES FACILITY means an establishment providing retail sale of heavy motor vehicles, including incidental storage and maintenance

**269.** HEIGHT, BUILDING. See s. 295-205.

**271.** HEIGHT, SIGN. See s. 295-205.

**273.** HEIGHT, TRANSMISSION TOWER. See s. 295-205.

**275.** HELICOPTER LANDING FACILITY means a facility used for the takeoff and landing of helicopters, including, but not limited to, any heliport, helipad or helistop. Accessory features such as hangars, parking pads, terminals and service areas are also part of such a facility.

**277.** HOME IMPROVEMENT CENTER means an establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a lumber yard or a contractors' building supply business and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

**279.** HOME OCCUPATION means an activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

**281.** HOOD means a rigid, roof-like structure which affords shelter to a doorway or window, is attached to the exterior walls of a structure, and which has a top surface that is flat or slopes toward such structure. This term includes structures commonly referred to as "marquees." See also AWNING.

**282.** HOOP HOUSE means a temporary or permanent structure typically constructed with, but not limited to, piping or other material covered with translucent material for the purpose of growing food or ornamental crops, but not for storage of inorganic materials. A hoop house is considered more temporary than a greenhouse.

**283.** HOSPITAL means a state-licensed institution providing primary health services and medical, psychiatric or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and, as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, and services and functions which support health services and care, which are shared with other hospitals or other health care providers.



- 285.** HOSTEL. See HOTEL, COMMERCIAL.
- 287.** HOTEL means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities.
- 289.** HOTEL, COMMERCIAL means a hotel in which at least 5 rooms or units or at least 70% of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than 30 days or are available for more than 30 days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.
- 291.** HOTEL, RESIDENTIAL means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.
- 293.** HOUSEHOLD GOODS means products used in the home which are necessary for or supplemental to normal household activities, including small appliances but excluding furniture and major appliances.
- 295.** HOUSEHOLD MAINTENANCE AND REPAIR SERVICE means an establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.
- 301.** IMPERVIOUS SURFACE means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces such as compacted clay, as well as conventional street and alley surfaces, roofs, sidewalks, parking lots and similar improvements.
- 302.** INDUSTRIAL BUILDING means, for purposes of applying design standards, any building containing any use listed under the heading of "storage, recycling and wholesale trade uses," "transportation uses," "industrial uses" or "utility and public services uses" in the district uses tables.
- 302.5.** INSTALLMENT LOAN AGENCY means an establishment licensed as a loan company by the Wisconsin department of financial institutions under s. 138.09, Wis. Stats., and providing personal loans that have terms of not less than 31 days and not more than one year and are repaid through cash payments, wage assignments, current-dated or post-dated checks, or automatic checking account withdrawals. This term shall not include a bank or other financial institution, a payday loan agency, a title loan agency or a currency exchange.
- 303.** INTENSIFY means to alter the character of a use to the extent that the use generates new or different impacts on the health, safety or welfare of the surrounding neighborhood, including but not limited to the level or amount of traffic, noise, light, smoke, odor, vibration, outside storage or other similar conditions associated with the use.
- 305.** KENNEL. See ANIMAL BOARDING FACILITY.
- 307.** LABORATORY. See MEDICAL RESEARCH LABORATORY or RESEARCH AND DEVELOPMENT.
- 309.** LANDSCAPE MATERIALS means living trees, shrubs and ground cover, fences and other similar natural and decorative features.
- 311.** LANDSCAPE PLAN means a plan associated with a subdivision, land development or parking facility plan indicating the placement of landscape materials, including specifications, species, quantities and method of installation.
- 312.** LAND USE means any nonstructural use made of unimproved or improved real estate.
- 312.5.** LARGE AGRICULTURAL STRUCTURE means an accessory structure that does not fit the definition of a hoop house and that is greater than 150 square feet in area. This term includes a rain catchment system.
- 313.** LAUNDROMAT means an establishment providing washing, drying or dry cleaning machines on the premises for rental use by the general public for laundering or dry cleaning purposes.
- 315.** LAUNDRY. See DRY CLEANING ESTABLISHMENT.
- 317.** LIBRARY means a public, nonprofit facility in which literary, musical, artistic or reference materials such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

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**319.** LIGHT MOTOR VEHICLE means any motor vehicle used primarily for recreational or personal purposes, including but not limited to an automobile, van, sports-utility vehicle, truck with a cargo capacity of 1.5 tons or less, motorcycle, boat not exceeding 20 feet in length or recreational vehicle not exceeding 3 tons in weight, 20 feet in length or having more than 6 wheels.

**321.** LIGHT MOTOR VEHICLE BODY SHOP means an establishment providing the repair or rebuilding of light motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

**325.** LIGHT MOTOR VEHICLE OUTDOOR STORAGE means the outdoor storage of operable light motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

**327.** LIGHT MOTOR VEHICLE RENTAL FACILITY means an establishment where contracts are prepared or reservations accepted for the rental or leasing of light motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

**329.** LIGHT MOTOR VEHICLE REPAIR FACILITY means an establishment providing the repair or servicing of light motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term does not include vehicle dismantling or salvage, tire re-treading or recapping, or body bumping and painting.

**331.** LIGHT MOTOR VEHICLE SALES FACILITY means an establishment providing retail sale of light motor vehicles, including incidental storage and maintenance. This term does not include a light motor vehicle wholesale facility.

**332.** LIGHT MOTOR VEHICLE WHOLESALE FACILITY means an office for wholesale trade in light motor vehicles.

**333.** LIMITED USE means a use which is generally compatible with permitted uses in a given zoning district, but has operating or physical characteristics that require certain conditions be placed on the use.

**335.** LIVE ENTERTAINMENT SPECIAL EVENT means a concert, carnival, circus, fair or similar event lasting less than 15 days.

**337.** LIVE-WORK UNIT means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.

**339.** LOT means a platted lot of a recorded subdivision or certified survey map or a lot created as otherwise provided by law to be used as a single parcel.

**341.** LOT AREA means the land area of a lot, measured in square feet.

**343.** LOT, CORNER means a lot abutting 2 or more streets at their intersection, or 2 parts of the same street forming an interior angle of less than 135 degrees.

**345.** LOT COVERAGE means the area of a site, expressed as a percentage, covered by a principal building, but excluding decks less than 3 feet in height above grade and projecting eaves, balconies, stairs and similar features.

**347.** LOT, INTERIOR means a lot other than a corner lot.

**349.** LOT LINE means a line dividing one lot from an adjoining lot, public place, or public right-of-way, including any of the following:

a. Front Lot Line. The street frontage shall be the front lot line. On a corner lot, the front lot line shall be along the same street as the front lot line of the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street frontage with the smallest dimension shall be the front lot line.

b. Interior Lot Line. A side lot line that is not also a street lot line.

c. Rear lot line. The lot line most closely opposite the front lot line. A triangular lot has 2 side lot lines but no rear lot line. For any other irregularly-shaped lot, the rear lot line is any lot line that is nearly opposite the front lot line. An irregularly-shaped lot may have more than one rear lot line.

d. Side lot line. Any lot line that is neither a front nor a rear lot line.

e. Street lot line. Any lot line that is also a street right-of-way line.

**351.** LOT SIZE REQUIREMENT means the lot area and lot width requirements of the applicable zoning district.

**353.** LOT, THROUGH means a lot, other than a corner lot, having frontage on 2 streets.

**355.** LOT WIDTH means the distance between a side lot line and another side lot line or a side street lot line, measured at the front setback.

**357.** LUMBER YARD. See HOME IMPROVEMENT CENTER.

**359.** MALL means an interior, multi-story open space completely enclosed within a building and open to the public.

**360.** MANUFACTURED HOME means either a structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425, or a mobile home, unless a mobile home is specifically excluded under the applicable statute. It does not include a mobile recreational vehicle as defined in s. 246-5-5

**361.** MANUFACTURING, HEAVY means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes, but is not limited to:

- a. Chemical manufacturing.
- b. Stonework or concrete product manufacturing.
- c. Fabrication of metal products.
- d. Manufacturing of agricultural, construction or mining machinery.
- e. Motor vehicle manufacturing.
- f. Lumber milling.
- g. Ship or boat construction.
- h. Permanent concrete/batch plant.

**363.** MANUFACTURING, INTENSE means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust. This term includes, but is not limited to:

- a. Animal or poultry slaughter or auction facility.
- b. Leather tannery.
- c. Distillery of products for finishes.
- d. Explosives manufacturer.
- e. Sawmill.
- f. Paper or pulp mill.
- g. Steel mill.
- h. Petroleum refinery.
- i. Petrochemical plant.
- j. Ore smelting facility.

**365.** MANUFACTURING, LIGHT means an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

**367.** MARINA means a facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas or boat sales and service. This term does not include a ship terminal or docking facility or a passenger terminal.

## 295-201-369 Zoning

**369.** MATERIAL RECLAMATION FACILITY means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, any recycling, salvaging or towing premises, as defined in s. 93-3-20, primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

**371.** MEDICAL OFFICE means an establishment providing diagnostic and outpatient medical care on a routine basis, but which is unable to provide prolonged inpatient medical or surgical care. Such facility may be staffed by up to 3 doctors, dentists, ophthalmologists, optometrists, chiropractors, physical therapists or similar practitioners licensed for practice by the state. This term includes a medical or dental laboratory incidental to the medical office use, as well as a dialysis establishment. See also HEALTH CLINIC.

**373.** MEDICAL RESEARCH LABORATORY means an establishment providing medical or dental laboratory services or photographic, analytical or testing services for medical or medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

**375.** MEDICAL SERVICE FACILITY means an establishment operated such that physicians are present during less than 50 percent of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes, but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products, but does not include a dialysis establishment.

**377.** MIXED-WASTE PROCESSING FACILITY means an establishment engaged in the processing, separating and sorting of recyclable materials from non-hazardous waste streams or from commingled consumer recyclable materials, such as paper, plastics, beverage cans or household metals.

**379.** MOBILE HOME means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.

**381.** MOBILE HOME PARK means a lot or tract of land used as the site of occupied mobile homes, including any structure, vehicle or equipment accessory to the mobile home park.

**382.** MOBILE RECREATIONAL VEHICLE means a vehicle which is built on a single chassis, measures 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. This term does not include a manufactured home that was towed or carried onto a parcel of land but does not remain capable of being towed or carried, including parked model homes.

**383.** MOTEL. See HOTEL.

**385.** MOTOR VEHICLE means any trailer or motorized vehicle, including but not limited to any automobile, truck, motorcycle, boat, snowmobile or recreational vehicle. See also HEAVY MOTOR VEHICLE and LIGHT MOTOR VEHICLE.

**386.** MOTOR VEHICLE PARKING SPACE means an area set aside, designated and of sufficient size for the parking of one automobile, van, sport-utility vehicle or truck with a cargo capacity of 1.5 tons or less, but does not include a designated motorcycle parking space.

**387.** MULTI-FAMILY DWELLING means a building containing more than 2 dwelling units.

**389.** MULTIPLE PRINCIPAL RESIDENTIAL BUILDINGS means use of a site for more than one principal residential building.

**391.** NAVIGABLE WATERS means Lake Michigan, all natural inland lakes within Milwaukee, and all streams, ponds, sloughs, flowages and waters within the city which are navigable under the laws of Wisconsin.

**393.** NONCONFORMING means legally established but no longer conforming with the regulations of this chapter.

**395.** NONCONFORMING PROHIBITED USE means a use which was legally established but which is no longer classified as a permitted use or no longer classified as a special use in the zoning district in which it is located.

**397.** NONCONFORMING SITE FEATURE means a site improvement which was legally established but no longer conforms with the regulations of this chapter.

**399.** NONCONFORMING SPECIAL USE means a use which was legally established, at a later date became classified as a special use in the zoning district in which it is located, and which has not received special use approval from the board.

**401.** NONCONFORMING STRUCTURE means, except in s. 295-415-9, a structure which was legally constructed but which no longer complies with the dimensional requirements of the zoning district in which it is located. In s. 295-415-9, "nonconforming structure" means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of s. 295-1011 for the area of the floodplain which it occupies.

**402.** NONCOMFORMING USE means, in s. 295-415-9, an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of s. 295-1011 for the area of the floodplain which it occupies. In all other sections, "nonconforming use" shall have the meaning established in subs. 393, 395 or 399, as applicable.

**405.** NURSERY SCHOOL. See DAY CARE CENTER.

**407.** NURSING HOME means a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services, as defined in s. 50.01, Wis. Stats.

**411.** OPACITY means the screening effectiveness of a buffer-yard or fence expressed as the percentage of vision that the screen blocks.

**413.** OPEN SPACE, SURFACE means the at-grade area of any site or development site not covered by structures or devoted to vehicular use.

**415.** OPEN SPACE, USABLE means a common or private outdoor area at grade level or on a roof, porch, deck, court or balcony or any combination thereof, designed for outdoor living, recreation or landscaping with a minimum horizontal dimension of 6 feet. Open space with a horizontal dimension less than 6 feet or a total area of less than 60 square feet is not considered usable.

**416.** OPEN SPACE USE means a use having a relatively low flood damage potential and not involving structures.

**419.** OUTDOOR MERCHANDISE SALES means retail sale of produce, other foodstuffs or any of the products listed in sub. 505, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot

**421.** OUTDOOR RACING FACILITY means an establishment engaged in operating a track for racing, including but not limited to the racing of motor vehicles, dogs or horses.

**423.** OVERLAY ZONE means an area where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

**425.** PARCEL. See LOT.

**427.** PARK OR PLAYGROUND means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.

## 295-201-429 Zoning

**429.** PARKING LOT, ACCESSORY USE means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles, but does include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

**431.** PARKING LOT, PRINCIPAL USE means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include the parking of heavy motor vehicles.

**435.** PARKING SPACE, OFF-STREET means any motor vehicle parking space that is located on the same premises as the use it serves and is not located on public right-of-way.

**437.** PARKING STRUCTURE, ACCESSORY USE means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is not the principal use of the premises. This term does not include private one-story garages for single-, 2- or multi-family dwellings but does include parking spaces that are integrated into a larger structure that houses the principal use of the premises.

**439.** PARKING STRUCTURE, PRINCIPAL USE means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as private parking structures. This term does not include private one-story garages for single-, 2- or multi-family dwellings.

**441.** PASSENGER TERMINAL means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term includes a bank, general retail establishment, personal service, light motor vehicle rental facility, tavern, fast-food/carry-out restaurant or sit-down restaurant when any such use is an accessory use located within the terminal structure. This term does not include an airport or heliport.

**443.** PAWN SHOP means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the state of Wisconsin pursuant to s. 134.71, Wis. Stats.

**445.** PAYDAY LOAN AGENCY means an establishment licensed by the Wisconsin department of financial institutions under s. 138.14, Wis. Stats., to originate or service payday loans.

**447.** PEDESTRIAN LINK means a clearly defined pedestrian walkway between the public sidewalk and a building entrance.

**448.** PERMANENT SUPPORTIVE HOUSING means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.

**449.** PERSON means any individual, partnership, firm, organization, association, corporation or limited liability company, its agents or assigns or other legal entity capable of holding either legal or equitable title to real property.

**451.** PERSONAL SERVICE ESTABLISHMENT means an establishment providing services which are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

- 453.** PET SHOP. See RETAIL ESTABLISHMENT, GENERAL.
- 455.** PLANT NURSERY OR GREENHOUSE means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.
- 457.** PLAZA means an exterior open space which is open to the public and located between a building and a public street or pedestrian walkway.
- 459.** POWER GENERATION PLANT means a facility that converts one or more energy sources, including but not limited to water power, wind power, fossil fuels or nuclear power, into electrical energy or steam. This term does not include a small wind energy system. A power generation plant may also perform either or both of the following:
- a. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.
  - b. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.
- 461.** PREMISES means one or more lots or portions of lots, including any structures, which are contiguous, under common ownership or control through the use of a permanent deed restriction or a certified survey map, and located entirely within one base zoning district.
- 463.** PRINCIPAL BUILDING or PRINCIPAL STRUCTURE means a building or structure containing the principal use of the lot on which it is located.
- 465.** PRINCIPAL USE means a primary use of a premises which is not accessory to any other use on the premises. Unless the use customarily occurs outdoors, or the definition of the use explicitly mentions that it occurs outdoors, a principal use occurs indoors.
- 467.** PROCESSING OR RECYCLING OF MINED MATERIALS means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.
- 469.** PUBLIC SAFETY FACILITY means a government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.
- 471.** RAILROAD SWITCHING, CLASSIFICATION YARD, OR FREIGHT TERMINAL means a facility for the operation of a line-haul or short-line freight railroad.
- 473.** RAISING OF LIVESTOCK means the use of land or buildings for aquaculture, or the keeping of bees, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.
- 475.** RECEIVING BODY OF WATER means any water body, watercourse or wetland into which surface waters flow either naturally or from human-made conveyance.
- 477.** RECEPTION/TRANSMISSION SYSTEM means a system of electrical components that emit or receive radio frequency waves, including antennae, communication dishes and similar devices.
- 479.** RECREATION FACILITY, INDOOR means a facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.
- 481.** RECREATION FACILITY, OUTDOOR means a facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility or health club.
- 483.** RECREATIONAL VEHICLE. See MOTOR VEHICLE, HEAVY MOTOR VEHICLE or LIGHT MOTOR VEHICLE.

## 295-201-485 Zoning

**485.** RECYCLABLE MATERIAL means waste material for which there exists a commercially demonstrated processing or manufacturing technology for the use of the material as a raw material.

**487.** RECYCLING COLLECTION FACILITY means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by city forces or deposited by city residents.

**489.** RELIGIOUS ASSEMBLY means a facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty/personal instruction school or a college.

**491.** RENTAL CENTER. See FURNITURE AND APPLIANCE RENTAL AND LEASING.

**493.** RESALE SHOP. See SECONDHAND STORE.

**495.** RESEARCH AND DEVELOPMENT means an establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

**497.** RESIDENTIAL DISTRICT means a single-family, 2-family or multi-family residential zoning district or a planned development district where a majority of the land area or floor area is devoted to residential uses.

**499.** RESTAURANT, FAST-FOOD/CARRY-OUT means a restaurant other than a sit-down restaurant where the manner of preparation, packaging and serving of food or beverages encourages their consumption outside the building. This term does not include a tavern.

**501.** RESTAURANT, SIT-DOWN means a restaurant where the food or beverages sold are consumed at tables located on the premises, where taking food or beverages from the premises is purely incidental, where food or beverages are normally served utilizing nondisposable containers and utensils and where the consumption of food or beverages in vehicles on the premises in which the building is located does not regularly occur, or where the restaurant is located within a building containing more than one principal use other than another restaurant. This term does not include a tavern.

**503.** RETAIL means sale to the ultimate consumer for direct consumption and not for resale.

**505.** RETAIL ESTABLISHMENT, GENERAL means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sale of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, liquor store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult retail establishment, lumber yard, building supply or home improvement center, garden center or secondhand store.

**507.** ROOFLINE means the top of a roof or building parapet, excluding any cupola, pylon, chimney or other minor projection.

**509.** ROOMER means an occupant of a rooming house who is not a member of the family of the operator of that rooming house, and also means an occupant of a dwelling unit who is not the primary occupant of the dwelling unit.

**511.** ROOMING HOUSE means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.

**513.** RUMMAGE SALE means the sale of used household goods from a residential premises.



**515.** SALVAGE OPERATION, INDOOR means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable motor vehicles within a building for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

**517.** SALVAGE OPERATION, OUTDOOR means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable or unregistered motor vehicles in the open for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

**519.** SCHOOL, ELEMENTARY OR SECONDARY means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12, inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school or high school.

**521.** SCHOOL, PERSONAL INSTRUCTION means a business, professional, trade or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology. This term does not include a flight school or an elementary or secondary school.

**523.** SEASONAL MARKET means a temporary facility used to conduct retail trade for a period not exceeding 180 days in a calendar year.

**525.** SECONDHAND STORE means an establishment in which used merchandise is sold at retail. This term does not include a cash-for-gold business, a pawn shop or an antique or collectibles store, jewelry store or other general retail establishment.

**527.** SERVICE STATION. See FILLING STATION or LIGHT MOTOR VEHICLE REPAIR FACILITY.

**529.** SETBACK means the required distance between a lot line and a setback line.

**531.** SETBACK, FRONT means the area extending the full width of a lot and located between a front lot line and a front setback line.

**533.** SETBACK LINE means a line parallel to a lot line which marks the required setback distance and which establishes the required front, side, side street, rear or rear street setback of a lot.

**535.** SETBACK, REAR means the area extending the full width of a lot and located between a rear lot line and a rear setback line.

**537.** SETBACK, REAR STREET means the area extending the full width of a lot and located between the rear street lot line and the rear street setback line.

**539.** SETBACK, SIDE means the area extending from a front setback line to a rear setback line and located between a side lot line and a parallel side setback line.

**541.** SETBACK, SIDE STREET means a side setback of a corner lot which faces a public street.

**543.** SEWAGE TREATMENT PLANT means a facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.

**544.** SHED means an accessory building of not more than 150 square feet in floor area and not more than 14 feet in maximum height.

**545.** SHELTER CARE FACILITY means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., including:

- a. Family shelter care facility. A facility which houses not more than 4 children.
- b. Small group shelter care facility. A facility which houses at least 5 but not more than 8 children.
- c. Large group shelter care facility. A facility which houses at least 9 but not more than 20 children.

**547.** SHIP TERMINAL OR DOCKING FACILITY means a facility for the docking, loading or unloading of ships, barges or boats that primarily transport freight.

**549.** SHOPPING CENTER means a group of retail or service establishments planned, developed, owned or managed as a unit.

## 295-201-553 Zoning

**553.** SIGN means any structure, device, display, illumination or projected image that is arranged, intended or designed as an announcement, declaration, demonstration, illustration, indication, symbol, insignia, banner or emblem and which is used for advertisement, identification or promotion when placed so as to be seen from out of doors by the general public.

**555.** SIGN, ABANDONED means:

- a. A sign pertaining to or associated with an event, business or purpose which is no longer ongoing and which has been inactive or out of business for a period of 90 consecutive days or longer; or
- b. A sign which contains structural components but no display for a period of 90 consecutive days or longer.

**557.** SIGN, ANIMATED means a flashing, blinking, moving or rotating sign or a sign with illumination or surface features that change with time. This term shall not include a barber pole or a changeable message sign.

**559.** SIGN, AWNING means a sign consisting of letters, numbers or symbols applied to or integral with the fabric covering of an awning or awning-like structure.

**561.** SIGN, CANOPY means an on-premise sign attached to or supported by a canopy.

**563.** SIGN, CHANGEABLE MESSAGE, AUTOMATIC means a sign which has copy, graphics or images that are changed periodically by an electronic mechanism, such as a time-and-temperature sign, message center, reader board or video screen. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also PORTABLE SIGN.

**565.** SIGN, CHANGEABLE MESSAGE, MANUAL means a sign which has copy that is changed periodically by manual means, such as a message center or reader board with removable or interchangeable letters. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also SIGN, PORTABLE.

**567.** SIGN, CONSTRUCTION means a temporary on-site sign designed and constructed to identify a project while it is under construction.

**569.** SIGN, DILAPIDATED means a sign where elements of the display area or panel are visibly cracked, broken or discolored, where the support structure or frame members are visibly corroded, bent, broken, torn or dented, or where the message can no longer be read under normal viewing conditions.

**571.** SIGN, FREESTANDING means a sign anchored directly to the ground or supported by one or more posts, columns or other vertical structures or supports, and not attached to or dependent for support from any building.

**573.** SIGN, HOOD means a sign attached to, painted on or suspended from a hood. This term includes signs commonly referred to as "marquee signs."

**575.** SIGN, MOBILE. See SIGN, PORTABLE.

**577.** SIGN, MONUMENT means a freestanding sign supported by a solid foundation or base that is at least as wide as the sign's display area.

**579.** SIGN, OFF-PREMISE means a sign advertising a business, organization, event, person, place, service or product which is not the primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located.

**581.** SIGN, ON-PREMISE means a sign advertising the sale or lease of property upon which the sign is located or a sign advertising a business, organization, event, person, place, service or product which is a primary business, organization, event, person, place, service or product located, sold, manufactured or otherwise processed on the premises upon which the sign is located.

**583.** SIGN, PENNANT or STREAMER means a sign, with or without a logo, made of flexible materials suspended from one or 2 corners, used in combination with other such signs to create the impression of a line.

**585.** SIGN, PERMANENT BANNER means a sign made of flexible materials and supported along one or more sides or at 2 or more corners by one or more fixed, rigid supports, such as poles or rods.

**587.** SIGN, POLE means any freestanding sign supported by one or more poles, except a monument sign.

**589.** SIGN, POLITICAL means a sign which is intended to advertise support of, or opposition to a candidate for public office or a referendum question, or a sign intended to convey a non-commercial social or political message.

**591.** SIGN, PORTABLE means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which is not installed in accordance with the provisions of s. 244-7-4. A vehicle carrying advertising, parked at a curb for other than normal transportation purposes, shall be considered a portable sign.

**593.** SIGN, PROJECTING means a sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

**595.** SIGN, REAL ESTATE means a temporary sign that relates to the sale, lease or rental of property or buildings.

**597.** SIGN, ROOF means a sign erected, constructed and maintained on or above the roof of any building.

**599.** SIGN, TEMPORARY BANNER means a sign made of flexible materials and supported along one or more sides or at 2 or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

**601.** SIGN, TETHERED means a sign which is anchored by a rope, wire, chain or similar method.

**603.** SIGN, WALL means a sign painted on or affixed to a building face, parallel to and not extending more than 12 inches from the surface.

**605.** SIGN, WINDOW means a sign placed in or painted on a window, or placed within 3 feet of a window or building opening, which is clearly visible and readable from a street or public place.

**607.** SINGLE-FAMILY DWELLING means a building containing one dwelling unit.

**609.** SITE means a premises.

**611.** SITE WORK means any of the following:

- a. Physical expansion of any principal or accessory building.
- b. Alteration, replacement, addition or removal of exterior building features such as, but not limited to, porches, railings, balconies, gables, awnings, signs, bay windows, fire escapes, cornices, capitals, lintels, sills and pediments.
- c. Alteration of the size, number or location of curb cuts.
- d. Alteration of loading or unloading facilities.
- e. Alteration of existing off-street parking spaces or installation of new off-street parking spaces.
- f. Modification of landscaping.
- g. Relocation of an existing freestanding sign or installation of a new freestanding sign.

**612.** SMALL WIND ENERGY SYSTEM means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where "total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

**613.** SOCIAL CENTER. See COMMUNITY CENTER.

**615.** SOCIAL SERVICE FACILITY means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

**615.5.** SOLAR ARRAY means an accessory system or device that is roof-mounted or ground-mounted with poles or racks that are used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.

**616.** SOLAR COLLECTOR means a device, structure or part of a device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

**616.5.** SOLAR FARM means an array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

**617.** SORORITY means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.

**619.** SPECIAL USE means a use which is generally acceptable in a particular zoning district but which, because of its characteristics and the characteristics of the zoning district in which it would be located, requires review on a case-by-case basis to determine whether it should be permitted, conditionally permitted or denied.

**621.** SPECIALTY SCHOOL. See SCHOOL, SPECIALTY OR PERSONAL INSTRUCTION.

## 295-201-623 Zoning

**623.** SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, including human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**625.** SPORTS FACILITY means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

**627.** STORAGE FACILITY, HAZARDOUS MATERIALS means an establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

**629.** STORAGE FACILITY, INDOOR means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a self-service storage facility, a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a moving company which might store personal or household items on a short-term basis, but does not include a business that consists largely of individual storage lockers or is self-service.

**631.** STORAGE FACILITY, OUTDOOR means an establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

**632.** STORAGE FACILITY, SELF-SERVICE means an enclosed storage facility having compartments, rooms, spaces, lockers or other types of units that are individually leased, rented, sold or otherwise contracted for the storage of personal or household property, where the storage areas are designed to allow private access to the units and the facility owner or operator has limited access to the units. This term includes a mini-storage facility. This term does not include an indoor storage facility or a wholesale and distribution facility.

**633.** STORY means that portion of a building included between the upper surface of any floor and the upper surface of the floor above, or any portion of a building between the topmost floor and the roof having a floor area equal to at least two-thirds of the floor area of the floor immediately below it, but not including any basement, mezzanine, balcony, penthouse or attic.

**635.** STREET means any vehicular way other than an alley which is an existing state, county or municipal roadway or is shown on a plat approved pursuant to law, including the land between the street lines, whether or not improved.

**637.** STREET, ARTERIAL means a street shown as a principal or minor arterial street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

**639.** STREET, COLLECTOR means a street shown as a collector street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

**641.** STREET LEVEL AREA means any floor area of a structure located not more than 6 feet above nor more than 6 feet below street grade as measured at principal points of access to the floor area, exclusive of any floor area designed for common use in a multi-tenant building.

**643.** STREET, LOCAL means a street shown as a local street on the single-line street map prepared by the department of public works and found on the city's geographic information system.

**645.** STRUCTURE means any constructed or erected materials or combination of materials for use, occupancy or ornamentation installed on, above or below the surface of land or water. This term includes any constructed or built object which requires location on the ground or attachment to something located on the ground. Examples include, but are not limited to, buildings, decks, fences, towers, gas or liquid storage tanks, bridges, dams, culverts, flagpoles, signs and similar objects.

**647.** SUBDIVIDE means to divide a parcel of land, whether improved or unimproved, into 2 or more contiguous lots or parcels of land in accordance with the provisions of ch. 119.

**648.** SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

**649.** SUBSTANTIAL IMPROVEMENT means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. This term does not include:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which is solely necessary to assure safe occupancy conditions.
- b. Any alteration of a structure or site documented as deserving preservation by the state historical society or listed on the national register of historic places.
- c. Ordinary maintenance repairs including internal and external painting, decorating, paneling or the replacement of doors, windows and other nonstructural components.

**651.** SUBSTATION/DISTRIBUTION EQUIPMENT, INDOOR means a facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:

- a. Aids in the distribution of a utility, including but not limited to electric power or telephone service.
- b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

**653.** SUBSTATION/DISTRIBUTION EQUIPMENT, OUTDOOR means a facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

- a. Aids in the distribution of a utility, including but not limited to electric power or telephone service.
- b. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

**655.** TAVERN means an establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

**657.** TEMPORARY REAL ESTATE SALES OFFICE means a temporary office, including a manufactured building, for marketing, sales or rental of residential, commercial or industrial development for a maximum period of one year from the date of permit approval.

**659.** THEATER means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater.

**661.** TITLE LOAN AGENCY means an establishment providing loans to individuals in exchange for receiving title to the borrowers' motor vehicles as collateral.

**663.** TOOL/EQUIPMENT RENTAL FACILITY means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

**664.** TOW TRUCK means a motor vehicle that is equipped with mechanical or hydraulic lifting devices or winches capable of, and used for, the recovery and transport or both of wrecked, disabled, abandoned, used or replacement vehicles.

**664.5.** TRANSITIONAL HOUSING means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.

**665.** TRANSMISSION TOWER means a structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.

**667.** TRUCK FREIGHT TERMINAL means a facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

**669.** TWO-FAMILY DWELLING means a building containing 2 dwelling units.

**671.** UNIVERSITY. See COLLEGE.

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**673.** USE means the purpose for which land or a structure is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

**675.** VARIANCE, DIMENSIONAL means permission from the board to depart from any of the literal requirements of this chapter except use regulations, including but not limited to a departure from an area, setback, frontage, height, bulk, density or design requirement. **676.** VARIANCE, USE means permission from the board to depart from any of the use regulations of this chapter.

**676.3.** VEHICLE OPERATING AREA means an area adjacent to a street lot line where motor vehicles are operated, including but not limited to such areas located on the premises of filling stations, automatic teller machines, drive-through facilities and car washes.

**677.** WATCHMAN/SERVICE QUARTERS means one dwelling unit designed for an employee who is employed on the premises.

**679.** WATER TREATMENT PLANT means an establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.

**685.** WHOLESALE means sale for resale and not for direct consumption.

**687.** WHOLESALE AND DISTRIBUTION FACILITY, INDOOR means an establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

**689.** WHOLESALE AND DISTRIBUTION FACILITY, OUTDOOR means an establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

**690.** WIND ENERGY SYSTEM means equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by s. 66.0403(1)(m), Wis. Stats. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

**691.** YARD means all areas of a lot not covered by a principal building.

**693.** YARD, FRONT means the area extending the full lot width and situated between the front lot line and the face of the principal building which is parallel to, or most nearly parallel to, the front lot line.

**695.** YARD, REAR means the area extending the full lot width and situated between the rear lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear lot line.

**697.** YARD, REAR STREET means the area extending the full lot width and situated between the rear street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the rear street lot line.

**699.** YARD, SIDE means the area extending between the front yard and rear yard or rear street yard and situated between the side lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

**701.** YARD, SIDE STREET means the area extending between the front yard and the rear yard or rear street yard and situated between the side street lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side street lot line.

**295-203. Use Definitions.** This section defines each use listed in the use tables of the various zoning districts, in the order the uses are listed in those tables. **1. RESIDENTIAL USES.** a. "Single-family dwelling" means a building containing one dwelling unit.

b. "Two-family dwelling" means a building containing 2 dwelling units.

- c. "Multi-family dwelling" means a building containing more than 2 dwelling units.
  - d. "Permanent supportive housing" means multi-family housing that is not transitional housing or housing licensed by the state of Wisconsin, in which on-site services, such as case management and peer support, are available to tenants who are disabled or at risk of homelessness, and who are living independently.
  - e. "Transitional housing" means a single-family, 2-family or multi-family dwelling not licensed by the state of Wisconsin in which an operator temporarily provides 4 or more adult clients with lodging, treatment and services above the level of room and board, but less than nursing care, as a condition of their stay. For purposes of this definition, "temporarily" means not more than 24 months. The services provided prepare residents for independent living, and may include supervision, counseling, transportation, or assistance with personal finances or medications.
  - f. "Attached single-family dwelling" means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.
  - g. "Live-work unit" means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.
  - h. "Mobile home" means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.
  - i. "Watchman/service quarters" means one dwelling unit designed for an employee who is employed on the premises.
  - j. "Family day care home" means a dwelling unit licensed as a day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. DCF 250, Wis. Admin. Code, or certified as a day care center by Milwaukee County, where care is provided for not more than 8 children at any given time. A family day care home is typically the primary residence of its operator.
  - k. "Rooming house" means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.
- 2. GROUP RESIDENTIAL USES.**
- a. "Convent, rectory or monastery" means a building used to house the staff of a church or members of a religious order.
  - b. "Dormitory" means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.
  - c. "Fraternity" means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.
  - d. "Sorority" means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.
  - e. "Adult family home" means a facility licensed as an adult family home by the state of Wisconsin where 3 or 4 adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.
  - f. "Foster family home" means a facility which houses from one to not more than 4 children, is the primary dwelling of a foster parent, and is licensed by either the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children by persons other than a relative or guardian of the children.
  - g. "Small foster home" means a facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation licensed by the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children.
  - h. "Group home or group foster home" means a facility, licensed by the state of Wisconsin under s. 48.625, Wis. Stats., where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.
  - i. "Family shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses not more than 4 children.

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j. "Small group shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses at least 5 but not more than 8 children.

k. "Large group shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses at least 9 but not more than 20 children.

L. "Community living arrangement" means either of the following facilities licensed, operated or permitted by the state of Wisconsin:

L-1. Residential care center. A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days each in any consecutive 12-month period by persons other than a relative or guardian. The term does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, sanitariums, foster homes, shelter care facilities, prisons, jails, or institutions for children with mental health disabilities having a capacity of less than 150 children.

L-2. Community-based residential facility. A facility where 5 or more adults not related to the operator reside and are provided with care, treatment or services above the level of room and board but less than nursing care. Such care shall include supportive home care service unless contraindicated by the facility program, and may also include 7 hours or less of prescribed personal care service per week, per resident. This term does not include nursing homes, prisons, jails, correctional facilities, convents or facilities owned or operated exclusively by and for members of a religious order, or educational institutions and related student housing.

3. EDUCATIONAL USES. a. "Day care center" means an establishment in which the operator is provided with compensation in return for providing one or more individuals with care for less than 24 hours at a time. The term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term also includes a family day care home in which the operator does not reside.

b. "School, elementary or secondary" means a public, parochial or private school which provides an educational program for one or more grades between kindergarten and grade 12, inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school or high school.

c. "College" means an educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.

d. "School, personal instruction" means a business, professional, trade or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology. This term does not include a flight school or an elementary or secondary school.

4. COMMUNITY-SERVING USES. a. "Library" means a public, nonprofit facility in which literary, musical, artistic or reference materials such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale.

b. "Cultural institution" means an institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

c. "Community center" means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities. A community center may include a health clinic or social service facility if the clinic or facility is ancillary to the principal recreational, social, educational or cultural use of the premises.

d. "Religious assembly" means a facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college.

e. "Cemetery or other place of interment" means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.

f. "Public safety facility" means a government facility for public safety and emergency services including a facility that provides police or fire protection and related administrative facilities.

g. "Correctional facility" means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.



5. COMMERCIAL AND OFFICE USES. a. "General office" means use of a building for business, professional or administrative offices. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor.

b. "Government office" means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.

c. "Bank or other financial institution" means a depository institution, mortgage banker, mortgage broker or mortgage loan originator, as defined in s. 224.71, Wis. Stats. This term does not include a currency exchange, a payday loan agency, an installment loan agency or a title loan agency.

d. "Currency exchange" means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

e. "Title loan agency" means an establishment providing loans to individuals in exchange for receiving titles to the borrowers' motor vehicles as collateral.

f. "Payday loan agency" means an establishment licensed by the Wisconsin department of financial institutions under s. 138.14, Wis. Stats., to originate or service payday loans.

g. "Installment loan agency" means an establishment licensed as a loan company by the Wisconsin department of financial institutions under s. 138.09, Wis. Stats., and providing personal loans that have terms of not less than 31 days and not more than one year and are repaid through cash payments, wage assignments, current-dated or post-dated checks, or automatic checking account withdrawals. This term shall not include a bank or other financial institution, a payday loan agency, a title loan agency or a currency exchange.

h. "Cash-for-gold business" means an establishment primarily engaged in buying used gold or jewelry

i. "Pawn shop" means an establishment primarily engaged in the business of lending money on the deposit or pledge of any article or jewelry, or purchasing any article or jewelry with an expressed or implied agreement or understanding to sell it back at a subsequent time at a stipulated price, and which is licensed as a pawnbroker by the state of Wisconsin pursuant to s. 134.71, Wis. Stats.

j. "Retail establishment, general" means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sales of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique store, liquor store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult retail establishment, lumber yard, building supply or home improvement center, garden center or secondhand store.

k. "Garden supply or landscaping center" means an establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials or equipment.

L. "Home improvement center" means an establishment providing the sale or rental of building supplies, construction equipment or home decorating fixtures and accessories. This term includes a lumber yard or a contractor's building supply business and may include outdoor storage or tool and

equipment sales or rental. This term does not include an establishment devoted exclusively to retail sales of paint, wallpaper or hardware or activities classified under vehicle/equipment sales and services, including vehicle towing services.

m. "Secondhand store" means an establishment in which used merchandise is sold at retail. This term does not include a cash-for-gold business, a pawn shop or an antique or collectibles store, jewelry store or other general retail establishment.

n. "Outdoor merchandise sales" means retail sale of produce, other foodstuffs or any of the products listed in par. g, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot.

o. "Artist studio" means work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

p. "Adult retail establishment" means an establishment in which 10 percent or more of the gross public floor area is devoted to, or 10 percent or more of the stock-in-trade consists of, the following: books, magazines and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

**6. HEALTH CARE AND SOCIAL ASSISTANCE.** a. "Medical office" means an establishment providing diagnostic and outpatient medical care on a routine basis, but which is unable to provide prolonged inpatient medical or surgical care. Such facility may be staffed by up to 3 doctors, dentists, ophthalmologists, optometrists, chiropractors, physical therapists or similar practitioners licensed for practice by the state. This term includes a medical or dental laboratory incidental to the medical office use, as well as a dialysis establishment. See also "health clinic."

b. "Health clinic" means a group of associated offices for 4 or more physical or mental health care professionals who provide specialized diagnostic, testing, physical therapy or treatment services, including clerical and administrative services, to persons for periods of less than 24 hours. This term does not include a medical office or hospital.

c. "Hospital" means a state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other physical or mental conditions, and, as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, and services and functions which support health services and care, which are shared with other hospitals or other health care providers.

d. "Medical research laboratory" means an establishment providing medical or dental laboratory services or photographic, analytical or testing services for medical or medical research purposes. This term does not include a research and development facility that primarily serves an educational or industrial establishment.

e. "Medical service facility" means an establishment operated such that physicians are present during less than 50 percent of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes, but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products, but does not include a dialysis establishment.

f. "Social service facility" means a facility operated by an organization which provides services such as training, counseling, health or the distribution of food or clothing. This term includes, but is not limited to, a facility offering life skills training, substance abuse counseling, housing services or a neighborhood recovery center. This term does not include an emergency residential shelter.

g. "Emergency residential shelter" means a facility, other than a community living arrangement, that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, crime, abuse or neglect, including emergency housing during crisis intervention for victims of rape, child abuse or physical beatings, and which contains individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

h. "Nursing home" means a place where 5 or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services, as defined in s. 50.01, Wis. Stats.

**7. GENERAL SERVICE USES.** a. "Personal service establishment" means an establishment providing services which are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

b. "Business service" means an establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.

c. "Building maintenance service" means an establishment providing routine maintenance of buildings. This term includes, but is not limited to, a window washing, building cleaning, pest extermination or disinfecting service.

d. "Catering service" means an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.

e. "Funeral home" means an establishment providing services involving the care, preparation or disposition of human dead. This term includes, but is not limited to, a crematorium or a mortuary.

f. "Laundromat" means an establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for laundering or dry cleaning purposes.

g. "Dry cleaning establishment" means an establishment which launders or dry cleans articles dropped-off on the premises directly by the customer or where articles are dropped off, sorted and picked up but where laundering or cleaning is done elsewhere.

h. "Furniture and appliance rental and leasing" means an establishment providing the rental or leasing of furniture, electronics, small appliances, major appliances or other household items. This term includes incidental storage and maintenance of such items.

i. "Household maintenance and repair service" means an establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.

j. "Tool/equipment rental facility" means an establishment providing the rental of tools, lawn and garden equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

k. "Animal hospital/clinic" means an establishment providing medical and surgical treatment of domestic animals, including grooming and boarding for not more than 30 days if incidental to the medical care. This term also includes an animal crematorium.

L. "Animal boarding facility" means an establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. This is the same type of facility referred to as a "kennel" in ch. 78.

m. "Animal grooming or training facility" means an establishment providing bathing, trimming or training services for domestic animals on a commercial basis. This term includes the boarding of domestic animals for a maximum period of 48 hours incidental to the grooming or training services provided.

**8. MOTOR VEHICLE USES.** a. "Light motor vehicle sales facility" means an establishment providing retail sale of light motor vehicles, including incidental storage and maintenance. This term does not include a light motor vehicle wholesale facility.

b. "Light motor vehicle rental facility" means an establishment where contracts are prepared or reservations accepted for the rental or leasing of light motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

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c. "Light motor vehicle repair facility" means an establishment providing the repair or servicing of light motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term does not include vehicle dismantling or salvage, tire re-treading or recapping, or body bumping and painting.

d. "Light motor vehicle body shop" means an establishment providing the repair or rebuilding of light motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

e. "Light motor vehicle outdoor storage" means the outdoor storage of operable light motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

f. "Light motor vehicle wholesale facility" means an office for wholesale trade in light motor vehicles.

g. "Heavy motor vehicle sales facility" means an establishment providing retail sale of heavy motor vehicles, including incidental storage and maintenance.

h. "Heavy motor vehicle rental facility" means an establishment where contracts are prepared or reservations accepted for the rental or leasing of heavy motor vehicles. This term includes incidental storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.

i. "Heavy motor vehicle repair facility" means an establishment providing the repair or servicing of heavy motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, engines or upholstery. This term does not include vehicle dismantling or salvage, tire retreading or recapping, or body bumping and painting.

j. "Heavy motor vehicle body shop" means an establishment providing the repair or rebuilding of heavy motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

k. "Heavy motor vehicle outdoor storage" means the outdoor storage of operable heavy motor vehicles for more than 48 hours. This term does not include a surface parking lot, material reclamation facility, outdoor salvage operation or outdoor storage facility.

L. "Filling station" means an establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair work on the premises. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast food restaurant.

m. "Car wash" means an establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.

n. "Drive-through facility" means a facility which is used for dispensing services or products to customers in motor vehicles. Such facility may include access lanes, signing, lighting and audio systems. This term does not include a drive-in theater.

o. "Parking lot, principal use" means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include the parking of heavy motor vehicles.

p. "Parking lot, accessory use" means surface parking spaces for 5 or more light motor vehicles, adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles, but does include outdoor operating areas of light motor vehicle-oriented uses, such as filling stations, car washes and drive-through facilities.

q. "Parking structure, principal use" means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is the principal use of the premises. This term includes commercial parking operations as well as private parking structures. This term does not include private one-story garages for single-, 2- or multi-family dwellings.

r. "Parking structure, accessory use" means parking spaces and adjacent access drives, aisles and ramps that are located in a structure with 2 or more levels, where the parking structure is not the principal use of the premises. This term does not include private one-story garages for single-, 2- or multi-family dwellings but does include parking spaces that are integrated into a larger structure that houses the principal use of the premises.

s. "Heavy motor vehicle parking lot, principal use" means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is the principal use of the premises. This term includes both commercial parking operations and private surface parking lots, but does not include parking lots that are used exclusively for the parking of light motor vehicles.

t. "Heavy motor vehicle parking lot, accessory use" means surface parking spaces for 5 or more heavy motor vehicles, along with adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of such vehicles is not the principal use of the premises. This term does not include commercial parking operations, which are a principal use, or parking lots that are used exclusively for the parking of light motor vehicles.

**9. ACCOMMODATION AND FOOD SERVICE USES.** a. "Bed and breakfast" means an establishment which:

- a-1. Provides rooms for rent for short periods of time.
- a-2. Provides meals only to renters of rooms in the establishment.
- a-3. Is the owner's personal residence.
- a-4. Is occupied by the owner at the time of rental.
- a-5. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.

b. "Hotel, commercial" means a hotel in which at least 5 rooms or units or at least 70% of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than 30 days or are available for more than 30 days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.

c. "Hotel, residential" means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.

d. "Tavern" means an establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

e. "Brewpub" means a tavern or restaurant which contains an on-premises alcohol beverage production facility that produces up to 10,000 barrels of fermented malt beverages, 100,000 gallons of vinous spirits or 15,000 gallons of distilled spirits annually, primarily for on-site consumption or retail sale.

f. "Assembly hall" means an establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club or a meeting space for a club or membership organization. This term does not include a convention center.

g. "Restaurant, sit-down" means a restaurant where the food or beverages sold are consumed at tables located on the premises, where taking food or beverages from the premises is purely incidental, where food or beverages are normally served utilizing nondisposable containers and utensils and where the consumption of food or beverages in vehicles on the premises in which the building is located does not regularly occur, or where the restaurant is located within a building containing more than one principal use other than another restaurant. This term does not include a tavern.

h. "Restaurant, fast-food/carry-out" means a restaurant other than a sit-down restaurant where the manner of preparation, packaging and serving of food or beverages encourages their consumption outside the building. This term does not include a tavern.

**10. ENTERTAINMENT AND RECREATION USES.** a. "Park or playground" means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.

b. "Festival grounds" means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

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c. "Recreation facility, indoor" means a facility for the indoor conduct, viewing or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.

d. "Recreation facility, outdoor" means a facility for the outdoor conduct, viewing or participation in recreational activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement park or water park. This term does not include a sports facility or health club.

e. "Health club" means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.

f. "Sports facility" means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.

g. "Gaming facility" means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.

h. "Theater" means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater.

i. "Convention and exposition center" means a commercial facility used for assemblies or meetings of the members or representatives of groups, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

j. "Marina" means a facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas or boat sales and service. This term does not include a ship terminal or docking facility or a passenger terminal.

k. "Outdoor racing facility" means an establishment engaged in operating a track for racing, including but not limited to the racing of motor vehicles, dogs or horses.

11. STORAGE, RECYCLING AND WHOLESALE TRADE USES. a. "Recycling collection facility" means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station which receives residential solid waste collected by city forces or deposited by city residents.

b. "Mixed-waste processing facility" means an establishment engaged in the processing, separating and sorting of recyclable materials from non-hazardous waste streams or from commingled consumer recyclable materials, such as paper, plastics, beverage cans or household metals.

c. "Material reclamation facility" means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, any recycling, salvaging or towing premises, as defined in s. 93-3-21, primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

d. "Salvage operation, indoor" means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable motor vehicles within a building for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

e. "Salvage operation, outdoor" means an establishment providing the storage of any equipment, goods, junk, material, merchandise or inoperable or unregistered motor vehicles in the open for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

f. "Wholesale and distribution facility, indoor" means an establishment providing indoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

g. "Wholesale and distribution facility, outdoor" means an establishment providing outdoor storage and sale of factory-direct merchandise and bulk goods. This term includes, but is not limited to, mail-order and catalog sales, importing, wholesale or retail sale of goods received by the establishment, and wholesale distribution, but does not include sale of goods for individual consumption.

h. "Storage facility, indoor" means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a self-service storage facility, a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a moving company which might store personal or household items on a short-term basis, but does not include a business that consists largely of individual storage lockers or is self-service.

i. "Storage facility, self-service" means an enclosed storage facility having compartments, rooms, spaces, lockers or other types of units that are individually leased, rented, sold or otherwise contracted for the storage of personal or household property, where the storage areas are designed to allow private access to the units and the facility owner or operator has limited access to the units. This term includes a mini-storage facility. This term does not include an indoor storage facility or a wholesale and distribution facility.

j. "Storage facility, outdoor" means an establishment providing outdoor storage of materials or goods. This term does not include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

k. "Storage facility, hazardous materials" means an establishment providing warehousing or bulk storage facilities for hazardous, toxic, flammable, explosive or other dangerous materials.

**12. TRANSPORTATION USES.** a. "Ambulance service" means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.

b. "Ground transportation service" means an establishment providing the storage, maintenance or dispatching of:

b-1. Taxicabs, limousines or other public passenger vehicles, as defined in s. 100-3-21.

b-2. Vehicles licensed or otherwise regulated as human service vehicles by the state of Wisconsin and used for the transportation of elderly or handicapped persons.

b-3. School buses, as described in s. 341.26(2)(d) and (dm), Wis. Stats.

b-4. Tow trucks, as defined in s. 340.01(67n), Wis. Stats.

c. "Passenger terminal" means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term includes a bank, general retail establishment, personal service, light motor vehicle rental facility, tavern, fast-food/carry-out restaurant or sit-down restaurant when any such use is an accessory use located within the terminal structure. This term does not include an airport or heliport.

d. "Helicopter landing facility" means a facility used for the takeoff and landing of helicopters, including, but not limited to, any heliport, helipad or helistop. Accessory features such as hangars, parking pads, terminals and service areas are also part of such a facility.

e. "Airport" means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. The term also includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.

f. "Ship terminal or docking facility" means a facility for the docking, loading or unloading of ships, barges or boats that primarily transport freight.

g. "Truck freight terminal" means a facility for truck-based freight service and operations, including but not limited to local pickup, local sorting and terminal operations, line-haul loading and unloading, destination sorting and terminal operations and local delivery.

h. "Railroad switching, classification yard, or freight terminal" means a facility for the operation of a line-haul or short-line freight railroad.

**13. INDUSTRIAL USES.** a. "Alcohol beverage facility, micro" means an establishment that produces and packages up to 20,000 barrels of fermented malt beverages, up to 200,000 gallons of vinous spirits or up to 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption.

b. "Alcohol beverage facility, large" means an establishment that produces and packages more than 20,000 barrels of fermented malt beverages, more than 200,000 gallons of vinous spirits or more than 30,000 gallons of distilled spirits annually, primarily for wholesale distribution and off-premises consumption. This term includes ancillary tasting rooms and facility tours.

c. "Food processing" means the preparation, processing, or canning or other packaging of food products. This term does not include the processing or packaging of alcohol beverages or animal or poultry slaughter.

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d. "Manufacturing, light" means an establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

e. "Manufacturing, heavy" means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line. This term includes, but is not limited to:

- e-1. Chemical manufacturing.
- e-2. Stonework or concrete product manufacturing.
- e-3. Fabrication of metal products.
- e-4. Manufacturing of agricultural, construction or mining machinery.
- e-5. Motor vehicle manufacturing.
- e-6. Lumber milling.
- e-7. Ship or boat construction.
- e-8. Permanent concrete/batch plant.

f. "Manufacturing, intense" means an establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, where such activity involves the use or production of explosives, highly flammable liquids or gases, or toxic or hazardous materials or produces toxic, hazardous or noxious odors, fumes or dust. This term includes, but is not limited to:

- f-1. Animal or poultry slaughter or auction facility.
- f-2. Leather tannery.
- f-3. Distillery of products for finishes.
- f-4. Explosives manufacturer.
- f-5. Sawmill.
- f-6. Paper or pulp mill.
- f-7. Steel mill.
- f-8. Petroleum refinery.
- f-9. Petrochemical plant.
- f-10. Ore smelting facility.

g. "Research and development" means an establishment which conducts research, development or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

h. "Processing or recycling of mined materials" means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.

i. "Contractor's shop" means an establishment used for the indoor repair, maintenance or storage of a contractor's vehicles, equipment or materials, and may include the contractor's business office.

j. "Contractor's yard" means an establishment used for the outdoor repair, maintenance or storage of a contractor's vehicles, equipment or materials.

**14. AGRICULTURAL USES.** a. "Plant nursery or greenhouse" means an establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.

b. "Raising of livestock" means the use of land or buildings for aquaculture, or the keeping of bees, cows, cattle, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or any other domesticated livestock if permitted by the health department under the provisions of ch. 78.

c. "Community garden" means any use of land or a premises for the growing of crops, plants or other vegetation by a group of individuals or by a public or non-profit organization. This use includes composting and the raising of crops, native vegetation or fruit not otherwise in violation of this code. It also includes the sale of produce and ornamental crops grown on-site. This use does not include a commercial farming enterprise or outdoor storage facilities.



d. "Commercial farming enterprise" means a premises used to grow and harvest plants or compost for sale to the general public, retail businesses or wholesale establishments. This use does not include community gardens or outdoor storage facilities.

**15. UTILITY AND PUBLIC SERVICE USES.** a. "Broadcasting or recording studio" means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.

d. "Transmission tower" means a structure designed to support one or more reception/transmissions systems. This term includes, but is not limited to, a radio tower, television tower, telephone exchange/microwave relay tower or cellular telephone transmission/personal communications systems tower.

e. "Water treatment plant" means an establishment engaged in operating a water treatment plant or operating a water supply system. The water supply system may include pumping stations, aqueducts or distribution mains. The water may be used for drinking, irrigation or other uses.

f. "Sewage treatment plant" means a facility which operates a sewerage system and sewage treatment facilities that collect, treat and dispose of human waste.

g. "Power generation plant" means a facility that converts one or more energy sources, including but not limited to water power, wind power, fossil fuels or nuclear power, into electrical energy or steam. This term does not include a small wind energy system. A power generation plant may also perform either of the following:

g-1. Operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system.

g-2. Operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers.

h. "Small wind energy system" means a wind energy system that is used to generate electricity, has a nameplate capacity of 100 kilowatts or less and has a total height of 170 feet or less, where "total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. A wind energy system that has a nameplate capacity of more than 100 kilowatts or a total height of more than 170 feet shall be classified as a power generation plant.

i. "Solar farm" means an array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

j. "Substation/distribution equipment, indoor" means a facility, other than a transmission tower and contained entirely within a building, which performs either of the following functions:

j-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

j-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

k. "Substation/distribution equipment, outdoor" means a facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:

k-1. Aids in the distribution of a utility, including but not limited to electric power or telephone service.

k-2. Is used to operate, maintain or provide access to facilities for the transmission of voice, data, text, internet, sound or full-motion-picture video between network termination points.

**16. TEMPORARY USES.** a. "Seasonal market" means a temporary facility used to conduct retail trade for a period not exceeding 180 days in a calendar year.

b. "Temporary real estate sales office" means a temporary office, including a manufactured building, for marketing, sales or rental of residential, commercial or industrial development for a maximum period of one year from the date of permit approval.

c. "Concrete/batch plant, temporary" means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

d. "Live entertainment special event" means a concert, carnival, circus, fair or similar event lasting less than 15 days.

**295-205. Rules of Measurement.** The following rules of measurement shall be used in the administration and enforcement of this chapter:

1. **BUILD-TO LINE.** The build-to line shall be measured so that the accuracy of the building placement shall be within one foot, except that no encroachment into public rights-of-way shall be permitted unless allowed or authorized pursuant to the provisions of ch. 245.

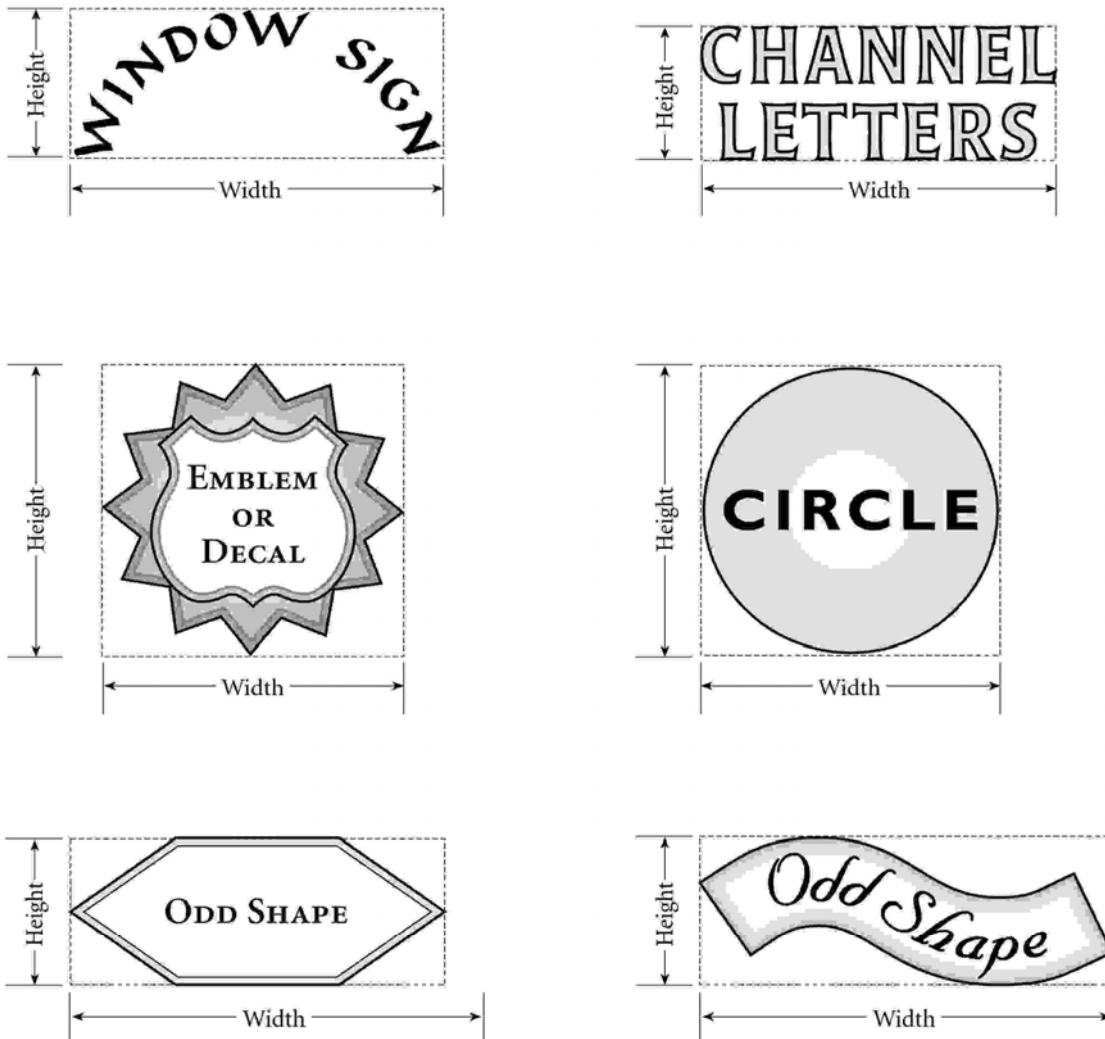
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3. **BUILDING HEIGHT.** Building height shall be measured from finished grade to the highest point of the building. Where a building is located on a sloping lot, the building height shall be the average of the building height on each building elevation, measured at the mid-point of the elevation.

5. **DISPLAY AREA.** The display area of a sign shall be measured as the area, in square feet, of the smallest rectilinear polygon, with a maximum of 8 sides, that describes the portion of the sign which encloses all lettering, wording design, or symbols together with any background that, through the use of illumination, color or other techniques, helps the sign stand out from its surroundings. The following rules shall also be used in measuring display area:

a. Where a sign has multiple display surfaces and any 2 of these display surfaces are parallel and face in opposite directions, only one of the parallel display surfaces shall be included when calculating display area.

**Figure 295-205-5  
MEASUREMENT OF DISPLAY AREA**



b. For an internally-illuminated awning sign, the display area shall be calculated as the height of the awning multiplied by its width.

c. The area of temporary signs shall not be included in computation of allowable area for permanent signage. Only one of the parallel display surfaces shall be included when calculating display area.

d. Where a sign contains elements of both type A and type B signs, neither element shall exceed the maximum size for its sign type, and the combined area of both elements shall not exceed 100% of the combined total permitted area for the 2 sign types. For example, a freestanding sign in an LB1 district could include a 40-square-foot type A element (40% of the maximum size of 100 square feet) and a 30-square-foot type B element (60% of the maximum size of 50 square feet).

**7. FLOOR AREA.** Floor area shall be measured as the sum of the actual gross horizontal area of all floors, mezzanine space and interior balconies located at or above the established grade of the lowest abutting street, excluding:

- a. Attic space having less than 7 feet of head room.
- b. Any space devoted to off-street parking or loading.
- c. A utility room or furnace room.

**9. FLOOR AREA, GROSS.** Gross floor area shall be measured as the total horizontal area in square feet of all floors within the exterior walls of a building, but not including the area of unroofed inner courts or shaft enclosures.

**11. FLOOR AREA RATIO.** Floor area ratio shall be measured as the ratio of floor area to lot area. For example, a floor area ratio of 2:1 means that there are 2 square feet of floor area for every one square foot of lot area.

**13. FRACTIONS.** When calculations result in fractions, the results shall be rounded as follows:

a. **Minimum Requirements.** When a regulation is expressed in terms of a minimum requirement, any fractional result shall be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 40-foot strip, the resulting fraction of 1.33 shall be rounded up to 2 required trees.

b. **Maximum Amounts.** When a regulation is expressed in terms of a maximum amount, any fractional result shall be rounded down to the next lower whole number. For example, if a maximum of one dwelling unit for every 3,000 square feet is applied to an 8,000-square-foot site, the resulting fraction of 2.67 shall be rounded down to 2 dwelling units.

**15. LOT COVERAGE.** When measuring lot coverage, the following shall not be included:

- a. Eaves projecting less than 2.5 feet from a building.
- b. Trellises and similar structures which do not have solid roofs.
- c. The portion of any uncovered and unenclosed deck, porch, landing, balcony, planter or stairway that is less than 36 inches above grade.

**17. MEASURING DISTANCES.** Distances shall be measured using the following standards:

a. **Horizontal Distances.** When determining distances for setbacks and structure dimensions, all distances shall be measured along a horizontal line from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances shall not be measured by following the topography of the land.

b. **Shortest Distances.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the 2 objects, features or points.

c. **Vehicle Stacking or Travel Areas.** Minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, shall be measured down the center of the vehicle maneuvering lane. For example, a curving driveway or travel lane is measured along the arc of the driveway or traffic lane.

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d. Distance Between Uses. Whenever the provisions of this chapter require measuring the distance between existing and proposed uses, the distance shall be measured as the shortest distance between lot lines of the 2 uses.

**19. SIGN HEIGHT.** The height of a sign shall be determined by measuring the distance between the highest point of the actual sign structure and the finished grade directly below it. Sign height shall be measured in feet.

**21. TRANSMISSION TOWER HEIGHT.** The following principles shall apply when measuring the height of a transmission tower:

a. The transmission tower height shall include the height of any reception/transmission systems extending above the top of the tower.

b. Transmission tower height shall be measured in feet.

c. For a freestanding tower, the height of such tower shall be the height of the tower above finished grade, measured at the center of the tower.

d. Unless otherwise noted in this chapter, whenever a transmission tower is mounted to a building or other structure, the height of such tower shall be considered to include both the height of the tower itself plus the height of the building or structure from the ground to the lowest point of attachment.

**23. UPPER STORY SETBACK.** The upper story setback shall be measured as the distance that the exterior wall of an upper floor is recessed from the exterior wall of the floor below.

**[Pages 699 to 710 are blank]**

### SUBCHAPTER 3 ADMINISTRATION, ENFORCEMENT AND APPEALS

**295-301. Authority.** The administration of this chapter shall be vested in the commissioner of city development and commissioner of neighborhood services, with the commissioner of neighborhood services charged with the duty and authority to issue certificates of occupancy and construction permits. The commissioner of neighborhood services shall issue no certificate or permit for the use or development of any land or structure, nor for the erection, alteration, relocation, extension or substantial improvement of any structure, or part thereof, if the intended use or the plans and specifications therefor are not in all respects in conformity with the provisions of this chapter. In issuing permits, all city departments, officers and employees shall check all proposed work, activities, construction and uses for compliance with the provisions of the zoning code.

**295-303. Occupancy.** Pursuant to s. 200-42, it shall be unlawful to occupy or use any building, structure or premises unless a certificate of occupancy has been issued by the commissioner of neighborhood services. A separate certificate shall be obtained for each occupancy or use, as specified in this chapter. However, pursuant to s. 200-43, a temporary certificate of occupancy may be issued by the commissioner of neighborhood services for occupancy and use of any building, structure or premises prior to completion of construction. In addition, a conditional certificate of occupancy may be issued by the commissioner of neighborhood services for a period of up to 180 days for the temporary occupancy and use of any building, structure or premises, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional certificate of occupancy shall not imply that the board or common council is going to approve the applicant's request. The commissioner of neighborhood services is authorized to require whatever temporary precautionary measures are necessary to safeguard the public as a condition of issuance of a conditional certificate of occupancy. A conditional certificate of occupancy may be issued only when the following criteria have been met:

1. The applicant has applied for a certificate of occupancy and paid the required fees.
2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, and a common council file number has been established.
3. The commissioner of neighborhood services has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact the adjoining property or the neighborhood in general.
4. All required inspections have been completed and passed.
5. The applicant agrees to discontinue the use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.
6. The applicant agrees to hold the city harmless for any claims resulting from the use of the property during the period the conditional certificate of occupancy is in effect.

**295-304. Conditional Construction Permits.** A conditional construction permit may be issued by the commissioner of neighborhood services for a period of up to 180 days for the development of land or the erection, alteration, relocation, extension or substantial improvement of a structure, or part thereof, prior to the approval of a variance or special use permit by the board or the approval of a zoning map amendment by the common council. Issuance of a conditional construction permit shall not imply that the board or common council will approve the applicant's request. A conditional construction permit may be issued only when the following criteria have been met:

1. The department has determined that plans for the proposed construction are in compliance with the building code and with all aspects of the zoning code except those provisions for which a permit denial letter has been sent to the applicant.
2. If board action is required, the applicant has filed an application for a special use permit, use variance or dimensional variance with the board and paid all required fees related to the appeal. If a zoning map amendment is required, the applicant has filed a map amendment application with the department and paid all required fees, and a common council file number has been established.

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3. The commissioner of neighborhood services has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact the adjoining property or the neighborhood in general.

4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

**295-305. Temporary Use Permits.** A temporary use permit authorizing any of the temporary uses listed in the use tables of the various zoning districts, except a live entertainment special event, for which no temporary use permit is required, may be issued by the commissioner of neighborhood services in accordance with the following provisions:

1. **APPLICATION AND FEE.** A completed application form, accompanied by the required fee specified in s. 200-33, shall be submitted to the commissioner neighborhood services.

2. **APPROVAL PROCEDURE.** The commissioner of neighborhood services shall approve, approve with conditions, or deny a complete application within 5 working days. No notice or public hearing shall be required.

3. **FINDINGS.** To approve the application for a temporary use, the commissioner of neighborhood services shall make the following findings:

a. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the comprehensive plan and the provisions of this chapter.

b. Approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

4. **CONDITIONS OF APPROVAL.** When issuing a temporary use permit, the commissioner of neighborhood services may impose conditions, including but not limited to permit term limitations, necessary to:

a. Achieve the general purposes of this code and the specific purposes of the zoning district in which the temporary use will be located.

b. Protect the public health, safety and general welfare.

c. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties.

**295-306. Council Member Notification of Certain Limited Uses.** Whenever the department issues a certificate of occupancy for any small group shelter care facility, small foster home, group home, group foster home or community living arrangement classified by this chapter as a limited use in the zoning district in which the facility is located, the department shall provide written notice of such issuance, including the location and description of the facility, to the local common council member. Notification by electronic mail shall be deemed sufficient for compliance with this requirement.

**295-307. Amendments To The Zoning Text Or Map.** 1. **PURPOSE.** The provisions of this section are intended to prescribe procedures by which amendments may be made to this chapter, including changes to the text and the boundaries of districts as shown on the zoning map.

2. **INITIATION OF MAP AMENDMENTS.** An amendment to the base zoning map or the establishment of, or amendment to, an overlay district may be initiated by any one of the following:

a. **By Application.** A person with an ownership, possessory or contractual interest in the land subject to the application may apply for a map amendment.

b. **By Common Council.** The common council may initiate a map amendment by its own motion.

c. **By Petition.** The owners of 50% or more of the area of land included in a proposed amendment may submit to the common council a petition requesting the zoning map amendment.

3. **PROCEDURE FOR MAP AMENDMENT.** Consideration of a proposed map amendment shall be in accordance with the following procedure:

a. **Introduction of Map Amendment.** Upon receipt of a valid application, the affidavit required by s. 295-313 and the required fee, a valid petition, the affidavit required by s. 295-313 and the required fee, or a motion of common council, the department shall prepare an ordinance and map representing the requested amendment.

b. Referral to City Plan Commission. Upon introduction, the ordinance to make the zoning map amendment shall be referred to the city plan commission pursuant to s. 62.23, Wis. Stats.

c. Staff Actions. The department shall establish a time and date for a public hearing, notify affected property owners at least 10 days in advance of the hearing and prepare a staff report on the map amendment. In the case of any map amendment relating to a floodplain overlay zone, the department shall also submit the amendment and the notice of public hearing to the Wisconsin department of natural resources.

d. City Plan Commission. The commission shall hold at least one public hearing on any proposed map amendment. Notice of the public hearing shall be provided according to the commission's by-laws. Upon completion of its public hearing, the commission shall prepare a report of its findings and recommendations on the proposed map amendment and file a copy of the report with the common council.

e. Zoning, Neighborhoods and Development Committee. Following notice, review and report by the city plan commission, the common council's zoning, neighborhoods and development committee shall hold a class 2 public hearing after notifying the applicant, petitioners, owners of property under consideration and owners of property immediately surrounding and within at least 200 feet thereof, including streets and alleys. Upon conclusion of the public hearing, the committee shall prepare a recommendation for submittal to the common council.

f. Common Council. Upon receipt of the recommendation of the zoning, neighborhoods and development committee, the council shall either approve or disapprove the map amendment or refer the amendment back to the zoning, neighborhoods and development committee for additional consideration.

**4. STANDARDS.** A proposed amendment to the zoning map may be approved if the common council finds:

a. The proposed amendment is consistent with other provisions of this chapter and with the comprehensive plan.

b. The adoption of the proposed amendment will not adversely affect the public health, safety and general welfare of residents of the city.

**5. PROTEST OF MAP AMENDMENT.** In case of a protest against a map amendment, duly signed and acknowledged by the owners of 20% or more of the areas of the land included in the proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of the opposite land, the amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the common council voting on the proposed change. A protest against a proposed change, or any modification to a protest, shall be submitted no later than 48 hours prior to the date of common council action on the proposed change.

**6. INITIATION OF TEXT AMENDMENTS.** An amendment to the zoning text shall be initiated as an ordinance introduced to the common council.

**7. PROCEDURE FOR TEXT AMENDMENT.**

a. Referral of Text Amendment. Upon introduction of an ordinance to amend zoning code text to the common council, the city clerk shall simultaneously refer the ordinance to the city plan commission and to the zoning code technical committee.

b. Zoning Code Technical Committee. b-1. Composition. The zoning code technical committee shall be composed of one representative each from the city attorney's office, the department of neighborhood services, the department of city development and the legislative reference bureau, designated by the respective agency heads. The representative of the legislative reference bureau shall serve as chair of the committee.

b-2. Staff. Staff for the zoning code technical committee shall be provided by the city clerk's office.

b-3. Procedure. The zoning code technical committee shall review each proposed zoning text amendment referred to it for legality and enforceability, administrative efficiency and consistency with the format of the zoning code. Within 30 days of the date on which the city clerk refers the proposed text amendment to the committee, the committee shall provide a report of its findings with respect to these 3 criteria, as well as any recommended changes to the proposed amendment, to the zoning, neighborhoods and development committee.

c. City Plan Commission. The city plan commission shall hold a class 2 public hearing on the proposed zoning text amendment and, after receiving a report from the department, submit its report and recommendation to the zoning, neighborhoods and development committee.

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d. Zoning, Neighborhoods and Development Committee. Following receipt of reports from the city plan commission and the zoning code technical committee, the zoning, neighborhoods and development committee shall prepare a recommendation for the common council. The zoning, neighborhoods and development committee may provide a recommendation to the common council prior to receipt of a report from the zoning code technical committee if the 30-day period described in par. b-3 has lapsed.

e. Common Council. Upon receipt of the report of the zoning, neighborhoods and development committee, the council shall either approve or disapprove the text amendment or refer the amendment back to the zoning, neighborhoods and development committee for additional consideration.

**8. RECONSIDERATION OF APPLICATION.** Whenever an application for an amendment to the zoning map is denied, the application for the amendment shall not be eligible for reconsideration for one year following the denial, except in the following cases:

a. The common council may initiate reconsideration once during the 12-month period following the date on which the common council voted to deny the zoning map amendment, provided a notice of intent to reconsider the matter has been filed with the city clerk at least 24 hours prior to the time of the common council meeting at which reconsideration is to occur. If a protest against the map amendment submitted under sub. 5 is found to be both in form and sufficient, reconsideration shall not be granted except by a favorable vote of at least three-fourths of the members of the common council voting on the proposed change.

b. An applicant may submit an application for reconsideration if the application was originally denied because the proposed zoning would not conform to the comprehensive plan and the comprehensive plan was subsequently amended such that the proposed zoning amendment would conform to the comprehensive plan. In such a case, at least 30 days must pass between approval of the comprehensive plan amendment and approval of the zoning amendment.

**295-309. Enforcement. 1. COMMISSIONER OF NEIGHBORHOOD SERVICES.** The commissioner of neighborhood services shall be authorized to enforce the provisions of this chapter. The commissioner of neighborhood services shall, on his or her own initiative or on complaint or referral, proceed to the remedy of violations.

**2. PERMIT REVOCATION.** Any permit issued by the commissioner of neighborhood services under the terms of this chapter may be revoked by the commissioner of neighborhood services whenever any of the conditions under which the permit was issued are not complied with.

**3. PERMIT ISSUED IN ERROR.** Any permit or approval granted in error or in conflict with any provision of this chapter shall be void.

**4. FAILURE TO COMPLY** a. **Correction of Violation.** In the event of failure to comply with an order issued by the commissioner of neighborhood services to comply with any provision of this chapter, the commissioner of neighborhood services may take appropriate actions to restrain, correct or abate the violation of the order or cause the order to be carried out. The cost of restraining, correcting or abating the violation or of causing the order to be carried out shall be charged against the real estate upon which the violation is located, shall be a lien upon such real estate and shall be assessed and collected as a special charge.

b. **Periodic Property Inspection Program.** b-1. The commissioner of neighborhood services shall establish a periodic property inspection program to monitor properties to confirm that activities and uses of the properties are in compliance with any variance, special use or limited use, any plan of operation, landscape plan or site plan approved by the board of zoning appeals, and any conditions set forth in the written decisions of the board of zoning appeals.

b-2. Inspection intervals shall be determined by the commissioner of neighborhood services based on the nature of the business or operation and its potential for negative impacts upon the health, safety and welfare of the public and the impacts on the quality of life within the immediate neighborhood and surrounding community. The commissioner of neighborhood services reserves the right to increase inspection intervals at a property in the case of documented non-compliance.

**5. REMEDY.** If any structure is erected, constructed, reconstructed, altered, converted or maintained, or any premises is used, in violation of this chapter, the proper city officials, in addition to other remedies, may take any appropriate action to prevent such unlawful erection, construction, reconstruction, alteration or conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the premises, to prevent any illegal act, conduct, business or use in or about the premises, or to petition the proper court to order the removal of any structure erected in violation of this chapter.



6. **PENALTIES.** Any person, firm or corporation that owns, controls or manages any premises on which there shall be placed or there exists anything in violation of this chapter, assists in the commission of any violation of this chapter, builds contrary to the plans or specifications submitted to and approved by the commissioner of neighborhood services or omits, neglects or refuses to do any act required by this chapter shall be subject to revocation of such person's permit, certificate of occupancy or previous approval as provided in s. 200-31 and to injunction as provided in s. 200-19-3. In addition, such person shall be subject to penalties as provided in s. 200-19-1 and 2 or a code enforcement fee as provided in s. 200-33-8.8 assessed against the subject property, which may be collected and assessed as a special charge.

**295-311. Appeals.** 1. **BOARD OF ZONING APPEALS.** a. **Creation; Authority.** a-1. There is created a board of zoning appeals which shall have the powers granted by state statutes and the authority to interpret this chapter, to approve, conditionally approve or deny variances and special use permits, to resolve disputes concerning floodplain district boundaries and to hear and decide appeals of administrative decisions of the commissioner of city development or the commissioner of neighborhood services that may arise under this chapter, except as provided in subdiv. 3, or state statutes.

a-2. The board of zoning appeals shall also have the authority to hear and decide appeals of revocation of permits, certificates of occupancy or approvals for violations of this chapter made pursuant to s. 200-31.

a-3. The board shall have the authority to adopt its own rules of procedure.

b. **Membership.** The board shall consist of 5 members appointed by the mayor, subject to confirmation by the common council, for terms of 3 years. Board members shall be residents of the city and hold no other public office or employment except that of notary public. At least one member shall be licensed to practice law in the state of Wisconsin. The mayor shall designate one of the members as chairperson. The mayor shall appoint, for terms of 3 years, 2 alternate members of such board in addition to the 5 members already provided for. Annually, the mayor shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of conflict of interest or when a member is absent. The 2nd alternate shall act, with full power, only when the 1st alternate so refuses, is absent or defers to the 2<sup>nd</sup> alternate, or when more than one member of the board so refuses or is absent. The alternate members shall be entitled to the same compensation as is provided for other members of the board. Board members, including alternates, shall be removable by the mayor for cause upon written charges and after public hearing. Vacancies, including vacancies for alternate members, shall be filled for the unexpired terms of members whose terms become vacant.

c. **Board Budget and Staff.** The board shall constitute a separate, independent budget control unit in city government and may employ a secretary and other employees. The board may designate one of its members who shall be licensed to practice law in the state of Wisconsin, as its administrative officer to perform administrative functions pursuant to the directions of the board and to draft decisions, findings and orders for consideration by the board.

d. **Board Fees.** Appeals and applications for variances, special use permits and beneficial use determinations are subject to the fees listed in s. 200-33.

2. **SPECIAL USE PERMITS.** a. **Application.** Every application for a special use permit shall be made upon a form which has been furnished by the board secretary and approved by the board. The applicant shall provide all information requested on the form, the affidavit required by s. 295-313 and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the request.

b. **Public Hearing.** Prior to making a determination with respect to a special use permit request, the board shall hold a public hearing and provide, by mail, written notice of the hearing to the petitioner, at the address provided on the special use permit application, and to owners of property under consideration and owners of property immediately surrounding and within at least 200 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. Such notice shall state that the board will be considering and conducting a public hearing on a request for a special use permit, and shall otherwise be in accordance with s. 19.84, Wis. Stats.

c. **Consideration Of Input From Parties Of Interest.** No special use hearing shall be held and no special use permit shall be granted unless the board or its staff has received a report of any comments,

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concerns or recommendations relating to the proposed special use from the department of public works, the department of city development, the department of neighborhood services and the common council member in whose district the special use would be located. The board may proceed with its hearing and decision on the special use permit request regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which the board's office notified each of these parties that a completed special use permit application had been received.

d. FINDINGS. No special use permit shall be granted unless the board, after due notice to the parties of interest, finds that the following facts and conditions exist, and so indicates in the minutes of its proceedings or its decision:

d-1. Protection of Public Health, Safety and Welfare. The use will be designed, located and operated in a manner so that the public health, safety and welfare is protected. A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the public health, safety and welfare will not be protected.

d-2. Protection of Property. The use, value and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use. A geographic concentration of establishments of this type may be evidence, in certain circumstances, that the proposed use will substantially impair or diminish property values.

d-3. Traffic and Pedestrian Safety. Adequate measures have been or will be taken to provide safe pedestrian and vehicular access.

d-4. Consistency With Comprehensive Plan. The special use will be designed, located and operated in a manner consistent with all applicable elements of the city's comprehensive plan.

e. Conditions Of Approval. Conditions of approval may be imposed by the board to prevent or minimize adverse impacts upon the public and the city's neighborhoods and to ensure compatibility of land uses and consistency with the purposes and intent of this chapter. Conditions of approval may include, but shall not be limited to: limitations on size, bulk and location; standards for landscaping, buffering and lighting; limitations on emissions of odors, dust, smoke, refuse matter, vibration, noise and other factors affecting the comfort, enjoyment, health or safety of residents, workers or visitors in the surrounding area; adequate ingress and egress; and other on-site improvements.

f. Additional Procedures For Certain Special Uses. Those uses involving the bulk storage or manufacture of explosives, acid manufacture, petroleum refining, smelting of raw ores (except by electrical process), dead animal reduction, fat rendering, glue manufacture or distillation of bones, or any use requiring local approval under s. 289.22, Wis. Stats. (excluding city of Milwaukee-owned, leased, operated or contracted facilities) shall also require reports from the commissioner of health and the fire and police chiefs. Applicants shall present all applicable permits or approvals from the U.S. environmental protection agency and the Wisconsin department of natural resources. Presentation of all such approvals is a necessary, but not sufficient, condition for local approval to take effect. Such uses shall also be subject to the following:

f-1. The use shall not be closer than 200 feet to any property line nor less than 600 feet from the boundary of the industrial district in which it is located.

f-2. The site shall be entirely enclosed with a fence at least 8 feet in height.

f-3. Transportation of hazardous waste, as defined in ch. NR 600, Wis. Admin. Code, to and from the site shall be limited to routes designated in the special use application.

f-4. Trucks or vehicles used for intrastate or interstate transportation of waste shall be marked, labeled or placarded according to U.S. department of transportation regulations as adopted by reference in 40 CFR, parts 262 and 263.

f-5. The use shall not cause pollution of any public waterways, flood control channels, the storm drainage system, the sanitary sewer system or ground water.

f-6. The use shall not cause air pollution, malodorous emissions prohibited under ch. NR 429, Wis. Adm. Code, or noise prohibited under ch. 80 of this code.

f-7. The applicant shall submit a copy of the detailed facility-specific information required by the Wisconsin department of natural resources or the U.S. environmental protection agency.

f-8. Unless included under subd. 7, the applicant shall submit a map of the site and the area within 1/4 mile of the exterior property lines of the proposed site showing:

f-8-a. Water on the land surfaces such as a pond, creek, river, lake, stream or canal.

f-8-b. Any wells or reservoirs.

f-8-c. Wetlands, as defined in s. 23.32(1), Wis. Stats.

f-8-d. Floodplains.

- f-8-e. Topography at 10-foot intervals.
- f-8-f. Environmental corridors.
- f-9. Unless included under subd. 7, the applicant shall submit an engineering certification for the proposed site indicating:
  - f-9-a. Depth to wet-weather seasonal high water table.
  - f-9-b. Soil drainage, composition, thickness and permeability.
  - f-9-c. Depth to bedrock and aquifers.
- f-10. The applicant shall submit an assessment of the potential environmental impacts of a proposed project or activity following the format and provisions of ch. NR 150, Wis. Adm. Code, which shall include:
  - f-10-a. A description of the project, including proposed functions.
  - f-10-b. A description of the proposed site.
  - f-10-c. Environmental impacts of the proposed project.
  - f-10-d. Mitigating adverse impacts.
  - f-10-e. Adverse impacts which cannot be mitigated.
  - f-10-f. Alternatives to the project, including alternative sites, projects, sizes and designs.
  - f-10-g. A conclusion as to whether or not an environmental impact statement should be written for the project.
- g. Filling or Grading of Land. For a filling or grading project for which a special use permit is required by s. 295-419, the applicant shall submit a plan, prepared at a recognized engineering or architectural scale, that includes:
  - g-1. The existing and proposed topography of the site at a contour interval of 2 feet. All topographic information shall be prepared to city datum by a registered professional engineer or land surveyor.
  - g-2. The existing and proposed grades of the lot at each corner of the lot, at each corner of any existing or proposed buildings and at the center of the street pavement at the lot lines extended.
  - g-3. The existing and proposed grades of all driveways and parking lots.
  - g-4. Drainage patterns, or special drainage devices proposed, as well as spot elevations at the top and bottom of all drainage swales, if applicable.
  - g-5. Spot elevations of all significant cut and fill areas.
  - g-6. Locations of existing or proposed buildings.
  - g-7. Locations and heights of existing and proposed fences.
  - g-8. Locations of any recorded easements as well as above- or below-ground utilities.
  - g-9. The date of the plan, the north arrow and graphic scale.
  - g-10. A schedule for the project indicating the duration of the project, phasing and the proposed handling of interim conditions including, but not limited to, stockpiling of materials and equipment storage.
  - g-11. The proposed use of the site after the completion of the project.
  - g-12. The hours of the day and days of the week when the filling or grading activity will occur.
  - g-13. A description of the measures that will be taken to minimize the impacts, on the surrounding area, of noise, truck traffic and dust generated by the filling or grading activity.
  - g-14. Any other information as may be reasonably requested by the city.
- h. Additional Findings for Day Care Centers. No special use permit for a day care center, other than an adult day care center, shall be granted by the board unless the board finds, in addition to the findings required by par. d, that:
  - h-1. The proposed day care center will not be located within 500 feet of an adult retail establishment.
  - h-2. If the day care center is not located in a building containing an elementary or secondary school, religious assembly, community center, cultural institution or library as a principal use, the facility will not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This finding shall not be required for a day care center that is in operation as a nonconforming use or that has been granted a special use permit by the board.
- i. Additional Finding for a Group Home, Group Foster Home, Community Living Arrangement, Small Group Shelter Care Facility or Large Group Shelter Care Facility. No special use permit for a group home, group foster home, community living arrangement, small group shelter care facility or large group

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shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by par. d, that:

i-1. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home, community living arrangement, small group shelter care facility or large group shelter care facility.

i-2. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee. This provision shall not apply to an applicant for a special use permit for a small or large group shelter care facility.

**3. VARIANCES.** a. Application. Every application for a variance shall be made upon a form which has been furnished by the board secretary and approved by the board. The applicant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the variance request. In the case of a use variance, the applicant shall also submit the affidavit required by s. 295-313.

b. Public Hearing. Prior to making a determination with respect to a variance request, the board shall hold a public hearing and provide, by mail, written notice of the hearing to the petitioner, at the address provided on the variance application, and to owners of property immediately surrounding and within at least 150 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. Such notice shall state that the board will be considering and conducting a public hearing on a request for a variance, and shall otherwise be in accordance with s. 19.84, Wis. Stats. In the case of a fence variance, written notice of the hearing need only be provided to owners of abutting properties, to the owner of the property determined by the department to be directly across the street from the premises, and to owners of properties on each corner opposite the premises if the property to which the variance would apply is a corner lot.

c. Consideration Of Input From Parties Of Interest. No variance hearing shall be held and no variance shall be granted unless the board or its staff has received a report of any comments, concerns or recommendations relating to the proposed variance from the department of public works, the department of city development, the department of neighborhood services and the common council member in whose district the premises to which the variance would apply is located. The board may proceed with its hearing and decision on the variance request regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which the board's office notified each of these parties that a completed variance application had been received.

d. Findings. No variance shall be granted unless the board, after due notice to the parties of interest, finds that the following facts and conditions exist, and so indicates in the minutes of its proceedings or its decision:

d-1. Preservation of Intent. A variance would not be inconsistent with the spirit, purpose and intent of the regulations for the district in which it is requested.

d-2. Exceptional Circumstances. Exceptional, extraordinary or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or uses in the same district, and the variance is not of so general or recurrent nature to suggest amendment of the regulation.

d-3. Preservation of Property Rights. The variance is necessary for the preservation and enjoyment of the same substantial property rights which are possessed by other properties in the same district and same vicinity.

d-4. Absence of Detriment. The variance will not create substantial detriment to adjacent property, and will not materially impair or be contrary to the spirit, purpose and intent of this chapter, or the public interest.

d-5. Hardship; Dimensional Variance. In the case of a dimensional variance request, compliance with the code requirement from which the variance is requested would unreasonably prevent the property owner from using his or her property for a permitted purpose or would otherwise be unnecessarily burdensome.

d-6. Hardship; Use Variance. The alleged difficulty or hardship is not self-imposed, nor is it based solely on economic grounds.

e. Conditions Of Approval. Conditions of approval may be imposed by the board to prevent or minimize adverse impacts upon the public and the city's neighborhoods and to ensure compatibility of land uses and consistency with the purposes and intent of this chapter. Conditions of approval may include, but shall not be limited to: limitations on size, bulk and location; standards for landscaping, buffering and lighting; limitations on emissions of odors, dust, smoke, refuse matter, vibration, noise and other factors affecting the comfort, enjoyment, health or safety of residents, workers or visitors in the surrounding area; adequate ingress and egress; and other on-site improvements.

4. ADDITIONAL SPECIAL USE AND VARIANCE REGULATIONS. a. General Operation. A special use or variance which has been approved by the board shall operate in conformance with its approved plan of operation, site plans and conditions of approval. Such special use or variance shall not be enlarged or intensified without the approval of the board unless otherwise permitted by this section.

b. Combined Use. A permitted use may be added to, enlarged, expanded or rebuilt as part of an approved special use or variance without board approval provided the hours of operation are limited to the hours specified in this code, if any, parking is provided in accordance with this chapter and the addition, enlargement, expansion or reconstruction is in conformance with all other provisions of this code and with any applicable elements of the city's comprehensive plan, and does not require modification of the approved plan of operation.

c. Changes to Improvements. Parking areas, landscaping, signs, structures, fences, awnings or similar site features of an approved special use may be constructed, expanded, enlarged or rebuilt without board approval provided that the construction, expansion, enlargement or reconstruction is in conformance with all other provisions of this code, any applicable elements of the city's comprehensive plan and the plan of operation or conditions established by the board.

d. Repairs And Maintenance. The buildings, site features and structures of an approved special use or variance may be repaired and maintained in compliance with this code without board approval.

5. APPEALS OF ADMINISTRATIVE DECISIONS. a. Purpose. To avoid results inconsistent with the purposes of this chapter, administrative decisions of the commissioner of city development and the commissioner of neighborhood services may be appealed to the board. This subsection establishes general provisions for appeals of administrative decisions.

b. Application. Every appeal shall be made upon a form which has been furnished by the board secretary and approved by the board. The appellant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the appeal. Appeals to the board shall be filed within a reasonable time, as provided by the rules of the board and in accordance with s. 62.23(7)(e)4., Wis. Stats.

c. Grounds For Appeal. The application shall state the specific grounds for the appeal and identify the provisions of the zoning code applicable to the appeal. Grounds for appeal shall include at least one of the following:

c-1. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.

c-2. A description of how it is claimed a standard or review criteria was incorrectly applied.

c-3. A description of how the decision creates an inconsistency with the city's comprehensive plan or the code of ordinances.

d. Consideration of Input From Parties of Interest. After a completed notice of appeal is filed with the officer whose action is appealed, that officer shall submit a written report to the board that describes the reasons for the action or send a representative to the appeal hearing who will be prepared to comment on the action. The board may proceed with its hearing and decision on the appeal regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which each of these parties was notified that an appeal was filed.

e. Public Hearing. The board shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties.

f. Actions. The board may reverse or affirm, wholly or partially, or may modify the requirement, decision or determination as appropriate.

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g. Standards. A decision of the officer whose action is being appealed shall not be reversed or modified unless there is demonstrated evidence that the action:

- g-1. Resulted from an error or abuse of discretion.
- g-2. Resulted from an incorrect application of a standard or review criteria.
- g-3. Is not supported by the evidence in the record.
- g-4. Is inconsistent with the city's comprehensive plan or the code of ordinances.

6. APPEALS OF ORDERS. a. Purpose. To avoid results inconsistent with the purposes of this chapter, orders issued by the commissioner of neighborhood services relating to enforcement of the provisions of the zoning code may be appealed to the board. This subsection establishes general provisions for appeals of orders of the commissioner of neighborhood services relating to enforcement of the zoning code.

b. Application. Every appeal shall be made upon a form which has been furnished by the board secretary and approved by the board. The appellant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the appeal.

c. Deadline for Appeal. An appeal of an order of the commissioner of neighborhood services relating to enforcement of the provisions of the zoning code shall be made in writing within 20 days of the date the order was issued, unless the order requires compliance in less than 20 days. Whenever an order requires compliance in less than 20 days, the appeal shall be made in writing before the end of the term required for compliance. If notification of the order is made by mail, any appeal of the order shall be made in writing within 30 days of the date of the order, unless the order requires compliance in less than 30 days. Whenever an order delivered by mail requires compliance in less than 30 days, the appeal shall be made in writing before the end of a period equal to the term required for compliance plus 5 additional days. In no case, however, shall the appeal period be longer than 30 days. Citations issued by the commissioner of neighborhood services may not be appealed to the board.

d. Grounds for Appeal. The application shall state the specific grounds for the appeal and identify the provisions of the zoning code applicable to the appeal. Grounds for appeal shall include at least one of the following:

- d-1. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.
- d-2. A description of how it is claimed a standard or review criterion was incorrectly applied.
- d-3. A description of how the order creates an inconsistency with the city's comprehensive plan or the code of ordinances.

e. Consideration of Input From Parties of Interest. After a completed notice of appeal is filed with the officer whose action is appealed, that officer shall submit a written report to the board that describes the reasons for the action or send a representative to the appeal hearing who will be prepared to comment on the action. The board may proceed with its hearing and decision on the appeal regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which each of these parties was notified that an appeal was filed.

f. Public Hearing. The board shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties.

g. Actions. The board may reverse or affirm, wholly or partially, or may modify, the order being appealed.

h. Standards. An order of the commissioner of neighborhood services shall not be reversed or modified unless there is demonstrated evidence that the order:

- h-1. Resulted from an error or abuse of discretion.
- h-2. Resulted from an incorrect application of a standard or review criterion.
- h-3. Is not supported by the evidence in the record.
- h-4. Is inconsistent with the city's comprehensive plan or the code of ordinances.

7. APPEALS OF PERMIT DENIALS; OVERLAY ZONES. a. Purpose. To avoid results inconsistent with the purposes of this chapter, any denial of a permit by the commissioner of neighborhood services on the basis of failure to meet performance or design standards of a neighborhood conservation, development incentive or site plan review overlay zone may be appealed to the city plan commission. This subsection establishes general provisions for appeals of permit denials relating to development in these overlay zones.

b. Application. Every appeal shall be made upon a form which has been furnished by the commission secretary. The appellant shall provide all information requested on the form and any additional information requested by the commission chair or secretary that is necessary to inform the commission of the facts of the appeal. An application for appeal to the commission shall be filed with the commission secretary within 30 days of the date of permit denial. Upon receiving the appeal application, the commission secretary shall provide a copy of the application to the city officer whose decision to deny a permit is being appealed.

c. Grounds For Appeal. The application shall state the specific grounds for the appeal and identify the provisions of the neighborhood conservation plan or the development, performance or design standards or criteria applicable to the appeal. Grounds for appeal shall include at least one of the following:

c-1. A description of the asserted error or abuse of discretion by the city officer whose decision is being appealed.

c-2. A description of how it is claimed a plan, standard or review criterion was incorrectly applied or interpreted.

c-3. A description of how the decision to deny the permit creates an inconsistency with the city's comprehensive plan or the code of ordinances.

d. Consideration of Input From Parties of Interest. After a completed application for appeal is filed with the commission secretary, the officer whose decision to deny a permit is being appealed shall submit a written report to the commission that describes the reasons for the action or send a representative to the appeal hearing who will be prepared to comment on the action. The commission may proceed with its hearing and decision on the appeal regardless of whether this report has been submitted to the commission, provided that 30 days have elapsed since the date on which the appeal application was filed with the commission secretary.

e. Public Hearing. The commission shall establish a reasonable time for the hearing of the appeal and give public notice thereof, as well as due notice to the interested parties.

f. Actions. The commission may reverse or affirm, wholly or partially, the decision of the city officer to deny the applicant's permit request.

g. Standards. A decision of the officer whose permit denial action is being appealed shall not be reversed or modified unless there is demonstrated evidence that the denial of the permit:

g-1. Resulted from an error or abuse of discretion.

g-2. Resulted from an incorrect application or interpretation of a neighborhood conservation plan or a development, performance or design standard or criterion.

g-3. Is not supported by the evidence in the record.

g-4. Is inconsistent with the city's comprehensive plan or the code of ordinances.

**9. DEVIATIONS FROM PERFORMANCE OR DESIGN STANDARDS; OVERLAY ZONES.**

a. Plan Commission Approval Required. Deviations from performance or design standards for established neighborhood conservation, development incentive and site plan review overlay zones may be approved by the city plan commission.

b. Application. Every application for a deviation from a performance or design standard shall be made upon a form furnished by the commission secretary. The applicant shall provide all information requested on the form and any additional information requested by the commission chair or secretary that is necessary to inform the commission of the facts of the request for deviation. Upon receiving an application for deviation from a performance or design standard, the commission secretary shall provide a copy of the application to the commissioner.

c. Criteria for Deviation. The application shall state the specific grounds for the deviation and identify the provisions of the neighborhood conservation plan or the development, performance or design standards or criteria applicable to the request for deviation. A deviation from a performance or design standard shall be approved by the commission if the commission finds all of the following to be true:

c-1. The purpose of the overlay zone is met.

c-2. The deviation improves the aesthetics of the site.

c-3. If applicable, the deviation addresses one or more unique site factors that make application of the standard impractical.

c-4. The deviation is consistent with the comprehensive plan.

## **295-313 Zoning**

- d. **Staff Report.** After a completed application for deviation is filed with the commission secretary, department staff shall submit a written report to the commission that describes the reasons for the request for the deviation, along with a staff recommendation.
- e. **Public Hearing.** The commission shall establish a reasonable time for a hearing of the application and give public notice thereof, as well as due notice to the interested parties.
- f. **Commission Action.** The commission shall approve or deny the application for a deviation from the performance or design standards of the established overlay zone.

**295-313. Affidavits Required for Various Zoning-Related Applications. 1. POLICY.** Each applicant for a zoning map amendment or approval of a planned development, and each applicant for a use variance or special use permit, shall submit to the city plan commission or the board of zoning appeals, as the case may be, a signed affidavit indicating whether the applicant is:

- a. Delinquent in the payment of any property tax, special assessment, special charge or special tax due to the city, provided that all appeals of the tax, assessment or charge have been concluded or the time to appeal has expired.
- b. A party against whom the city has an outstanding judgment, provided that all appeals of the judgment have been concluded or the time to appeal has expired.
- c. A party against whom the city has outstanding health or building and zoning code violations or orders from the commissioner of health or commissioner of neighborhood services that are not actively being abated, provided that all appeals of orders to correct violations have been concluded or the time to appeal has expired.
- d. A party who has been convicted of violating an order of the commissioner of health or commissioner of neighborhood services within the past year, provided that all appeals of the conviction have been concluded or the time to appeal has expired.
- e. The owner of a premises found to be in violation of s. 80-10 to whom the commissioner of neighborhood services has charged the costs of police enforcement, pursuant to s. 80-10-4, provided that all appeals of these charges have been concluded or the time to appeal has expired.

**2. NON-INDIVIDUAL APPLICANTS.** a. **Corporations.** If the applicant is a corporation, a duly authorized officer or director of the corporation shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each officer and director of the corporation, as well as each shareholder owning 5% or more of voting stock, fits any of the descriptions in sub. 1-a to e.

b. **Partnerships.** If the applicant is a partnership or limited partnership, a duly authorized partner, general partner or limited partner shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each partner, general partner and limited partner fits any of the descriptions in sub. 1-a to e.

c. **Limited Liability Companies.** If the applicant is a limited liability company, a duly authorized member or manager of the company shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each member and manager of the company fits any of the descriptions in sub. 1-a to e.

d. **Nonstock Corporations.** If the applicant is a nonstock corporation, a duly authorized officer or director of the corporation shall submit the affidavit required by sub. 1. The affidavit shall attest to whether each officer and director of the corporation fits any of the descriptions in sub. 1-a to e.

**3. EXCEPTION.** The affidavit requirement of sub. 1 shall not apply to any zoning map amendment request relating to an overlay zone other than a request for creation or amendment of a development incentive overlay zone.

**[Pages 723 to 730 are blank]**



## SUBCHAPTER 4 GENERAL PROVISIONS

**295-401. Introduction.** The provisions of this subchapter apply to development and uses in all zoning districts unless otherwise noted elsewhere in this chapter.

**295-403. Motor Vehicle Parking. 1. INTRODUCTION.** All parking lots and off-street parking spaces shall comply with the requirements of this section.

**2. NUMBER OF SPACES.** a. Number Required. The number of off-street motor vehicle parking spaces required for a particular use shall be as specified in table 295-403-2-a. Except for within the C9A district, no off-street motor vehicle parking spaces shall be required for uses located in downtown zoning districts. Furthermore, no off-street motor vehicle parking spaces shall be required for uses located in a RED redevelopment district. Prior to issuance of any occupancy or construction permit, documentation that the required off-street motor vehicle parking spaces exist shall be provided to the commissioner of neighborhood services. For a use where the number of required spaces is “as required by the board for special use approval,” the board shall not be bound to require parking spaces, but if any parking spaces are to be required, the requirement shall be specified by the board at the time of special use approval. A planned development shall comply with the minimum parking standards set forth by this code unless otherwise specified in the planned development documents. In addition, all uses shall comply with the applicable bicycle parking requirements of s. 295-404.

| Table 295-403-2-a<br>NUMBER OF PARKING SPACES, BY USE  |  |
|--|--|
| Uses   | No. of Parking Spaces Required                         |
| <b>RESIDENTIAL USES</b>  |  |
| Single-family dwelling   | no min.; max. of 4 spaces                              |
| Two-family dwelling  | no min.; max. of 4 spaces on the premises              |
| Multi-family dwelling:   |  |
| <u>Zoning Districts</u>  | <u>Min. ratio of parking spaces to dwelling units*</u> |
| RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1   | 1:1  |
| RT4, RM5, RM6, RM7, RO2, NS2, LB2, LB3, RB2, CS, C9A, IM   | 2:3  |
| * Note: In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units. |  |
| Permanent supportive housing   | one for every 5 dwelling units                         |
| Transitional housing   | one for every 5 dwelling units                         |
| Attached single-family dwelling  | no min.; max. of 4 spaces                              |
| Live-work unit   | one for each live/work unit in the building            |
| Mobile home  | N.A.   |
| Watchman/service quarters  | none   |
| Family day care home   | see requirement for dwelling unit type                 |
| <b>GROUP RESIDENTIAL USES</b>  |  |
| Rooming house  | one for every 2 rooms                                  |

| <b>Table 295-403-2-a</b><br><b>NUMBER OF PARKING SPACES REQUIRED BY USE</b> |   |
|---|---|
| <b>Uses Required</b>  | <b>No. of Parking Spaces</b>  |
| Convent, rectory or monastery   | one per facility  |
| Dormitory   | one for every 15 beds or fraction thereof   |
| Fraternity or sorority  | one for every 2 rooms   |
| Adult family home   | one   |
| <i>Foster Homes</i>   |   |
| Foster family home  | one   |
| Small foster home   | one   |
| Group home or group foster home   | one   |
| <i>Shelter Care Facilities</i>  |   |
| Family shelter care facility  | one   |
| Small group shelter care facility   | one   |
| Large group shelter care facility   | one   |
| Community living arrangement  | one   |
| <b>EDUCATIONAL USES</b>   |   |
| Day care center   | None (limited use) or as required by the board (special use)  |
| School, elementary or secondary   | none  |
| College   | none  |
| School, personal instruction  | none  |
| <b>COMMUNITY-SERVING USES</b>   |   |
| Library   | none  |
| Community center  | as required by the board for special use approval   |
| Religious assembly  | one for every 6 seats in the assembly hall  |
| Cemetery or other place of interment  | none  |
| Public safety facility  | none  |
| Correctional facility   | none  |
| <b>COMMERCIAL AND OFFICE USES</b>   |   |
| General office  | one for each 500 sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. of gross floor area in excess of 2,000 sq. ft.; storage or utility spaces shall not be included when calculating gross floor area                       |
| Government office   | see general office  |
| Bank or other financial institution   | see general office  |
| Currency exchange, payday loan or title loan agency                         | see general retail establishment  |
| Installment loan agency   | see general retail establishment  |
| Cash-for-gold business  | see general retail establishment  |
| Pawn shop   | see general retail establishment  |
| Retail establishment, general   | min. of one for each 1,000 sq. ft. of gross floor area; max. of 3.5 for each 1,000 sq. ft. of gross floor area unless otherwise permitted pursuant to s. 295-403-2-d; storage or utility spaces shall not be included when calculating gross floor area |
| Garden supply or landscaping center   | see general retail establishment  |
| Home improvement center   | see general retail establishment  |
| Secondhand store  | see general retail establishment  |
| Outdoor merchandise sales   | one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale  |

| Table 295-403-2-a                             |  |
|---|--|
| NUMBER OF PARKING SPACES REQUIRED, BY USE     |  |
| Uses Required                                 | No. of Parking Space   |
| Artist studio                                 | none   |
| Adult retail establishment                    | see general retail establishment   |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b> |  |
| Medical office                                | see general office   |
| Health clinic                                 | see general office   |
| Hospital                                      | one for every 4 beds   |
| Medical research laboratory                   | see general office   |
| Medical service facility                      | see general office   |
| Social service facility                       | see general office   |
| Emergency residential shelter                 | as required by the board for special use approval  |
| Nursing home                                  | one for every 4 beds   |
| <b>GENERAL SERVICE USES</b>                   |  |
| Personal service establishment                | see general retail establishment   |
| Business service                              | see general retail establishment   |
| Catering service                              | see general office   |
| Funeral home                                  | one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces |
| Laundromat                                    | see general retail establishment   |
| Dry cleaning establishment                    | see general retail establishment   |
| Furniture and appliance rental and leasing    | see general retail establishment   |
| Household maintenance and repair service      | see general retail establishment   |
| Tool/equipment rental facility                | see general retail establishment   |
| <i>Animal Services</i>                        |  |
| Animal hospital/clinic                        | see general retail establishment   |
| Animal boarding facility                      | see general retail establishment   |
| Animal grooming or training facility          | see general retail establishment   |
| <b>MOTOR VEHICLE USES</b>                     |  |
| <i>Light Motor Vehicle</i>                    |  |
| Sales facility                                | none (permitted use) or as required by the board (special use)   |
| Rental facility                               | none (permitted or limited use) or as required by the board (special use)  |
| Repair facility                               | as required by the board for special use approval  |
| Body Shop                                     | none (permitted use) or as required by the board (special use)   |
| Outdoor storage                               | none (permitted use) or as required by the board (special use)   |
| Wholesale facility                            | none   |
| <i>Heavy Motor Vehicle</i>                    |  |
| Sales Facility                                | none (permitted use) or as required by the board (special use)   |
| Rental facility                               | none (permitted use) or as required by the board (special use)   |
| Repair facility                               | none (permitted use) or as required by the board (special use)   |
| Body shop                                     | none (permitted use) or as required by the board (special use)   |
| Outdoor storage                               | none (permitted use) or as required by the board (special use)   |

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| <p><b>Table 295-403-2-a</b><br/> <b>NUMBER OF PARKING SPACES REQUIRED, BY USE</b></p> |  |
|---|--|
| <b>Uses Required</b>  | <b>No. of Parking Spaces</b>   |
| <i>General Motor Vehicle</i>  |  |
| Filling station   | as required by the board for special use approval  |
| Car wash  | none   |
| Drive-through facility  | none   |
| <i>Parking</i>  | N.A.   |
| Parking lot, principal use  | N.A.   |
| Parking lot, accessory use  | N.A.   |
| Parking structure, principal use  | N.A.   |
| Parking structure, accessory use  | N.A.   |
| Heavy motor vehicle parking lot, principal  | N.A.   |
| Heavy motor vehicle parking lot, accessory  | N.A.   |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>  |  |
| Bed and breakfast   | one for each sleeping room, plus one additional space  |
| Hotel, commercial   | one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above |
| Hotel, residential  | one for every 2 sleeping rooms   |
| Tavern  | see general retail establishment   |
| Assembly hall   | one for every 1,000 square feet of gross floor area or fraction thereof                                |
| Brewpub   | see general retail establishment   |
| Restaurant, sit-down  | see general retail establishment   |
| Restaurant, fast-food/carry-out   | see general retail establishment   |
| <b>ENTERTAINMENT AND RECREATION USES</b>  |  |
| Park or playground  | none   |
| Festival grounds  | none   |
| Recreation facility, indoor   | see general retail establishment   |
| Recreation facility, outdoor  | as required by the board for special use approval  |
| Health club   | see general retail establishment   |
| Sports facility   | as required by the board for special use approval  |
| Gaming facility   | N.A.   |
| Theater   | one for every 100 square feet of floor area in the theater auditorium                                  |
| Convention and exposition center  | as required by the board for special use approval  |
| Marina  | none   |
| Outdoor racing facility   | as required by the board for special use approval  |
| <b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>                                    |  |
| Recycling collection facility   | none   |
| Mixed-waste processing facility   | none   |
| Material reclamation facility   | none   |
| Salvage operation, indoor   | none   |
| Salvage operation, outdoor  | none   |
| Wholesale and distribution facility, indoor   | none   |
| Wholesale and distribution facility, outdoor  | none   |
| <i>Storage Facilities</i>   |  |
| Indoor  | none   |
| Self-service  | none   |
| Outdoor   | none   |
| Hazardous material  | none   |

| Table 295-403-2-a<br>NUMBER OF PARKING SPACES REQUIRED, BY USE |                       |
|--|-----------------------|
| Uses<br>Required   | No. of Parking Spaces |
| <b>TRANSPORTATION USES</b>                                     |                       |
| Ambulance service  | see general office    |
| Ground transportation service                                  | see general office    |
| Passenger terminal   | none                  |
| Helicopter landing facility                                    | none                  |
| Airport  | none                  |
| Ship terminal or docking facility                              | none                  |
| Truck freight terminal   | none                  |
| Railroad switching, classification yard or freight terminal    | none                  |
| <b>INDUSTRIAL USES</b>   |                       |
| Alcohol beverage facility, micro                               | none                  |
| Alcohol beverage facility, large                               | none                  |
| Food processing  | none                  |
| Manufacturing, light   | none                  |
| Manufacturing, heavy   | none                  |
| Manufacturing, intense   | none                  |
| Research and development                                       | none                  |
| Processing or recycling of mined materials                     | none                  |
| Contractor's shop  | see general office    |
| Contractor's yard  | none                  |
| <b>AGRICULTURAL USES</b>                                       |                       |
| Plant nursery or greenhouse                                    | none                  |
| Raising of livestock   | none                  |
| Community Garden   | none                  |
| Commercial farming enterprise                                  | none                  |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                         |                       |
| Broadcasting or recording studio                               | see general office    |
| Transmission tower   | see general office    |
| Water treatment plant  | see general office    |
| Sewerage treatment   | see general office    |
| Power generation plant   | see general office    |
| Small wind energy system                                       | none                  |
| Solar farm   | none                  |
| Substation/distribution equipment, indoor                      | see general office    |
| Substation/distribution equipment, outdoor                     | see general office    |
| <b>TEMPORARY USES</b>  |                       |
| Seasonal market  | none                  |
| Temporary real estate sales office                             | none                  |
| Temporary concrete/batch plant                                 | none                  |
| Live entertainment special event                               | none                  |

b. Adjustment to Number Required. For any use except one- or 2-family residential, the number of parking spaces required for a particular use may be reduced in accordance with the following credits:

b-1. One space for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the use in question. Such off-site spaces shall be located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking facility to the main public entrance of the use served, except that for a use located in the LB3 district, such spaces shall be located within 1,200 feet of the use. For a non-residential use, the off-site spaces shall not be located on a site containing a wholly residential use. If the use provides a valet parking service, the off-site spaces may be located more than 700 feet or 1,200 feet from the use, as the case may be, provided the property or business owner submits to the department written documentation of permission to use an off-site

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parking lot or structure for valet parking. Off-site parking spaces shall also conform with the regulations of the zoning district in which they are located.

b-2. One space for each on-street parking space that is located immediately adjacent to the site of the use, provided that such on-street space is available for public use during the hours of operation of the use. To qualify for this credit, an on-street parking space shall be in compliance with all city parking regulations and shall measure at least 20 feet long if a parallel space.

b-3. 0.75 spaces for each space in a shared parking facility that serves different uses on a shared site or adjacent sites. An applicant requesting approval of a shared parking facility shall submit survey data substantiating a request for shared parking facility credits. The application shall describe the limits of the area in which the shared parking credits are to apply and the parking space reduction applicable to each use. The number of required parking spaces shall only be reduced if the following criteria are met:

b-3-a. The shared parking spaces shall be maintained as long as the uses they serve are in operation.

b-3-b. The peak hours of parking demand for the uses served by the shared parking facility do not coincide.

b-3-d. The required number of bicycle parking spaces will be provided.

b-3-e. The property owner or owners shall sign and record, with the Milwaukee county register of deeds, a written agreement which is in a form satisfactory to the city attorney and which states that there will be no substantial change in the use or occupancy of the property or properties that will increase the demand for parking in the shared parking facility. This agreement shall also include a statement that the property owner or owners and their tenants shall be provided access to, and use of, the shared parking facility. A copy of the agreement shall be filed with the commissioner of neighborhood services.

b-4. A reduction of 25% in the number of parking spaces required if the use is located in the area bounded by Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43<sup>rd</sup> Street/Sherman Boulevard on the west or is within 1,000 feet of any regularly scheduled bus stop. This reduction is permitted because of the relatively high availability of public transit service and resultant potential for reduced parking demand in the designated area and in locations in close proximity to bus stops. A reduction of 25% shall also be permitted if the property owner or developer submits written documentation of an ongoing, formally-established bike-and-shower or car pool program at the principal use of the premises and the commissioner of neighborhood services determines that the bike-and-shower program or car pool program is of sufficient magnitude and duration to warrant the reduction.

b-5. One space for each space that the use is required to have but does not because the use was previously legally established without the currently required number of parking spaces and without a variance or special use permit from the board.

b-6. A reduction in the number of spaces required may be granted by the board upon a determination that a reduced number of spaces would be appropriate. Such reduction may occur only upon request of the owner, who shall submit survey data to support the argument for reducing the required number of spaces. In order to approve such a reduction, the board shall find either of the following:

b-6-a. The number of spaces needed to serve the use is fewer than the number normally required for this land use.

b-6-b. In the long term, occupancy of the structure or property will not result in an increase in parking demand.

b-7. One space for each space in a public parking lot or public parking structure located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking lot or structure to the main public entrance of the use served.

c. Shared Parking Required When Feasible. c-1. If the development is adjacent to a land use with off-street parking facilities and different hours of operation, and the applicant believes that provision of shared parking is infeasible, the applicant shall submit to the commissioner of neighborhood services a signed affidavit indicating that the applicant has made a good-faith effort to locate shared parking facilities, documenting the nature and extent of that effort, and explaining the rationale for concluding that the provision of share parking facilities is infeasible.

c-2. An applicant for a mixed residential and commercial development or a shopping center development adjacent to one or more existing mixed residential and commercial developments or shopping center developments shall submit to the commissioner of neighborhood services a parking demand study that indicates whether off-street parking for the proposed development can be combined with off-street parking at the existing developments.

d. Exception to Exceed Maximum Number of Off-Street Parking Spaces. d-1. The number of off-street parking spaces provided for a general retail establishment, or for any land use for which the off-street parking space requirement for a general retail establishment is cross-referenced in table 295-403-2-a, may exceed the maximum specified in table 295-403-2-a if the commissioner of neighborhood services finds one or more of the following to be true:

d-1-a. The additional spaces will be located in a parking structure.

d-1-b. The development site will contain additional facilities for the handling or treatment of storm water runoff.

d-1-c. A parking demand study indicates that provision of more than the maximum number of spaces is warranted by anticipated parking demand.

d-1-d. The adverse environmental effects of allowing additional parking spaces will be offset by other mitigation measures approved by the commissioner of neighborhood services, including but not limited to the creation or preservation of wetlands, acquisition of open space or implementation of storm water best management practices, as defined in s. 120-3-2, within the same watershed, as defined in s. 295-201-678.

d-2. To qualify for the exception from the maximum number of parking spaces permitted, the property owner, developer or other applicant shall submit to the commissioner of neighborhood services a written plan and supporting documents indicating an acceptable manner in which one or more of the criteria in subd. 1 will be met.

d-3. If the commissioner of neighborhood services determines, using the criteria in subd. 1, that an exception from the maximum number of parking spaces is not warranted, the property owner, developer or other applicant may appeal the commissioner's determination to the board. The board shall consider the appeal in the same manner it considers a request for a dimensional variance.

**3. STANDARDS OF DESIGN.** a. Dimensions. Parking spaces shall contain at least 160 square feet, excluding drives, lanes or aisles, and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner of neighborhood services, except that spaces designated for compact cars shall contain at least 120 square feet. A minimum of 50% of the required parking spaces in a parking area shall be designated for compact cars.

b. Paving. All areas used for the parking of motor vehicles or trailers or light or heavy motor vehicle storage shall have paved or approved surfaces, as required in s. 252-74. The use of permeable paving, as defined in s. 200-08-68.5, is encouraged for all parking spaces provided above the minimum number required by this chapter.

c. Illumination. Parking spaces and areas shall comply with the illumination standards of s. 295-409.

d. Landscaping. Parking spaces and areas, and their required setbacks, shall comply with the applicable requirements of s. 295-405.

e. Motorcycle Parking Spaces. Each motorcycle parking space shall measure at least 4 feet wide and 32 square feet in total area. Five motorcycle parking spaces may be provided in lieu of any required automobile parking space. Motorcycle parking spaces provided in lieu of an automobile parking space need not be contiguous.

**295-404. Bicycle Parking.** 1. NUMBER OF SPACES. a. Number Required. The number of bicycle parking spaces required for a particular use shall be as specified in table 295-404-1. Bicycle parking spaces shall be required in all zoning districts, including RED redevelopment districts. Prior to issuance of any occupancy permit, documentation that the required bicycle parking spaces exist shall be provided to the commissioner of neighborhood services. A planned development shall comply with the minimum bicycle parking standards set forth by this code unless otherwise specified in the planned development documents.

b. Compliance; When Required. Compliance with the bicycle parking space requirements of table 295-403-2-a shall be required for any of the following:

b-1. Construction of a new building.

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- b-2. Construction of an addition to an existing building.
  - b-3. Substantial improvement of an existing building.
  - b-4. A change in the use classification of an occupancy of any portion of an existing building, as evidenced by an application for a certificate of occupancy.
  - b-5. Reconstruction or reconfiguration of an existing parking lot that serves a use for which short-term bicycle parking spaces are required. Long-term bicycle parking space requirements shall not be applicable.
  - c. Minimum Required. c-1. Where table 295-404-1 specifies a minimum number of bicycle parking spaces, this number is the minimum number of spaces required. A greater number of bicycle parking spaces may be provided.
  - c-2. The minimum number of bicycle parking spaces required apply to each use on a lot.
  - d. Calculation of Number Required. d-1. Square Footage Basis. The minimum number of bicycle parking spaces required shall be based on the gross square footage of each occupancy, unless information is presented to the commissioner of building inspection that shows actual net habitable or occupied space is a lesser amount. Basement, preparation and mechanical areas shall not be included in the gross square footage used to calculate the number of spaces required.
  - d-2. Multiple Uses. In a building with multiple uses, the minimum number of bicycle parking spaces required shall be calculated by adding the required number of spaces for each proposed use within the building, based on the square footage associated with each use.
  - d-3. Multiple Occupancies; Retail and Office Uses. In a building with multiple retail or office occupancies, the minimum number of bicycle parking spaces required shall be calculated by adding the minimum number of spaces required for each occupancy.
  - d-4. Multiple Buildings. For a property with multiple buildings, the minimum number of bicycle parking spaces required, as well as the locational requirements for those spaces, shall be determined and enforced on a building-by-building basis.
  - e. Spaces Required for a Special Use. For any use classified as a special use, the number of bicycle parking spaces required shall be determined by the board, regardless of the number required by table 295-404-1. The board shall not be bound to require bicycle parking spaces, but if any parking spaces are to be required, such requirement shall be specified by the board at the time of special use approval.
- 2. LOCATION OF SPACES.**
- a. Location of Long-Term Spaces. a-1. All required long-term bicycle parking spaces serving an office or retail use greater than 12,000 square feet shall be located indoors, except as provided in subd. 4.
  - a-2. All required long-term bicycle parking spaces serving a residential use containing 4 or more dwelling units shall be located indoors, except as provided in subd. 4.
  - a-3. Indoor bicycle parking spaces may be provided in a bicycle storage room, an integral structured parking area, or other dedicated area located to provide direct access to an entrance a bicyclist may use. If the spaces are on a floor other than the ground floor, an elevator that is sufficiently large to accommodate bicycles, or other reasonable means, shall be provided to access the bicycle parking area.
  - a-4. Long-term bicycle parking may be provided in an approved outdoor structure if the structure meets the accessory-structure placement standards for the district in which it is located or if approved within a detailed plan development or approved by the commissioner of neighborhood services. Long-term spaces for educational uses may be located outdoors provided they meet the location standards for short-term spaces.
  - a-5. A bicycle rack in an indoor bicycle storage room or located in a parking garage shall meet the design and security standards for short-term bicycle storage racks specified in par. b.
  - a-6. A bicycle storage rack may have an upper tier for additional bicycles. However, required bicycle parking spaces shall be provided in bicycle-rack spaces at floor-surface level.
  - a-7. If required long-term bicycle parking spaces are provided in an integral or accessory parking structure, bicycle parking spaces may be distributed throughout the garage, but at least 50 percent of the required spaces shall be on the same level as the vehicular entrance to the structure, or the level closest to entry level in a mixed-occupancy garage, and be not more than 100 feet from that entrance. In addition, bicycle parking areas shall be clearly marked as such and shall be separated from motor vehicle parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a motor vehicle. Furthermore, all required bicycle parking spaces shall be located inside the structure or in areas protected from the weather.



b. **Location of Short-Term Spaces.** b-1. For convenient access by visitors and patrons, short-term bicycle parking spaces shall be located outdoors and, except as provided in subds. 2 and 3, within 50 feet of the main entrance of the occupancy served. Short-term bicycle parking spaces shall be readily visible to visitors and patrons, and located to allow maximum visibility for security of bicycles. The location of the bicycle parking spaces shall be sufficiently lit and not obstructed in a way that creates difficulty in accessing or locking bicycles.

b-2. **Exception for Bicycle Corral.** A location for the short-term parking of multiple bicycles, such as a bicycle corral, that does not comply with the 50-foot requirement of subd. 1 may be provided, as long as the first 2 spaces are located within 50 feet of the main entrance of the occupancy served. The bicycle corral shall be located within 100 feet of the path between the entrance to the site and the building entrance, shall not be in a location which discourages its use, such as behind a building or at the far end of the parking lot, and shall meet the design standards of sub. 4-d. A bicycle corral may be located within the public right-of-way subject to approval of the department of public works.

b-3. **Spaces to be Provided On-Site Whenever Possible.** If space near the entrance of the occupancy served, and visible from that entrance, is available on the lot on which the occupancy is located, the required short-term bicycle parking spaces shall be located on-site. If site layout and building placement do not allow for the required spaces to be located on-site within 50 feet of the entrance of the occupancy served, the required spaces may be located within the public right-of-way, subject to the approval of the department of public works. All required short-term bicycle parking spaces provided in the public right-of-way shall be located within 50 feet of the entrance of the occupancy served, shall allow for safe storage of bicycles, and shall not, in the determination of the department of public works, obstruct pedestrian traffic on the sidewalk.

b-4. **Visibility and Signage.** Whenever short-term bicycle parking spaces are not visible from the primary street frontage of the occupancy they serve, signage shall be used to direct cyclists safely to the parking spaces.

**3. ADJUSTMENT TO NUMBER OF SPACES REQUIRED.** a. **Long-Term Bicycle Parking.** a-1. For an office or manufacturing use, or a use for which one of these uses is cross-referenced in table 295-404-1, the required number of long-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 240,000 square feet.

a-2. For a retail use, or a use for which a retail use is cross-referenced in table 295-404-1, the required number of long-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 36,000 square feet.

a-3. For any individual retail occupancy, not more than 10 long-term bicycle parking spaces shall be required. However, this maximum does not eliminate the requirement to provide a minimum number of bicycle parking spaces for other occupancies on the lot.

a-4. In elderly multi-family housing, bicycle parking spaces shall be required only for independent living units.

b. **Short-Term Bicycle Parking.** b-1. For an office or manufacturing use, or a use for which one of these uses is cross-referenced in table 295-404-1, the required number of short-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 240,000 square feet.

b-2. For a retail use, or a use for which a retail use is cross-referenced in table 295-404-1, the required number of short-term bicycle parking spaces may be reduced by one-half for any portion of the occupancy above 36,000 square feet.

b-3. For any individual retail occupancy, not more than 20 short-term bicycle parking spaces shall be required. However, this maximum does not eliminate the requirement to provide a minimum number of bicycle parking spaces for other occupancies on the lot.

**4. STANDARDS OF DESIGN.** a. **Bicycle Parking Space.** A bicycle parking space provided to comply with the requirements of this section shall be a minimum of 2 feet in width and 6 feet in length, with a vertical clearance of at least 7 feet, and allow for both wheels to be at or near the floor or ground surface. If located outdoors, the space shall be hard-surfaced, well-drained and illuminated. A properly-positioned inverted, U-shaped rack, commonly referred to as a bike staple, shall be considered 2 bicycle parking spaces.

b. **Bicycle Rack.** b-1. **General Design.** A bicycle rack used to comply with the requirements of this section shall be a stationary device of steel tubing or stock, not less than one inch in diameter nor more than 3 inches in diameter, or 2.25 inches square, which provides bicycle-locking points between one and 3 feet off the ground and a gap near the bottom for pedal clearance, such that a person can lock a bicycle frame and

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one bicycle wheel to the tubing with a standard, 4-inch-by-8-inch or larger, U-shaped bicycle lock. A bicycle rack shall be securely anchored to the ground or adjacent structure.

b-2. Securing of Bicycles. The rack shall be designed such that there are 2 or more contact points between a bicycle and the rack. A rack which only allows securing of a wheel, such as a low-profile rack, grid rack or comb rack, may not be used to meet the requirements of this section.

b-3. Wave Rack. An existing rack of the type known as a wave rack may be used to comply with the requirements of this section; however, new racks may not use wave racks for provision of new bicycle parking spaces.

b-4. Decorative Rack. A decorative or custom rack that meets all of the requirements of this subdivision shall be permitted.

b-5. Proximity to Ground or Floor. A rack used to meet the requirements of this section shall allow a bicycle to have both wheels on or near the ground or floor surface to ensure the rider does not have difficulty with parking and securing the bicycle. Additional racks providing more than the required number of bicycle parking spaces may be provided in alternative designs, such as wall-hung, vertically-stored or placed on a second, raised tier of storage.

b-6. Townhouses. In townhouse-style dwelling units with private garages, bicycle parking may be accommodated within the garage space. A wall-hung rack is acceptable.

c. Outdoor Enhanced Facilities; Long-Term Bicycle Parking Spaces. An outdoor enhanced facility for long-term bicycle parking spaces shall be coordinated with the overall site layout of the property and follow any placement and setback requirements applicable to an accessory structure. The facility may consist of individual bicycle lockers or a locked common area that accommodates multiple bicycles, provided the facility provides protection from rain or snow and is located on a hard, well-drained surface. For a multiple-bicycle facility, any bike rack used for securing bicycles shall meet the standards of pars. a and b and allow securing of individual bikes. Access aisles, minimum vertical clearance and other standards for bicycle parking spaces shall be met.

d. Bicycle Corral. A bicycle corral shall meet the positioning and spacing standards for bike racks set forth in sub. 5-d. The corral shall be protected from motor vehicles with appropriate guarding as needed for the specific installation.

**5. OUTDOOR BICYCLE PARKING POSITIONING.** a. Part of Overall Site Layout and Design. Bicycle parking shall be an integral part of the overall site layout and landscape design, and be placed to minimize visual clutter. No bike rack shall be placed in landscaping or in a position that damages adjacent landscaping.

b. Preservation of Pedestrian Circulation. Bicycle parking spaces shall be placed such that they do not interfere with pedestrian circulation on the site, including required pedestrian paths from the street to building entrances and site circulation between entrances. Nor shall bicycle parking spaces obstruct any fire access routes or facilities, access from parking areas, or Americans with Disabilities Act-required circulation features.

c. Protection of Bicycles from Damage. Bicycle parking and motor vehicle parking shall be located in a manner that protects bicycles from damage. To this end, each bicycle parking space shall meet the design standards of sub. 4-a and allow reasonable movement when securing or removing a bicycle.

d. Positioning and Spacing of Racks. Every bicycle rack shall comply with the following standards:

d-1. The rack shall be properly positioned to allow sufficient space to properly lock the frame of a bicycle to the rack.

d-2. Sufficient space shall be provided to allow for access to the rack and for bicycle wheels to extend beyond the rack.

d-3. The positioning of the rack shall not result in bicycles blocking a walkway or conflicting with adjacent site elements, such as parked motor vehicles.

d-4. If the rack is parallel to a walkway, it shall not be placed closer than 18 inches from the edge of the walkway, to avoid blocking the walkway.

d-5. If the rack is an inverted U-type rack placed parallel or perpendicular to a wall or similar obstruction, a minimum distance of 30 inches shall be maintained between the rack and the wall, to ensure a bicycle will fit at proper contact points with the rack.

d-6. When a bicycle rack is positioned parallel to a curb in a parking lot, the rack shall be located not less than 30 inches from the curb. If motor vehicles are parked parallel or perpendicular to the curb, additional space may be required to protect both bicycles and motor vehicles from damage. If a bicycle rack is located on a public sidewalk, the rack shall be placed such that at least 5 feet of pedestrian clearance is maintained and the rack is at least 30 inches from the curb.

d-7. Where inverted U-type racks are positioned parallel to each other or mounted in a series in one row, a minimum distance of 3 feet shall be provided between the racks.

d-8. In a location with multiple rows of bicycle racks, the bicycle parking area shall have access aisles at least 4 feet wide between all rows.

d-9. The rack shall be positioned so that no bicycle parking space is closer than 4 feet from any driveway, crosswalk, egress route, emergency equipment or other object deemed by the commissioner of neighborhood services as needing setback from the rack.

e. Maintenance of Bicycle Parking Facilities. All racks and other facilities associated with the parking of bicycles shall be properly maintained. Proper bolting of racks to the surface shall be required, and corroded or rusted racks which prevent or limit the proper securing of bicycles shall be replaced. In addition, racks shall be kept free of abandoned bicycles to prevent obstructions to short-term users.

**6. INDOOR BICYCLE PARKING.** A bicycle storage room or other indoor bicycle parking area shall:

a. Meet all applicable standards of sub. 5, including the design and security standards for short-term bicycle racks.

b. Be clearly marked or signed at the location, as well as along access routes if not readily apparent.

c. Shall be appropriately illuminated to allow for safe nighttime use. This requirement shall apply to both the bicycle parking spaces and all access routes leading to them.

**7. APPLICABILITY OF RACK DESIGN AND PLACEMENT STANDARDS.** The standards of subs. 4-a and 5-a, b and d shall apply to bicycle racks placed in situations where no bicycle parking spaces are required:

| Table 295-404-1<br>NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE |   |   |
|--|---|---|
| Use  | Long-Term Bicycle Parking Spaces Required | Short-Term Bicycle Parking Spaces Required        |
| <b>RESIDENTIAL USES</b>  |   |   |
| Single-family dwelling   | none                                      | none  |
| Two-family dwelling  | none                                      | none  |
| Multi-family dwelling  | one for every 4 dwelling units            | one for every 30 dwelling units; min. of 2 spaces |
| Permanent supportive housing   | none                                      | none  |
| Transitional housing   | none                                      | none  |
| Attached single-family dwelling                                      | none                                      | none  |
| Live-work unit   | none                                      | none  |
| Mobile home  | none                                      | none  |
| Watchman/service quarters  | none                                      | none  |
| Family day care home   | none                                      | none  |
| <b>GROUP RESIDENTIAL USES</b>  |   |   |
| Rooming house  | one for every 4 beds                      | one for every 30 beds; min. of 2 spaces           |
| Convent, rectory or monastery  | none                                      | none  |
| Dormitory  | one for every 4 beds                      | one for every 30 beds; min. of 2 spaces           |
| Fraternity or sorority   | one for every 4 beds                      | one for every 30 beds; min. of 2 spaces           |
| Adult family home  | none                                      | none  |

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| <b>Table 295-404-1</b><br><b>NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE</b> |  |  |
|--|--|--|
| <b>Use</b>   | <b>Long-Term Bicycle Parking Spaces Required</b>   | <b>Short-Term Bicycle Parking Spaces Required</b>                  |
| <i>Foster Homes</i>  |  |  |
| Foster family home   | none   | none   |
| Small foster home  | none   | none   |
| Group home or group foster home  | none   | none   |
| <i>Shelter Care Facilities</i>   |  |  |
| Family shelter care facility   | none   | none   |
| Small group shelter care facility  | none   | none   |
| Large group shelter care facility  | none   | none   |
| Community living arrangement   | none   | none   |
| <b>EDUCATIONAL USES</b>  |  |  |
| Day care center  | none   | none   |
| School, elementary or secondary  | one per classroom  | one per classroom  |
| College  | one per classroom  | one per classroom  |
| School, personal instruction   | one per classroom  | one per classroom  |
| <b>COMMUNITY-SERVING USES</b>  |  |  |
| Library  | see general office   | see general retail establishment                                   |
| Cultural institution   | see general office   | see general retail establishment                                   |
| Community center   | see general office   | see general retail establishment                                   |
| Religious assembly   | none   | one for every 30 seats in the assembly hall; min. of 2 spaces      |
| Cemetery or other place of interment   | none   | none   |
| Public safety facility   | none   | none   |
| Correctional facility  | none   | none   |
| <b>COMMERCIAL AND OFFICE USES</b>  |  |  |
| General office   | for an occupancy larger than 12,000 sq. ft., one for every 6,000 sq. ft. of gross floor area; min. of 2 spaces | one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces |
| Government office  | see general office   | see general office   |
| Bank or other financial institution  | see general office   | see general office   |
| Currency exchange, payday loan or title loan agency                                | see general retail establishment   | see general retail establishment                                   |
| Installment loan agency  | see general retail establishment   | see general retail establishment                                   |
| Cash-for-gold business   | see general retail establishment   | see general retail establishment                                   |
| Pawn shop  | see general retail establishment   | see general retail establishment                                   |
| Retail establishment, general  | for an occupancy larger than 12,000 sq. ft., one for every 6,000 sq. ft. of gross floor area; min. of 2 spaces | one for every 3,000 sq. ft. of gross floor area; min. of 2 spaces  |
| Garden supply or landscaping center  | see general retail establishment   | see general retail establishment                                   |
| Home improvement center  | see general retail establishment   | see general retail establishment                                   |
| Secondhand store   | see general retail establishment   | see general retail establishment                                   |
| Outdoor merchandise sales  | none   | see general retail establishment                                   |
| Artist studio  | none   | none   |

| Table 295-404-1<br>NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE |   |   |
|--|---|---|
| Use  | Long-Term Bicycle Parking Spaces Required         | Short-Term Bicycle Parking Spaces Required        |
| Adult retail establishment   | see general retail establishment                  | see general retail establishment                  |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b>                        |   |   |
| Medical office   | see general office                                | see general office                                |
| Health clinic  | see general office                                | see general office                                |
| Hospital   | see general office                                | see general office                                |
| Medical research laboratory  | see general office                                | see general office                                |
| Medical service facility   | see general office                                | see general office                                |
| Social service facility  | see general office                                | see general office                                |
| Emergency residential shelter  | as required by the board for special use approval | as required by the board for special use approval |
| Nursing home   | see general office                                | see general office                                |
| <b>GENERAL SERVICE USES</b>  |   |   |
| Personal service establishment                                       | see general retail establishment                  | see general retail establishment                  |
| Business service   | see general office                                | see general office                                |
| Catering service   | see general office                                | see general office                                |
| Funeral home   | see general office                                | see general office                                |
| Laundromat   | see general retail establishment                  | see general retail establishment                  |
| Dry cleaning establishment   | see general retail establishment                  | see general retail establishment                  |
| Furniture and appliance rental and leasing                           | see general retail establishment                  | see general retail establishment                  |
| Household maintenance and repair service                             | see general retail establishment                  | see general retail establishment                  |
| Tool/equipment rental facility                                       | see general retail establishment                  | see general retail establishment                  |
| <i>Animal Services</i>   |   |   |
| Animal hospital/clinic   | see general retail establishment                  | see general retail establishment                  |
| Animal boarding facility   | see general retail establishment                  | see general retail establishment                  |
| Animal grooming or training facility                                 | see general retail establishment                  | see general retail establishment                  |
| <b>MOTOR VEHICLE USES</b>  |   |   |
| <i>Light Motor Vehicle</i>   |   |   |
| Sales facility   | none  | none  |
| Rental facility  | none  | none  |
| Repair facility  | none  | none  |
| Body shop  | none  | none  |
| Outdoor storage  | none  | none  |
| Wholesale facility   | none  | none  |
| <i>Heavy Motor Vehicle</i>   |   |   |
| Sales facility   | none  | none  |
| Rental facility  | none  | none  |
| Repair facility  | none  | none  |
| Body shop  | none  | none  |
| Outdoor storage  | none  | none  |
| <i>General Motor Vehicle</i>   |   |   |

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| <b>Table 295-404-1</b><br><b>NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE</b> |  |  |
|--|--|--|
| <b>Use</b>   | <b>Long-Term Bicycle Parking Spaces Required</b>   | <b>Short-Term Bicycle Parking Spaces Required</b>  |
| Filling station  | see general retail establishment   | see general retail establishment   |
| Car wash   | none   | none   |
| Drive-through facility   | none   | none   |
| <i>Parking</i>   |  |  |
| Parking lot, principal use   | none   | none   |
| Parking lot, accessory use   | none   | none   |
| Parking structure, principal use   | none   | one space for every 50 motor vehicle spaces  |
| Parking structure, accessory use   | none   | none   |
| Heavy motor vehicle parking lot, principal use                                     | none   | none   |
| Heavy motor vehicle parking lot, accessory use                                     | none   | none   |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>   |  |  |
| Bed and breakfast  | none   | none   |
| Hotel, commercial  | see general retail establishment, with number of spaces required based on aggregate floor area devoted to restaurant, tavern and retail space accessory to hotel | see general retail establishment, with number of spaces required based on aggregate floor area devoted to restaurant, tavern and retail space accessory to hotel |
| Hotel, residential   | one for every 4 beds   | one for every 30 beds; min. of 2 spaces  |
| Tavern   | see general retail establishment   | see general retail establishment   |
| Brewpub  | see general retail establishment   | see general retail establishment   |
| Assembly hall  | none   | one for every 30 seats in the assembly hall; min. of 2 spaces  |
| Restaurant, sit-down   | see general retail establishment   | see general retail establishment   |
| Restaurant, fast-food/carry-out  | see general retail establishment   | see general retail establishment   |
| <b>ENTERTAINMENT AND RECREATION USES</b>   |  |  |
| Park or playground   | none   | none   |
| Festival grounds   | none   | none   |
| Recreation facility, indoor  | see general retail establishment   | see general retail establishment   |
| Recreation facility, outdoor   | none   | none   |
| Health club  | see general retail establishment   | see general retail establishment   |
| Sports facility  | none   | none   |
| Gaming facility  | none   | none   |
| Theater  | one per screen   | 4 per screen   |
| Convention and exposition center   | none   | none   |
| Marina   | none   | none   |
| Outdoor racing facility  | none   | none   |
| <b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>                                 |  |  |
| Recycling collection facility  | none   | none   |
| Mixed-waste processing facility  | none   | none   |
| Material reclamation facility  | none   | none   |
| Salvage operation, indoor  | none   | none   |

| Table 295-404-1<br>NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE |   |  |
|--|---|--|
| Use  | Long-Term Bicycle Parking Spaces Required                                 | Short-Term Bicycle Parking Spaces Required                         |
| Salvage operation, outdoor   | none  | none   |
| Wholesale and distribution facility, indoor                          | none  | none   |
| Wholesale and distribution facility, outdoor                         | none  | none   |
| <i>Storage Facilities</i>  |   |  |
| Indoor   | none  | none   |
| Self-service   | none  | none   |
| Outdoor  | none  | none   |
| Hazardous materials  | none  | none   |
| <b>TRANSPORTATION USES</b>   |   |  |
| Ambulance service  | see general office  | see general office   |
| Ground transportation service  | see general office  | see general office   |
| Passenger terminal   | none  | none   |
| Helicopter landing facility  | none  | none   |
| Airport  | none  | none   |
| Ship terminal or docking facility                                    | none  | none   |
| Truck freight terminal   | none  | none   |
| Railroad switching, classification yard or freight terminal          | none  | none   |
| <b>INDUSTRIAL USES</b>   |   |  |
| Alcohol beverage facility, micro                                     | for office space, see general office; no requirement for non-office areas | one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces |
| Alcohol beverage facility, large                                     | for office space, see general office; no requirement for non-office areas | one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces |
| Food processing  | for office space, see general office; no requirement for non-office areas | one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces |
| Manufacturing, light   | for office space, see general office; no requirement for non-office areas | one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces |
| Manufacturing, heavy   | for office space, see general office; no requirement for non-office areas | one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces |
| Manufacturing, intense   | for office space, see general office; no requirement for non-office areas | one for every 24,000 sq. ft. of gross floor area; min. of 2 spaces |
| Research and development   | see general office  | see general office   |
| Processing or recycling of mined materials                           | none  | none   |
| Contractor's shop  | none  | none   |
| Contractor's yard  | none  | none   |
| <b>AGRICULTURAL USES</b>   |   |  |
| Plant nursery or greenhouse  | none  | none   |
| Raising of livestock   | none  | none   |
| Community garden   | none  | none   |
| Commercial farming enterprises                                       | none  | none   |

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| Table 295-404-1<br>NUMBER OF BICYCLE PARKING SPACES REQUIRED, BY USE |   |  |
|--|---|--|
| Use  | Long-Term Bicycle Parking Spaces Required | Short-Term Bicycle Parking Spaces Required |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                               |   |  |
| Broadcasting or recording studio                                     | see general office                        | see general office                         |
| Transmission tower   | none                                      | none                                       |
| Water treatment plant  | none                                      | none                                       |
| Sewage treatment plant   | none                                      | none                                       |
| Power generation plant   | none                                      | none                                       |
| Small wind energy system   | none                                      | none                                       |
| Solar farm   | none                                      | none                                       |
| Substation/distribution equipment, indoor                            | none                                      | none                                       |
| Substation/distribution equipment, outdoor                           | none                                      | none                                       |
| <b>TEMPORARY USES</b>  |   |  |
| Seasonal market  | none                                      | see general retail establishment           |
| Temporary real estate sales office                                   | none                                      | see general retail establishment           |
| Concrete/batch plant, temporary                                      | none                                      | none                                       |
| Live entertainment special event                                     | none                                      | none                                       |

**295-405. Landscaping. 1. PERIMETER LANDSCAPING AND EDGE TREATMENTS.** a. Requirements by Use and Zoning District. The perimeter landscaping and edge treatment requirements prescribed in this subsection vary based on use, zoning district and location. Table 295-405-1-a indicates the type of perimeter landscaping and edge treatment, as specified in detail in table 295-405-1-c, required by use and by zoning district. To use this table, the use and zoning district should be identified first. The required landscaping type or types can then be identified. For light motor vehicle parking and heavy motor vehicle parking and storage yards, more than one landscaping type may be permitted; “required” shall mean that a particular landscaping and edge treatment type is the minimum requirement, while “allowed” indicates that another landscaping and edge treatment type is a permissible alternative to the “required” type. When the use behind perimeter landscaping or edge treatments changes and the new use requires a higher standard of landscaping or edge treatments, the perimeter landscaping or edge treatment shall be upgraded to meet the higher standard.

b. Types of Landscape Treatment. Each of the different landscaping types has its own objectives for the eye-level surveillance area (3 to 6 feet above grade), as well as for the lower zone (below 3 feet above grade) and the higher zone (above 6 feet). In general, all landscaped perimeters shall have trees planted 25 feet on center, either base shrubs or a low wall, and curbing to prevent landscaping from encroaching on public sidewalks. Variations in required landscaping and edge treatments occur because some situations require a more substantial edge, such as a masonry element or ornamental metal fencing, and because some situations call for eye-level surveillance through the perimeter area, while others dictate that the view of what is behind the perimeter should be obscured. The purposes of the individual perimeter landscaping and edge treatment types are as follow:



| Table 295-405-1-a<br>PERIMETER LANDSCAPING AND EDGE TREATMENT REQUIREMENTS BY USE AND ZONING DISTRICT  |   |            |               |                         |  |                   |                   |                            |   |
|--|---|------------|---------------|-------------------------|--|-------------------|-------------------|----------------------------|---|
| <b>Key:</b><br>required - this is the minimum landscaping/edge treatment requirement for this land use in the specified zoning district<br>allowed - this landscaping/edge treatment type may be used as an alternative to the "required" type for this land use in specified zoning district not permitted - this landscaping/edge treatment type cannot be used for this particular use in the specified zoning district<br>use not permitted - this land use is not permitted in this zoning district; therefore, no required landscaping type is specified |   |            |               |                         |  |                   |                   |                            |   |
| Type of use  | Light Motor Vehicle Parking; Vehicle Operating Area |            |               | Motor Vehicle Sales Lot | Heavy Motor Vehicle Parking; Storage Yards; Contractors' Yards; Outdoor Salvage Operations |                   |                   | Mechanical Equipment, etc. | Lt. Motor Veh. Parking Next to Res. Use |
|  | Type A  | Type B     | Type C        | Type D                  | Type E   | Type F            | Type I            | Type G                     | Type H                                  |
| Zoning District  |   |            |               |                         |  |                   |                   |                            |   |
| NS2, LB2, RB2  | not permitted                                       | required   | allowed       | required                | not permitted  | required          | allowed*          | required                   | required                                |
| LB3  | not permitted                                       | required** | allowed       | required                | not permitted  | required          | allowed*          | required                   | required                                |
| NS1, LB1, RB1, CS  | required  | allowed    | not permitted | required                | required   | allowed           | allowed*          | required                   | required                                |
| C9A-C9H  | not permitted                                       | required   | allowed       | use not permitted       | not permitted  | required          | allowed*          | required                   | required                                |
| IM, IC   | not permitted                                       | required   | allowed       | required                | not permitted  | required          | allowed*          | required                   | required                                |
| I02, IL2   | not permitted                                       | required   | allowed       | required                | required   | allowed           | allowed*          | required                   | required                                |
| IO1, IL1   | required  | allowed    | allowed       | required                | required   | allowed           | allowed*          | required                   | required                                |
| IH   | required  | allowed    | allowed       | required                | not permitted  | required          | allowed*          | required                   | required                                |
| PK, TL   | required  | allowed    | allowed       | use not permitted       | use not permitted  | use not permitted | use not permitted | required                   | required                                |
| RM5-RM7, R02   | not permitted                                       | required   | allowed       | use not permitted       | use not permitted  | use not permitted | use not permitted | required                   | required                                |
| RT3-RT4, RM3-RM4   | not permitted                                       | required   | allowed       | use not permitted       | use not permitted  | use not permitted | use not permitted | required                   | required                                |
| RS1-RS6, RT1-RT2, RM1-RM2, ROI   | required  | allowed    | not permitted | use not permitted       | use not permitted  | use not permitted | use not permitted | required                   | required                                |
| *Not permitted for outdoor storage (except heavy motor vehicle outdoor storage) or outdoor salvage operations.<br>**Masonry piers required, per table 295-405-1-c.   |   |            |               |                         |  |                   |                   |                            |   |

## **295-405-1-b-1 Zoning**

b-1. Type "A" Landscaping (Standard Parking Lot Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It requires regularly-spaced trees and continuous base shrubs, but not fences or walls. Fences are allowed, but not required. Plantings in the low-level and high-level zones shall create a continuous edge of plants. However, the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-2. Type "B" Landscaping (Standard Hard Urban Edge Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It requires regularly-spaced trees and continuous base shrubs, as well as fences or walls. Fences or walls shall clearly define the street edges of properties. Plantings in the low-level and high-level zones shall create a continuous edge of plants, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-3. Type "C" Landscaping (Modified Hard Urban Edge Landscaping). This type is primarily intended for application along street frontages of light motor vehicle parking lots. It reduces the width of the setback and drops the base-shrub requirement in exchange for upgraded edge elements such as low-level walls. In order to maintain the low-level edge, a wall of at least 3 feet in height is required. Higher fences or walls are allowed. Fences or walls shall clearly define the street edges of properties. The crown of trees in the high-level zone shall create a continuous street edge, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets. Low-level shrubs, plantings and grasses are allowed and encouraged.

b-4. Type "D" Landscaping (Motor Vehicle Sales Lot Landscaping). This type is primarily intended for application along street frontages of motor vehicle sales and display lots. It requires regularly-spaced trees and continuous, lower-height base shrubs. Unlike the type A requirement, base shrubs need only grow to a height of 2 feet. This type requires fences or walls in the LB2 district, but in all other districts fences and walls are optional. Plantings in the low-level and high-level zones shall create a continuous edge of plants, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

b-5. Type "E" Landscaping (Heavy Motor Vehicle Parking Lots; Storage Yards, Contractors' Yards, Outdoor Salvage Operations). This type is primarily intended for application along street frontages of heavy motor vehicle parking lots or storage yards. It requires regularly-spaced trees and continuous base shrubs, as well as an opaque fence or wall behind the landscaped area. The landscaped area is required to be wider than the type "F" landscaped area. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-6. Type "F" Landscaping (Urban Edge Heavy Motor Vehicle Parking Lots; Storage Yards, Contractors' Yards, Outdoor Salvage Operations). This type is primarily intended for application along street frontages of heavy motor vehicle parking lots and storage yards. It requires regularly-spaced trees and continuous base shrubs located in a standard-width landscaping buffer. Fences or walls are also required, shall be located closer to the street than required landscaping and shall clearly define the street edges of properties. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-7. Type "G" Landscaping (Object Screening). This type is primarily intended to surround or visually separate utilitarian objects from street frontages. Examples of items to be screened with type "G" landscaping include mechanical equipment or enclosures, dumpsters and other trash collection equipment, and loading docks. This type of landscaping does not require trees, but does require screening from the ground level to at least 6 feet above grade. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-8. Type "H" Landscaping (Residential Buffers). This type is primarily intended to surround or visually separate parking lots and structures from residential uses. Examples of items to be screened with type "H" landscaping include parking lots for churches and schools, apartment buildings and non-residential uses, as well as principal-use parking lots and structures. This type of landscaping relies primarily on opaque fencing, but also requires trees and shrubs when the parking lot or structure provides parking for uses other than single-family or two-family dwellings, educational uses or community-serving uses. Opaque fencing provides screening from the ground to at least 6 feet above grade. Tree plantings in the eye-level and high-level zones shall create a continuous edge of plants that completely obscures the parking area from the adjacent residential use or uses. A parking structure may achieve this standard if the required opaque fence/wall is incorporated into the design of the structure itself.

b-9. Type "I" Landscaping (Heavy Motor Vehicle Parking Lots, Heavy Motor Vehicle Outdoor Storage, Contractors' Yards). This type is intended to provide an alternative to types "E" and "F" for the street frontages of heavy motor vehicle parking lots, heavy motor vehicle outdoor storage and contractors' yards. It has similar tree and shrub requirements, but allows for the installation of a decorative metal fence instead of requiring a wall or opaque fence.

c. Requirements by Landscaping Type. Table 295-405-1-c contains the fence/wall and landscaping requirements for each of the landscaping types described in par. b. Prior to issuance of any permit or certificate of occupancy for a use or change of use for which perimeter landscaping and edge treatments are required by this chapter, a landscaping and screening plan with specifications and an installation schedule shall be submitted to the commissioner of neighborhood services for approval. When interpreting the requirements of table 295-405-1-c, the following standards shall apply:

295-405-1-c Zoning

| <p align="center"><b>Table 295-405-1-c</b><br/> <b>FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES</b></p> |  |                                  |  |                                      |  |                        |                        |  |  |                                 |
|--|--|----------------------------------|--|--------------------------------------|--|------------------------|------------------------|--|--|---------------------------------|
|  |  | Type A<br>Landscaping            | Type B<br>Landscaping  | Type C<br>Landscaping                | Type D<br>Landscaping  | Type E<br>Landscaping  | Type F<br>Landscaping  | Type G<br>Landscaping                                | Type H<br>Landscaping  | Type I<br>Landscaping           |
| Required Fence/Wall  | Fence or wall required?                | optional                         | yes ; if located in LB3, masonry piers required                        | yes                                  | yes if located in LB2 or LB3   | yes                    | yes                    | optional   | yes  | yes                             |
|  | Fence/wall height requirements         | fence optional; see below        | 3 ft. min.; 6 ft. max.   | 6 ft.                                | if provided, 3 ft. min.; 6 ft. max.  | 6 ft. min.; 9 ft. max. | 6 ft. min.; 9 ft. max. | to top of object plus one ft. (min.); 9 ft. max      | 6 ft.; shall be reduced to 3.5 ft. when adjacent to a residential front yard | 6 ft. min.; 9 ft. max.          |
|  | Fence/wall materials required          | fence not required               | masonry or decorative metal; if located in LB3, masonry piers required | combination masonry/decorative metal | if LB2 or LB3, masonry or decorative metal; other districts, fences are optional | any opaque fence type  | any opaque fence type  | any opaque fence type                                | any opaque fence type  | masonry or decorative metal     |
|  | Fence/wall opacity                     | fence not required               | no opacity standard  | solid in lower 3 ft.                 | no opacity standard  | 100%                   | 100%                   | 100%   | 100%   | no opacity standard             |
|  | Fence/wall location in landscaped area | if provided, adjacent to parking | anywhere within landscaped area  | anywhere within landscaped area      | anywhere within landscaped area  | behind landscaping     | behind landscaping     | between object being screened and area of visibility | adjacent to residential property line  | Anywhere within landscaped area |

| <b>Table 295-405-1-c</b><br><b>FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES</b> |  |                       |                       |   |   |   |   |   |  |                       |
|--|--|-----------------------|-----------------------|---|---|---|---|---|--|-----------------------|
|  |  | Type A<br>Landscaping | Type B<br>Landscaping | Type C<br>Landscaping                                       | Type D<br>Landscaping                   | Type E<br>Landscaping   | Type F<br>Landscaping   | Type G<br>Landscaping   | Type H<br>Landscaping  | Type I<br>Landscaping |
| <b>Allowable Fence/Wall</b>  | Masonry wall                                 | up to 6 ft. high      | up to 6 ft. high      | up to 6 ft. high  | up to 4 ft. high                        | up to 9 ft. high  | up to 9 ft. high  | up to 9 ft. high  | up to 9 ft. high   | up to 9 ft. high      |
|  | Decorative metal fence                       | up to 6 ft. high      | up to 6 ft. high      | up to 6 ft. high;<br>lowest 3 ft.<br>shall be solid<br>wall | up to 6 ft. high                        | not permitted   | not permitted   | allowed, but a<br>second row of<br>shrubs shall be<br>required              | up to 9 ft. high   | Up to 9 ft. high      |
|  | Wood fence,<br>open                          | up to 4 ft. high      | not permitted         | not permitted   | if not in LB2,<br>up to 3.5 ft.<br>high | not permitted   | not permitted   | not permitted   | not permitted  | not permitted         |
|  | Wood fence,<br>opaque                        | up to 4 ft. high      | not permitted         | not permitted   | if not in LB2,<br>up to 3.5 ft.<br>high | up to 9 ft. high  | up to 9 ft. high  | up to 9 ft. high  | up to 9 ft. high   | not permitted         |
|  | Chain link<br>fence<br>(coated wire<br>only) | up to 6 ft. high      | not permitted         | not permitted   | not permitted                           | optional if<br>fence has slats<br>or mesh<br>screening; up<br>to 6 ft. high | optional if<br>fence has slats<br>or mesh<br>screening; up<br>to 6 ft. high | optional if<br>fence has slats<br>or mesh<br>screening; up<br>to 6 ft. high | not permitted<br>with or without<br>slats or mesh<br>screening | not permitted         |

**295-405-1-c Zoning**

| <p align="center"><b>Table 295-405-1-c</b><br/> <b>FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES</b></p> |                               |  |  |  |   |  |  |  |  |  |
|--|-------------------------------|--|--|--|---|--|--|--|--|--|
|  |                               | Type A<br>Landscaping  | Type B<br>Landscaping  | Type C<br>Landscaping  | Type D<br>Landscaping   | Type E<br>Landscaping  | Type F<br>Landscaping  | Type G<br>Landscaping  | Type H<br>Landscaping  | Type I<br>Landscaping  |
| Trees and Shrubs Required & Allowed  | Minimum landscaped area width | 5 ft.  | 5 ft.  | sufficient for wall, trees and optional shrubs   | 5 ft.   | 15 ft.   | 5 ft. ; 15 ft. if a chain-link fence is present  | sufficient to accommodate required plantings; 15 ft. if a chain-link fence is present  | sufficient to accommodate fence/wall and optional trees/shrubs                               | 10 ft.   |
|  | Deciduous street-type trees   | minimum 1 every 25 ft.   | minimum 1 every 25 ft.   | minimum 1 every 25 ft.   | minimum 1 every 25 ft.  | minimum 1 every 25 ft.   | minimum 1 every 25 ft.   | allowed but not required unless a loading dock is present  | 1 every 25 feet or where required by s. 295-405-1-b-8  | minimum 1 every 25 feet.   |
|  | Ornamental tree option        | minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide  | minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide  | optional   | minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide   | minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide  | minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide  | minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide  | minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide                            | minimum 1 every 20 feet if landscaped area is at least 10 ft. wide                         |
|  | Shrub spacing requirement     | 2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft on center | 2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft on center | low-level shrubs, plantings and grasses are allowed and encouraged, but not required due to wall requirement | if light motor vehicle display: one row with plants a max. of 3 ft. on center; if heavy motor vehicle display, 2 staggered rows with plants a max. of 4 ft. on center in each row | one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row | one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row | 2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3ft on center | option or, where required by s. 295-405-1-b-8, one row with plants a max. of 8 ft. on center | one row with a max. of 4 ft. on center; if a masonry wall is provided, shrubs are optional |

| Table 295-405-1-c<br>FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES |  |                       |                       |                       |  |                       |                       |                       |                       |                       |
|--|--|-----------------------|-----------------------|-----------------------|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|  |  | Type A<br>Landscaping | Type B<br>Landscaping | Type C<br>Landscaping | Type D<br>Landscaping  | Type E<br>Landscaping | Type F<br>Landscaping | Type G<br>Landscaping | Type H<br>Landscaping | Type i<br>Landscaping |
| Trees and Shrubs Required & Allowed  | Shrub size, min,<br>(at time of<br>planting)   | 2 ft. in diameter     | 2 ft. in diameter     | 2 ft. in diameter     | if light motor<br>vehicle display,<br>1.5 ft. in<br>diameter; if<br>heavy motor<br>vehicle display, 2<br>ft. in diameter | 2 ft. in diameter     | 2 ft. in diameter     | 2 ft. in diameter     | 2 ft. in diameter     | 2 ft. in<br>diameter  |
|  | Shrub height,<br>min, (at time of<br>planting) | 2 ft.                 | 2 ft.                 | 2 ft.                 | if light motor<br>vehicle display, 2<br>ft.; if heavy<br>motor vehicle<br>display, 3 ft.                                 | 6 ft.                 | 6 ft.                 | 6 ft.                 | 2 ft.                 | 6 ft.                 |
|  | Shrub height,<br>max. (at<br>maturity)         | 3.5 ft.               | 3.5 ft.               | 3.5 ft.               | if light motor<br>vehicle display,<br>3.5 ft.; if heavy<br>motor vehicle<br>display, 4.5 ft.                             | no limit              | no limit              | no limit              | no limit              | no limit              |

## 295-405-1-c-1 Zoning

c-1. Trees. Where required, trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple and linden, that has a leaf and branch structure that creates a uniform crown and an opaque tree canopy. If ornamental trees are used, they shall be spaced not more than 20 feet apart and the landscaped area must measure at least 10 feet in width. If an ornamental tree projects over a public sidewalk, such projection shall be at least 7 feet above grade. The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.

c-2. Shrubs. Required shrubs may be either deciduous or coniferous, but shall meet the size requirements of table 295-405-1-c.

c-3. Landscaped Area. All required plantings shall be located within a landscaped area that meets the minimum width requirement of table 295-405-1-c and abuts the street property line of the property for which the landscaping is required. Where the landscaped area abuts a public sidewalk, a curb shall be provided or the landscaped area shall be recessed to prevent the depositing of soil, wood chips and other landscaping materials on the sidewalk.

c-4. Residential Buffers. A parking lot or structure which is within 25 feet of a wholly residential use shall be screened with an opaque wall or fence at least 6 feet in height erected and maintained between the parking area and the lot line separating the residential use from the parking area. If any adjoining building or fence meeting these height and opacity standards is on or substantially on the common property line, no wall or fence need be erected adjacent to the building or fence. If an adjacent building is within 3 feet of the required fence or wall, the required height may be reduced to 3.5 feet. If there is an elevation difference between the parking area and the adjacent residential use, the height of the required fence shall be measured from the point of the higher elevation. Where the required fence or wall abuts a residential front yard, the height of the fence or wall shall be reduced to 3.5 feet. In no case shall a fence or wall be less than 3.5 feet in height. Where the parking area abuts an alley, no fence or wall shall be required.

c-5. Fence or Wall. Where a masonry wall, a fence with decorative metal pickets or a combination masonry wall/fence with decorative metal pickets is required, such wall or fence shall be provided throughout the length of the landscaped area. Masonry piers shall be spaced not more than 25 feet apart and shall also be provided on corners and at changes in fence direction. Piers shall be at least 16 inches wide and 16 inches deep, and shall have a minimum height of 3 feet and a maximum height of not more than one foot above the fence or wall. A decorative metal fence shall have an opacity not exceeding 50%, with fence pickets at least 0.75 inches wide and spaced no farther apart than an average of 5 inches on center. Masonry materials shall, in terms of color, texture and material type, be similar to or compatible with the materials used on the building located on the premises for which landscaping is required. If such building is not of masonry construction, the piers may be omitted or constructed of non-masonry material.

c-6. Berms. Berms shall be permitted in all zoning districts except the downtown districts. Berms shall not be considered a substitute for the landscaping and perimeter features required under this subsection.

c-7. Additional Plantings. Additional plantings beyond the requirements of this subsection are permitted and encouraged.

c-8. Encroachment into Public Right-of-Way. The required landscaped area may encroach into the public right-of-way if a masonry-pier-and-metal fence or a masonry wall conforming with the standards of subd. 5 is provided. Such fence or wall shall be located on the non-public portion of the landscaped area. No tree or shrub shall be planted in the public right-of-way unless such planting is authorized by a permit issued by the commissioner of public works pursuant to s. 116-52.



c-9. Maintenance. Required landscaping and perimeter features shall be kept free of refuse and debris. All plant materials shall be maintained on an ongoing basis, including seasonal tree and plant replacement. Established trees shall not be removed and replaced with trees of smaller caliper, even if those trees meet the standards of this subsection.

**2. INTERIOR PARKING LOT LANDSCAPING.** a. Trees and Shrubs Required. Interior parking lot landscaping shall be required for any parking lot having an area of at least 7,500 square feet. Two trees and 2 shrubs shall be planted for every 8 spaces or fraction thereof, and may be planted in clusters. These landscaped areas shall cover at least 5% of the surface area of the parking lot. Trees shall be at least 2.5-inch-caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple and linden, that has a leaf and branch structure which creates a uniform crown and an opaque tree canopy. The planting of ash trees and female ginkgo trees shall be prohibited. If a new parking lot is being created, existing trees or other natural vegetation shall be preserved.

b. Applicability. b-1. The requirements of this subsection shall apply to both the construction of new parking lots and the reconstruction of existing parking lots.

b-2. A parking lot that is zoned industrial-light or industrial-heavy and does not abut or face an arterial or collector street shall be exempt from the interior parking lot landscaping requirement.

c. Plan Required. Prior to issuance of any permit for a use for which interior parking lot landscaping is required by this chapter, a landscaping plan with specifications and an installation schedule shall be submitted to the commissioner of neighborhood services for approval.

d. Waiver of Tree and Shrub Requirements. The tree and shrub planting and preservation requirements of par. a may be waived by the commissioner of neighborhood services if interior parking lot landscaping is to be used for bioretention, bioswales, infiltration basins or rain gardens and the commissioner of neighborhood services approves an alternative landscaping beautification plan for the parking lot.

**3. VISION TRIANGLE.** a. General. A vision triangle shall be provided at each intersection of 2 streets, an alley and a street, or an access drive and a street in the zoning districts specified in this subsection.

b. Description. A vision triangle is the triangular area formed by connecting the point of intersection of the curbs at the intersection of 2 streets, or the point of intersection of the alley or driveway line with the side of sidewalk closest to the property line, with 2 other points each located an equal distance away from the point of intersection along the 2 lines that intersect. Where sidewalks are not present, the point of intersection shall be 4 feet streetside of the property line, along the alley or driveway line extended.

c. Required Vision Triangles. The measured distance along the intersecting lines, as specified in par. b, shall be the following:

c-1. In all zoning districts, 10 feet for the intersection of an access drive and a street.

c-2. In the RS6, RT4, RM4 and RO2 zoning districts, 15 feet for the intersection of 2 streets or an alley and a street.

c-3. In the RS5, RT3 and RM3 zoning districts, 20 feet for the intersection of 2 streets or an alley and a street.

c-4. In the RS1 to RS4, RT1 and RT2, RM1 and RM2, RO1, NS1, LB1, RB1, IO1, IL1 and PK zoning districts, 25 feet for the intersection of 2 streets or an alley and a street.

c-5. In all other zoning districts, no vision triangle shall be required at the intersection of 2 streets or an alley and a street.

d. Objects Within Vision Triangle. Opaque fences and other opaque objects, such as but not limited to coniferous trees and shrubs and utility boxes, located in the vision triangle shall not exceed 3 feet in height. Semi-opaque and open fences and other semi-opaque objects, such as but not limited to deciduous trees and shrubs, sign and utility poles, traffic standards, and masonry fence piers not exceeding 16 inches in width, shall be permitted.

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**4. STORM WATER TREATMENT.** Any landscaping installed pursuant to this section or any other provision of this chapter, including but not limited to required landscaping for motor vehicle display areas, parking lots, storage yards, outdoor equipment and residential buffers, may be used for storm water treatment purposes.

**295-407. Signs. 1. PURPOSE.** The sign regulations in this section apply to signs on private property. The specific purposes of these regulations are to:

- a. Provide each sign user an opportunity for effective identification by applying uniform standards to entire zoning districts.
- b. Ensure that all signs are architecturally compatible and are in scale with building design.
- c. Maintain and enhance the quality of the city's appearance.
- d. Enable consumers to identify establishments offering goods and services to meet their needs.
- e. Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.
- f. Protect residential districts adjoining non-residential districts from adverse impacts of excessive signs.
- g. Regulate signs attached to structures and extending into the public right-of-way.

**2. ON-PREMISE SIGNS.** a. General. a-1. Sign Construction. All signs shall meet the design and construction specifications of ch. 244.

a-2. Maximum Sign Area. The maximum sign area shall be as specified in the regulations for the applicable zoning district, unless additional sign area is authorized by a master sign program approved pursuant to s. 295-1017.

a-3. Number. See regulations for the applicable zoning district.

a-4. Measurement of Display Area. The display area of a sign shall be measured in accordance with s. 295-205-5.

a-5. Illumination. The light source for an illuminated sign shall be screened and shielded so that it is not visible from a residential district or beyond the curb line.

b. Sign Types. For the purpose of distinguishing different sign types and, thus, different size limitations, the following standards are set forth:

b-1. Freestanding Signs. b-1-a. Type A Freestanding Signs. A type A freestanding sign is characterized by a continuous sign base that extends from grade to the display area and is at least 75% as wide as the display area of the sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters may be back-lit, carved entablature-type signs and other general individual-letter, non-illuminated signs. Signs of this type are commonly referred to as "monument signs."

b-1-b. Type B Freestanding Signs. A type B freestanding sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. Other types of freestanding signs which do not have the characteristics of a type A sign are included in this category. This type may be mounted on one or multiple poles, or may have a monument-type bases.

b-1-c. Location. No freestanding sign may project over a property line.

b-2. Wall Signs. b-2-a. Type A Wall Signs. A type A wall sign is one with a display area that does not have a background that is designed as an integral part of the sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: individual raised letters attached to the wall; letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back-lit; non-illuminated pin-set letters; carved entablature-type signs; other general individual-letter, non-illuminated signs. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-b. **Type B Wall Signs.** A type B wall sign is one with a display area that has a background that is designed as a integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. A permanent banner sign with a display area that is parallel to the building façade is also included in this category. Other types of wall signs which do not have the characteristics of a type A sign, including but not limited to board signs and painted-on wall signs, are included in this category. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-c. **Standard for Wall Signs.** No wall sign shall be erected or maintained to extend more than one-half of its height above the top of the exterior wall to which it is attached.

b-2-d. **Exemption from Display Area Limitation.** A professional nameplate, street address sign, historical tablet or marker, or sign indicating membership in a civic, business or professional organization shall not be included when calculating the total display area of wall signage provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-3. **Awning Signs.** b-3-a. **Type A Awning Signs.** A type A awning sign is one with letters or symbols applied to or integral with an opaque, non-translucent material covering an awning structure. Such sign may be illuminated from a general building lighting source above the awning.

b-3-b. **Type B Awning Signs.** A type B awning sign is one with letters or symbols applied to or integral with a translucent material covering an awning-like structure. Such sign may be internally illuminated.

b-3-c. **Awnings Projecting Beyond Street Lines.** Any awning which projects beyond a street line shall comply with the applicable regulations of ss. 245-6, 245-6.5 or 245-7.

b-4. **Projecting Signs.** b-4-a. **Type A Projecting Signs.** A type A projecting sign is one with a display area that does not have a background that is designed as an integral part of the sign, except that a non-illuminated wood or metal board-type sign or a permanent banner sign shall be considered a type A projecting sign. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back lit; non-illuminated pin-set letters. If individual letters are used on the sign, they shall be applied to or affixed to a projecting board or to a cabinet not more than 12 inches thick in order for the sign to be considered within the type A category.

b-4-b. **Type B Projecting Signs.** A type B projecting sign is one with a display area that has an illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. Other types of projecting signs which do not have the characteristics of a type A sign are included in this category.

b-4-c. **Maximum Projection.** A projecting sign shall not project more than 4 feet from the building face to which it is attached.

b-4-d. **Minimum Clearance.** A minimum clearance of 10 feet between grade and the bottom of the sign shall be provided, except in the historic third ward (the area designated by common council resolution 870501), where the minimum clearance shall be 8.5 feet.

b-4-e. **Projection into Right-of-Way.** All projecting signs shall comply with the applicable provisions of s. 244-10.

b-5. **Canopy and Hood Signs.** b-5-a. **Type A Canopy and Hood Signs.** A type A canopy or hood sign is characterized by individual letters or symbols which may be internally illuminated. It may also include a sign panel which is integral to the hood or canopy structure, except that the illuminated letters and symbols are cut from an opaque panel. In order for a canopy or hood sign consisting of individual letters affixed to a cabinet to be considered a type A sign, the cabinet shall be not more than 12 inches thick.

b-5-b. **Type B Canopy and Hood Signs.** A type B canopy or hood sign is one with a display area that has an internally illuminated overall background. This type of sign is typically a plastic-panel-faced box sign which is hung from or mounted on top of a canopy or hood. It may also include a sign panel which is integral to the structure, but is faced with plastic that has a translucent background.

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b-5-c. Canopies and Hoods Projecting Beyond Street Lines. Any canopy or hood sign which projects beyond a street line shall comply with the applicable regulations of ss. 245-7 or 245-10.

b-6. Roof Signs. b-6-a. Type A Roof Signs. A type A roof sign is characterized by individual letters or symbols which may be internally illuminated and shall be attached to a framework that is as invisible as possible and does not create a background that could become an integral part of the sign.

b-6-b. Type B Roof Signs. A type B roof sign is one with a display area that has a background that is designed as an integral part of the sign. This type of sign is typically a plastic-panel-faced box sign. It may also include a sign panel which is integral to the structure, but creates a background that becomes an integral part of the sign.

b-7. Permanent Window Signs. b-7-a. General Regulations. A permanent window sign is characterized by individual letters or symbols painted or placed on the glazed portion of a window such that window transparency of at least 75% is maintained. A neon sign, board-type sign or plastic-faced box sign placed in a window shall also constitute a permanent window sign. Not more than 25% of the glazed area of a window may be covered by permanent window signs. The display area of a permanent window sign shall be calculated in accordance with s. 295-205-5. In no case shall permanent window signs reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-b. Opaque Backgrounds. Not more than 25% of the glazed portion of a window may be opaquely painted for the purpose of creating a sign or sign background. In no case shall such painting reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-c. Permanent Window Signage in Excess of 25% of Window Area. Permanent window signs or opaque window painting may exceed 25% of the area of a window provided the area of such signs or painting is included in the calculation and regulation of wall signage on the premises.

b-7-d. Exemption from Display Area Limitation. Informational signs placed in windows, including but not limited to signs pertaining to hours of operation, the "OPEN" or "CLOSED" status of the establishment, credit cards honored or membership in civic, business or professional organizations, shall not be included when calculating the display area of permanent window signs provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-8. Temporary Window Signs. A temporary window sign is characterized by advertising on paper, cardboard or other flexible material placed inside the glazed portion of a window, said advertising typically, but not always, referring to a sale, promotion or other event that is temporary in nature. Temporary window signs shall meet the following standards:

b-8-a. The aggregate area of all temporary window signs in a window shall not exceed 25% of the area of the glazed portion of the window. This temporary window signage is in addition to any conforming permanent window signage in the same window.

b-8-b. Temporary window signs shall be located on the inside of a window, facing out.

b-8-c. Temporary window signs shall be displayed for not more than 30 days in one calendar year.

b-8-d. Temporary window signs installed prior to October 1, 2002 shall be removed within 30 days.

**3. SPECIAL SIGN TYPES.** a. Temporary Banner Signs; General. Temporary banner signs are prohibited, except the following or signs permitted under par. b, which shall be permitted provided such signs are attached or supported in accordance with the applicable provisions of s. 244-5:

a-1. Temporary banner signs for construction projects, provided such signs meet the size limitations for the zoning districts in which they are located. Such signs may be placed on construction fences if the site is vacant.

a-2. Temporary banner signs for grand openings. Such signs shall not be displayed for more than 60 days.

a-3. Temporary banner signs advertising special events, such as but not limited to anniversary celebrations, but not including sales promotions. Not more than 2 signs of this type may be erected on

a premises in one calendar year, and the cumulative display period for such signs shall not exceed 60 days. A convention and exposition center shall be exempt from the time and number limitations of this subdivision for banners advertising events at the facility.

b. Temporary Banner Signs; Large Buildings. Whenever an existing or proposed building is 4 stories or greater in height and has at least 50,000 square feet of gross floor area, the number and display area of temporary banner signs may exceed the limitations of par. a and the sign limitations for the zoning district in which the building is located if the following standards are met:

b-1. The purpose of the temporary banner signs is to do either or both of the following:

b-1-a. Advertise the conversion of the building into condominium form of ownership.

b-1-b. Market a new or fully-renovated building for sale or lease.

b-2. All temporary banner signs meet the following design standards:

b-2-a. Signs permitted pursuant to this paragraph shall be rigid, board-type signs or signs made of fabric or other flexible material that are rigidly affixed to the building at all corners of each sign.

b-2-b. The display area of temporary banner signs for each building façade shall not exceed one percent of the gross area of the building facade. Signs may be mounted on a maximum of 2 building faces.

b-2-c. If the site on which the building is located contains more than one principal building, each principal building may have temporary banner signs as permitted in this paragraph.

b-2-d. On a site of 2 acres or less, the maximum display area of a temporary freestanding banner sign shall be 48 square feet. On a site larger than 2 acres, the maximum display area of a temporary freestanding banner sign shall be 96 square feet. The maximum height of all temporary freestanding banner signs shall be 14 feet. Only one temporary freestanding banner sign shall be permitted on each site. This sign shall be in addition to temporary wall banner signs permitted under this paragraph.

b-2-e. No sign permitted pursuant to the provisions of this paragraph may face an existing building on an adjacent lot or across a public right-of-way if the sign is within 50 feet of that building.

b-3. Temporary banner signs shall not cover windows or doors, be hung on or adjacent to fire escapes or be hung over other facilities or equipment deemed necessary for the safety of the building.

b-4. All temporary banner signs shall be removed within 6 months of the date the permit for the signs was issued.

b-5. All temporary banner signs shall be maintained in good condition. Weathered or torn signs shall be removed or replaced.

b-6. Temporary banner signs shall be in compliance with any additional overlay district regulations, renewal district regulations or other applications that also apply to the site.

c. Automatic Changeable Message Signs. Automatic changeable message signs shall be permitted according to the provisions of sub. 4 and sub. 7-d.

d. Menu Boards. Menu boards for fast-food/carry-out restaurants shall be permitted provided they have a maximum display area of 30 square feet or as approved by the board as part of the plan of operation for a special use. The maximum height of menu boards shall be 6 feet. The display area of menu boards shall be excluded when calculating the total display area of signs on a premises.

e. Entrance/Exit Signs. Entrance and exit signs shall be permitted provided the display area of such signs does not exceed 6 square feet and a business name or advertising does not occupy more than one-third of the display area. Such signs shall be excluded when calculating the total display area of signs on a premises. If an entrance or exit sign exceeds 6 square feet in area, or if a business name or advertising occupies more than one-third of the display area, the portion of the sign in excess of 6 square feet or the portion containing a business name or advertising, respectively, shall be included in the calculation of total display area of signs on the premises.

**4. AUTOMATIC CHANGEABLE MESSAGE SIGNS.** For purposes of this subsection, an automatic changeable message sign is a type B on-premise or off-premise advertising sign, display or device that changes the message copy on the sign by means of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, and includes tri-vision signs and mechanically-operated signs. In addition to the provisions for on-premise and off-premise signs, as provided in subs. 2 and 7, automatic changeable message signs shall conform to the provisions included in this subsection.

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a. The display area of automatic changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

b. No signs containing flashing, intermittent or moving sections or intermittent or flashing lights, except for intermittent display of time and temperature, shall be permitted.

c. In addition to the provisions of pars. a and b, off-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

c-1. The display area of off-premise signs, other than time and temperature displays, and each portion thereof may be changed not more frequently than once every 8 seconds.

c-2. No off-premise electronic automatic changeable message sign shall be located within 400 feet of any residential district from which the sign face is visible. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of the residential zoning district, in a straight line and without regard to intervening structures.

c-3. The minimum distance between any 2 off-premise electronic or tri-vision automatic changeable message signs which are visible to drivers facing the same direction shall be 1,000 feet. The distance shall be calculated as the shortest measurable distance between the nearest point of the sign to the edge of another sign, in a straight line and without regard to intervening structures.

c-4. Audio speakers and all forms of pyrotechnics are prohibited.

c-5-a. Nuisance light on residential properties shall be prohibited pursuant to s. 80-19. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 foot candles or more measured perpendicular to the ground at approximately 4 feet from the ground or floor surface at which the measurement is taken. For purposes of this paragraph, spill light shall mean any artificial light flowing onto an adjacent residential property.

c-5-b. A permit holder may appeal the commissioner of neighborhood services' order to abate a nuisance order issued pursuant to s. 80-8 by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

c-6. The commissioner of neighborhood services may enforce a light standard of 5,000 NITs (candelas per square meter) during daylight hours, and 500 NITs (candelas per square meter) between dusk to dawn.

c-7. If the commissioner of public works finds that an off-premise electronic automatic changeable message sign is causing interference with traffic signals or controls, creates a confusing or dominating background which might reduce the clarity or effectiveness of a traffic control device, or otherwise obstructs a motorist's line of sight with traffic signals or controls, the commissioner shall order the sign be turned off, and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the interference. The permit holder may appeal the commissioner's order by submitting an appeal to the administrative review appeals board as provided by s. 320-11 no later than 30 days after the order is imposed.

c-8. The continuing operation of a malfunctioning sign that causes a glare shall be considered an acute traffic hazard. The commissioner of public works shall order the sign be turned off and the commissioner shall meet with the permit holder within 48 hours to determine action to rectify the operation of the sign so as to mitigate the hazard.

d. In addition to the provisions of pars. a and b, on-premise electronic and tri-vision automatic changeable message signs shall conform to the following conditions:

d-1. The illuminated message displayed on an automatic changeable message sign facing the property line of a residence in a planned development district or of a residence in a residential district other than R01 or R02 shall not be located within 35 feet of the property line. An automatic changeable message sign shall be considered facing a property line if the face of the sign is not more than 30 degrees from perpendicular to the

property line. A changeable message sign located on the premises of an elementary or secondary school, college and religious assembly shall be exempt from the 35-foot setback provision, but is subject to all other provisions of this section.

d-2. The vertical geometric plane of a sign's illuminated face shall be not more than 30 degrees from perpendicular to the property line of the nearest neighboring property zoned residential.

d-3. Daytime sign light output from 30 minutes before sunrise to 30 minutes after sundown shall be limited to 465 lumens. Nighttime sign light output from 30 minutes after sundown to 30 minutes before sunrise shall be limited to 28 lumens.

d-4. Any sign creating spill light or glare, as defined in s. 80-19, shall be declared a nuisance as provided in s. 80-19.

d-5. No sign shall interfere in any way with the clear visibility of any traffic control signal.

d-6. Every sign shall be equipped with an automatic dimmer/shut-off mechanism to automatically dim illumination or shut the sign off if illumination limits are exceeded. Every sign shall also be equipped with a mechanism to freeze the display, display a static image or shut off the sign in case of display malfunction.

**5. MAINTENANCE, ABANDONMENT AND REMOVAL.** See ss. 244-3, 275-32 and 275-34 for regulations relating to the maintenance, abandonment and removal of signs.

**6. PERMITS REQUIRED.** See s. 244-2 for information on sign permit requirements.

**7. OFF-PREMISE SIGNS.** a. Applicability. The standards and regulations of this subsection shall apply to all off-premise signs. Where the standards in this section conflict with those found elsewhere in this code, the most restrictive standards shall apply.

b. Standards. b-1. General. See the regulations for the applicable zoning district for standards relating to the number, location and size of off-premise signs.

b-2. Combustible Signs. No portion of a combustible off-premise wall sign may be located above the sill of a 2<sup>nd</sup> story window or more than 30 feet above grade, whichever is lower.

b-3. Minimum Distance Between Signs. The minimum distance between any 2 off-premise freestanding or roof signs shall be 500 feet. The minimum distance between an off-premise freestanding or roof sign and an off-premise wall sign shall be 200 feet. The minimum distance between any 2 off-premise wall signs shall be 200 feet. The minimum distance requirement does not apply in the following situations:

b-3-a. Where off-premise signs are wall or roof signs located on opposite sides of a street from which they are intended to be viewed.

b-3-b. Where off-premise signs are separated by buildings or other permanent structures in such a way that the display area of only one off-premise sign is visible from a street at one time.

b-4. Distance Measurement. The distance between signs shall be measured in a straight line, without regard to intervening structures, between the nearest components of the 2 signs in question.

b-5. Maximum Height. b-5-a. The maximum height of off-premise freestanding signs shall be 40 feet above grade, except in a local business, commercial service, residential and specialty use or neighborhood retail district, where the maximum height shall be 35 feet unless a sign is located within 50 feet of a building having a height of 35 feet or more.

b-5-b. An off-premise freestanding sign may be located and maintained along a public viaduct or bridge to a height of not more than 50 feet above the roadway of such viaduct or bridge, provided that the sign is set back from the viaduct, bridge or adjoining building a distance equal to or greater than the height of the sign above the roadway.

b-6. Height Measurement. The height of any off-premise freestanding sign is the vertical dimension of the sign measured from the grade of the roadway to which the sign is oriented to the highest point of the sign. However, where a structure bridges the roadway to which an off-premise freestanding sign is oriented and where the structure is within 100 feet of the sign, the height of the sign may be measured from the grade of the bridge structure at the point closest to the sign.

b-7. Minimum Required Setbacks. b-7-a. Wall Signs. Off-premise wall signs located on front walls of buildings shall be set back a minimum of 5 feet from building corners. Off-premise wall signs located on side or rear walls of buildings shall be set back from building corners a minimum distance equal to 10% of the sign's width or 3 feet, whichever is less, but not less than one foot.

b-7-b. Freestanding Signs. For off-premise freestanding signs, the minimum required setback from any street lot line shall be 30 feet or a distance equal to the height of the sign, whichever is greater. No portion of any

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off-premise freestanding sign may extend into the public right-of-way or project over any public or private access drive.

b-7-c. **Roof Signs.** Off-premise roof signs shall be set back 5 feet from any exterior wall facing a public street and 2.5 feet from any other exterior wall.

b-8. **Required Residential Buffers.** No portion of any off-premise sign may extend into any of the following required residential buffers:

b-8-a. 60 lineal feet from a rear lot line abutting any residential district.

b-8-b. 50 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area up to 300 square feet.

b-8-c. 75 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area in excess of 300 square feet.

b-9. **Signs Near Public Right-of-Way.** Any component of an off-premise sign located within 3 feet of the public right-of-way shall be at least 10 feet above grade.

b-10. **Lighting Reflectors.** Lighting reflectors may extend 12 feet beyond the face of an off-premise sign but may not extend into any required setback or buffer areas.

c. **Signs Adjacent to Freeways and Parkways.** Off-premise signs adjacent to freeways or the Lake Parkway shall conform to the following standards:

c-1. **Setbacks.** c-1-a. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in an industrial district shall be 75 feet plus 10 feet for each 100 square feet of sign area over 750 square feet.

c-1-b. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in a commercial district shall be 500 feet.

c-2. **Minimum Spacing.** The minimum distance between any 2 off-premise signs located on the same side of a freeway or the Lake Parkway shall be 1,000 feet.

c-3. **Prohibited Locations.** Off-premise signs are prohibited within 1,000 feet of the High Rise Bridge or the Hoan Memorial Bridge/Lake Parkway. In this paragraph, "High Rise Bridge" means that portion of Interstates 94 and 43 located between the center line of West St. Paul Avenue and the center line of West National Avenue, and "Hoan Memorial Bridge/Lake Parkway" means those portions of Interstate 794 and State Trunk Highway 794 located between East St. Paul Avenue extended and the south city limits.

d. **Automatic Changeable Message Signs.** No person may erect a new off-premise automatic changeable message sign, or convert an existing off-premise sign with a static display area to an off-premise automatic changeable message sign, without first obtaining a special use permit from the board if the new or existing sign will be or is located more than 1,000 feet from a freeway or the Lake Parkway.

**8. EXCEPTIONS.** Notwithstanding any other provisions of this chapter, the following signs are permitted if they meet the standards specified in this subsection:

a. Signs placed by public utilities or units of government for the safety or welfare of the public, such as signs identifying high voltage underground cable or signs related to the construction of capital improvement projects by units of government.

b. Official fire- or police-related signs or signs required to be maintained by law or governmental order, such as warning, traffic, parking or similar regulatory signs, or warning signs at a railroad crossings.

c. Public service information signs with no commercial messages.

d. Political signs, provided that:

d-1. In the case of an election for office or a referendum, such sign is removed within 30 days of the end of the election campaign period, as defined in s. 12.04(1)(a), Wis. Stats.

d-2. If the sign is located in a residential zoning district, the sign does not exceed 6 square feet.

e. Any of the following temporary signs, provided such signs do not exceed 6 feet in height, are not located in the public right-of-way and are not illuminated:

e-1. Special event signs not exceeding 6 square feet advertising community-wide events of general interest and sponsored by non-commercial groups, placed for 15 days or less.

e-2. Signs erected and maintained on lots to advertise the leasing, rental or sale of buildings or other improvements located on such lots. Only one such sign shall be permitted on each street frontage. Signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located.



- e-3. Residential real estate signs not exceeding 6 square feet relating to open house events or providing directions.
- e-4. Signs pertaining to the construction of buildings or the sale or lease of vacant land. No sign of this type shall exceed applicable height or area limitations or be illuminated. A construction sign shall be removed within 30 days of issuance of a certificate of occupancy for the building or structure to which the sign pertains.
- f. The changeable copy or message portion of a theater marquee or reader board.
- g. Painted murals, permanent banners and flags not containing commercial messages.
- h. Signs placed on the interiors of buildings such that the signs cannot be seen by the general public from outdoors.
- i. Holiday decorations, lights and displays.
- j. Construction or advisory signs installed by units of government.
- k. Signs of up to 18 square feet in area and not more than 6 feet in height identifying specific geographic areas having common characteristics but multiple ownerships, such as residential subdivisions, commercial shopping areas and industrial parks.
- L. "NO TRESPASSING," "NO DUMPING" and similar signs not exceeding 6 square feet in area.
- m. Signs painted on or attached to motor vehicles in a manner allowing normal operation of such vehicles
- n. A sign on a solar array, provided that:
  - n-1. The sign contains only the name of the manufacturer, installer or owner and any appropriate warning messages.
  - n-2. Only one sign per solar array shall be permitted.
  - n-3. The display area of the sign shall not exceed 6 square feet.
  - n-4. The sign is used solely for educational or acknowledgement purposes.
- 9. PROHIBITED SIGNS.** The following signs are prohibited:
  - a. Animated signs, including pennants, streamers, roof-mounted balloons, feather signs and other inflatable objects, unless part of a master sign program.
  - c. Portable signs.
  - d. Flashing signs.
  - e. Signs attached to or painted on a vehicle parked on a premises for the sole purpose of advertising or relaying commercial messages to the public.
  - f. Signs attached to light poles, canopy supports or utility masts.
  - g. Temporary banner signs, except as permitted under sub. 3.
  - h. Abandoned signs.

**295-409. Lighting.** In all zoning districts, with the exception of automatic changeable message signs, as provided in s. 295-407-4-d, all on-site lighting shall have cut-off fixtures that ensure that lighting levels and glare are controlled as follows:

- 1. No light source shall be visible from an adjoining property or public right-of-way.
- 2. Where adjoining properties are zoned residential, the maximum illumination at a property line shall be one foot-candle. In all other circumstances, the maximum illumination at a property line shall be 5 foot-candles.

**295-411. Encroachments into the Public Right-of-way.** See ch. 245.

**295-413. Transmission Towers. 1. LIMITED USE STANDARDS.** Whenever a transmission tower is a limited use, the permit applicant shall submit, to the department, plans and other permit application materials which demonstrate that the facility will comply with the following standards. If the department finds that the tower will not meet these standards, the tower may only be permitted upon the granting of a special use permit by the board.

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a. All ground-level equipment, storage buildings and structural support elements shall be screened by a landscaped buffer which completely surrounds such equipment or structures, except for necessary openings for sidewalks or driveways that provide access to the equipment or structures. The buffer shall be located no farther than 5 feet from the equipment or structures, measured at the nearest point of the buffer to the equipment or structures. The buffer shall be at least 5 feet wide and meet the standards for type "G" landscaping set forth in s. 295-405-1.

b. All access drives shall be paved.

c. The tower shall not be illuminated except as required by the federal aviation administration or other applicable government regulations.

d. If the tower is freestanding and any abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required, the base of the tower shall be set back from the property lines of such abutting property a distance equal to at least 25% of the tower's height.

e. No structure other than related accessory structures may be located in an area 20 feet on each side of the radial line between the center of the transmission tower and each guy anchorage.

f. No tower guy anchor or enclosure for the same may be located closer than 30 feet to any lot line, street line or street line extended if the abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required.

g. The tower's design shall be as advanced as technologically feasible and appropriate for individual site characteristics and proximity to other buildings and uses.

h. If the tower will be located within 1,000 linear feet of any dwelling unit or any structure for which an occupancy certificate is required, the tower permit applicant shall take steps to protect such dwelling units and structures from adverse impacts of the tower. Such steps may include installation of landscaping or buffering beyond what is required in this subsection, provision of informational materials about the construction and operation of the tower, and scheduling of informational meetings with owners and residents of abutting properties to discuss tower design and construction.

i. The transmission tower permit applicant shall provide a written statement that the permit applicant has made every reasonable effort to locate reception/transmission systems on existing structures. This statement shall be accompanied by documentation that demonstrates that such efforts have been made.

j. When a new transmission tower is erected, it shall be designed to accommodate multiple reception/transmission systems and related equipment. A tower for television or radio facilities shall be designed to support at least 3 additional reception/transmission systems having power equal to or greater than that of the reception/transmission system which the tower is initially built to support. For any transmission tower other than a tower for television or radio facilities, the minimum total number of reception/transmission systems the tower shall be designed to accommodate shall be as follows:

| Tower Height  | Number of Reception/Transmission Systems                     |
|---------------|--|
| 0-50 feet     | 1  |
| 51-150 feet   | 2  |
| 151-250 feet  | 4  |
| 251-350 feet  | 6  |
| over 350 feet | 6 plus 2 for each 100 feet or fraction thereof over 350 feet |

k. In addition to presenting a tower design which can accommodate multiple reception/transmission systems and related equipment as required by par. j, the permit applicant shall provide a written statement indicating that the owner or developer will, on a nondiscriminatory basis, make the space provided for multiple reception/transmission systems available to other tower users. To the extent not precluded by physical, mechanical or regulatory limitations, the tower owner or developer shall allow for co-location of reception/transmission systems on the tower at fair market rental rates. The statement may be accompanied by supporting documentation which describes the tower owner or developer's record of making space on the owner or developer's other towers available to other users.

L. If the tower will be used for the transmission of television or radio signals, the tower owner or developer shall provide evidence that construction of the tower may ultimately lead to a net reduction in the total number of transmission towers in the city.

m. No existing transmission tower shall be located within 500 feet of the proposed tower location.

**2. ABANDONED TOWERS.** Whenever any transmission tower has ceased to be used for the transmission or reception of radio frequency waves for a period of 12 consecutive months, such tower shall be considered abandoned. An abandoned transmission tower shall be removed within 90 days of the end of such 12-month period. Any discontinuance of transmission tower use caused by governmental action and without any contributing fault by the tower user whose use of the tower was discontinued shall not be considered in calculating the length of discontinuance.

**3. RECONSTRUCTION OF NONCONFORMING TOWERS.** Notwithstanding the provisions of s. 295-415, a nonconforming transmission tower which is destroyed or damaged by fire, storm or other casualty, to the extent that the cost of reconstruction exceeds 50% of the tower's market value at the time of such loss, may be reconstructed provided that the tower owner complies with all applicable requirements for transmission towers specified in sub. 1, and provided that the height of the new tower does not exceed the height of the tower that was destroyed or damaged.

**295-414. Small Wind Energy Systems. 1. GENERAL REQUIREMENTS.** A small wind energy system shall comply with the use regulations of the applicable zoning district and with the following requirements:

a. **Setbacks.** The wind tower for a small wind energy system shall be set back a distance equal to its total height from:

a-1. Any public right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.

a-2. Any overhead utility line, unless written permission is granted by the affected utility.

a-3. Any property line abutting property that is not residentially zoned, unless written permission is granted by the owner of the abutting property.

b. **Access.** b-1. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

b-2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

c. **Electrical Wires.** All electrical wires associated with the small wind energy system, other than the grounding wires, wires necessary to connect the wind generator to the tower wiring and wires necessary to connect the tower wiring to the disconnect junction box, shall be located underground.

d. **Lighting.** The wind tower and generator shall not be artificially lighted unless such lighting is required by the federal aviation administration.

e. **Appearance, Color and Finish.** The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless a different color or finish was approved by the commissioner of neighborhood services at the time of permit issuance.

f. **Signs.** No signs shall be permitted other than signs identifying the manufacturer, installer or owner, appropriate warning signs, and one sign with a display area not exceeding 18 square feet that is used solely for educational or acknowledgement purposes..

g. **Code Compliance.** The small wind energy system, including the tower, shall comply with all applicable state construction and electrical code provisions.

h. **Utility Notification And Interconnection.** If the small wind energy system is connected to an electric utility, it shall comply with the public service commission of Wisconsin's Rules for Interconnecting Distributed Generation Facilities.

**2. ABANDONMENT.** a. **Notice of Abandonment.** A small wind energy system that is out of service for a continuous 12-month period shall be deemed to have been abandoned. The commissioner of neighborhood services may issue a notice of abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days of receipt of the notice. The commissioner of neighborhood services shall withdraw the notice of abandonment and notify the owner of the withdrawal if the owner provides information that demonstrates the small wind energy system has not been abandoned.

b. Removal of Abandoned System. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of receipt of the notice of abandonment. If the owner fails to remove the wind generator from the tower, the commissioner of neighborhood services may pursue a legal action to have the wind generator removed at the owner's expense.

3. METEOROLOGICAL TOWERS. A meteorological tower is a structure, including a tower, base plate, anchors, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment, anemometers and vanes, date logger, instrument wiring and telemetry devices, that is used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. A meteorological tower shall be permitted under the same standards and removal requirements as a small wind energy system.

**295-415. Nonconformities. 1. PURPOSE.** The purpose of this section is to establish regulations governing nonconforming lots, structures and uses and, further, to:

- a. Allow nonconforming lots to be used for single-family homes and accessory structures.
- b. Permit structural alteration or enlargement, but not reconstruction, of nonconforming nonresidential structures that contain conforming uses.
- c. Permit structural alteration, enlargement or reconstruction of nonconforming residential structures or uses.
- d. Encourage nonconforming special uses to obtain board approval, but to allow such uses to continue without being subject to many of the restrictions that are customarily imposed on nonconforming uses.
- e. Allow nonconforming prohibited uses of structures and land to continue, with ordinary repairs and maintenance, but to encourage that such structures and land eventually be used in a conforming manner.
- f. Encourage the alteration, repair and maintenance of conforming uses in nonconforming structures and nonconforming special uses as long as the alteration, repair or maintenance is consistent with this code and with any applicable elements of the city's comprehensive plan.

2. NONCONFORMING SPECIAL USES. a. Enlargement, Alteration or Intensification. No nonconforming special use, or the buildings, site features or structures associated with such use, shall be enlarged, altered or intensified without the approval of the board except as follows:

a-1. Combined Use. A permitted use may be added to, enlarged, expanded or rebuilt as part of a nonconforming special use without board approval provided the hours of operation are limited to the hours specified in this code, if any, parking is provided in accordance with this code, and the addition, enlargement, expansion or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan.

a-2. Site Plan Changes. Parking areas, landscaping, signs, canopies, fences, awnings or similar site features for a nonconforming special use may be expanded, enlarged or rebuilt without board approval provided that the expansion, enlargement or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan, and does not expand or intensify the nonconformity. In addition, whenever any such change to the parking area of a nonconforming special use occurs, the parking plan for such parking area shall be subject to approval by the commissioner of public works.

a-3. Repairs and Maintenance. The buildings, site features and structures of a nonconforming special use may be repaired and maintained in compliance with this code without board approval.

b. Change Of Use. A non-conforming special use may be changed to another special use enumerated under the regulations of the district in which the use is located only with board approval.

c. Discontinuance Of Use. If the nonconforming special use of a structure, or of a structure and premises in combination, is discontinued for a period of 12 months, such use shall not be resumed thereafter without approval of the board. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming special use, shall not be considered when calculating the length of discontinuance.

d. **Deterioration Or Damage.** If a structure occupied by a nonconforming special use has deteriorated or is damaged such that its reconstruction ratio, as calculated pursuant to par. e, exceeds 50%, the nonconforming special use shall not be resumed except with approval of the board.

e. **Reconstruction Ratio.** A reconstruction ratio shall be computed as follows:

$$\begin{array}{lcl} \text{Reconstruction} & & \text{Estimated cost of restoring the} \\ \text{Ratio} & = & \text{structure to its prior condition} \\ \text{(percent)} & & \text{Estimated cost of duplicating the} \\ & & \text{entire pre-existing structure} \end{array}$$

Estimates of reconstruction ratios shall be based on building industry standard unit costs.

**3. NONCONFORMING PROHIBITED USES OCCUPYING STRUCTURES.** a. **Nonconforming Prohibited Uses.** A nonconforming prohibited use may be continued subject to the following regulations:

a-1. **Deterioration or Damage.** If a structure occupied by a nonconforming prohibited use has deteriorated or is damaged in excess of 50% of its assessed value, the nonconforming prohibited use shall cease operation and shall not be resumed thereafter.

a-2. **Extension of Use.** The nonconforming prohibited use shall not be intensified, enlarged or extended to other parts of the structure, or extended to occupy any lands outside the structure, that were not occupied by the nonconforming prohibited use on the date such use became a nonconforming prohibited use.

a-3. **Change of Use.** The nonconforming prohibited use may be changed to another use permitted in the district in which the nonconforming use presently occupying the structure is located, or to a use permitted in a more restrictive district, provided such change will not intensify use of the structure.

a-4. **Discontinuance of Use.** If a nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the provisions of this chapter.

a-5. **Conforming Structures.** Conforming structures occupied by nonconforming prohibited uses may be altered or relocated to any other location on the same lot, provided that such structure continues to conform with the requirements of the district in which it is located.

b. **Exception For Nonconforming Prohibited Residential Uses.** A nonconforming prohibited residential use may be extended, by alteration or enlargement of a structure, by not more than 25% of the existing habitable floor area or 400 square feet, whichever is less, provided that the number of dwelling units is not increased.

**4. NONCONFORMING STRUCTURES.** a. **Repair And Maintenance.** Ordinary repair and maintenance within or to a nonconforming structure shall be permitted provided that no dimensional nonconformity of the structure will increase as a result of such repair or maintenance.

b. **Enlargements, Alterations Or Relocation.** b-1. A nonconforming structure occupied by only conforming uses may be enlarged or structurally altered provided that the enlargement or structural alteration does not exceed 50% of the existing gross floor area and does not increase the existing dimensional nonconformity of the structure or create additional nonconformities.

b-2. A nonconforming structure occupied by only conforming uses may be relocated if, upon relocation, the structure will be in conformity with all regulations of the district into which it has been relocated.

b-3. A nonconforming structure occupied by a nonconforming prohibited use shall not be enlarged or relocated.

c. **Deterioration or Damage.** A nonconforming structure which has deteriorated or is damaged by fire or other casualty shall not be reconstructed unless either of the following is true:

c-1. Such reconstruction will not increase the dimensional nonconformity of the structure.

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c-2. The nonconforming structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

d. Exception For Nonconforming Residential Structures. A nonconforming residential structure may be enlarged, altered or reconstructed provided that the applicant can demonstrate either of the following:

d-1. The structure is not an accessory structure and the enlargement, alteration or reconstruction will not increase any dimensional nonconformity of the structure.

d-2. The structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

**5. NONCONFORMING VACANT LOTS.** In any district in which single-family dwellings are permitted, one single-family dwelling and permitted accessory structures may be erected on any vacant, single nonconforming lot, provided that:

a. The lot has been legally created.

b. The setback and lot coverage requirements of the district are complied with.

c. The lot complies with all other applicable regulations of the district.

**6. NONCONFORMING PROHIBITED USES OF LAND.** No nonconforming prohibited use of land shall be:

a. Extended beyond the area of land occupied by, or devoted to, the nonconforming prohibited use.

b. Intensified.

c. Relocated, in whole or in part, to any portion of the same lot not theretofore occupied by the nonconforming prohibited use, unless the use will thereafter conform to all applicable regulations of the district in which it is located.

d. Changed to any use other than a use that is a permitted use or special use in the district in which it is located, subject to board approval of any special use.

e. Resumed if discontinued for a period of 12 months. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming prohibited use, shall not be considered when calculating the length of discontinuance.

**7. NONCONFORMING USES AND STRUCTURES IN SHORELAND-WETLAND DISTRICTS.**

a. Environmental Control Facilities. This section shall not limit the repair, reconstruction, renovation, remodeling or expansion of any environmental control facility in existence on May 7, 1982.

b. Boat Houses. The maintenance and repair of boat houses which were legally constructed but which are located below the ordinary high-water mark of any navigable waters shall comply with s. 30.121, Wis. Stats.

**8. PARKING NONCONFORMITIES.** a. Enlargements of Existing Buildings. Whenever an existing principal building is enlarged, parking spaces shall be provided for the enlargement in accordance with s. 295-403 and the off-street parking requirement for the building's use and zoning district, even if the building in its pre-enlargement state was not in compliance with applicable off-street parking requirements.

b. Change of Use. If the use of a premises is changed to a use having a greater requirement for parking spaces than the previous use, additional parking spaces shall be provided for the new use in accordance with s. 295-403 and the applicable off-street parking requirement for that particular use and zoning district. If the principal building was erected before February 19, 1953, the number of parking spaces added shall be the difference between the number required for the previous use and the number required for the new use. This paragraph does not apply in a downtown zoning district, other than the C9A district, where a use is changed to a permitted use in that district.

c. Reduction in Number of Spaces Provided; When Allowed. Any parking spaces provided as accessory to an existing principal use or structure as of October 1, 2002 shall not be reduced in number below the requirements of this chapter. Any parking spaces which are provided on or after October 1, 2002 as accessory to an existing principal use or structure but which are not required by this chapter need not meet the number-of-parking-spaces requirements of this chapter, but shall meet the design standards of s. 295-403-3.

**10. CONTINUATION OF NONCONFORMITIES.** All nonconforming lots, nonconforming structures and nonconforming prohibited uses, including nonconforming prohibited uses which were special uses approved by the board at the time they became nonconforming, may continue subject to the restrictions in this section. However, once a nonconforming prohibited use is replaced by a conforming use, the use shall not be changed back to a nonconforming prohibited use. In addition, where an existing special use which has been approved by the board is rendered nonconforming by a change in the zoning map, such use may be continued as a nonconforming use provided that it receives board approval as a special use, notwithstanding the new prohibited-use status of the use. The regulations of this section shall not apply to any change to an existing structure or any change in the use of a structure or of land for which a permit was issued prior to the amendment of this chapter which created the nonconformity.

**295-417. Reconstruction of Residential Uses.** Notwithstanding any provision of this chapter, any residential use existing on October 1, 2002 may be reconstructed to its existing dimensions and number of dwelling units. This exception shall not apply to accessory structures. For a nonconforming prohibited residential use, the building permit for reconstruction shall be obtained within 18 months of the date of the demolition, fire or other casualty that destroyed the previous structure.

**295-419. Filling or Grading of Land.** Whenever the filling or grading of land, as defined in s. 289-1, will result in an increase in elevation above the existing finished grade, at any location on a lot, that exceeds the maximum allowable height of a wholly opaque fence at that particular location on the lot under the fence height regulations of the relevant zoning district, the filling or grading may only be permitted upon the granting of a special use permit by the board. A permit for the filling or grading may also be required pursuant to ch. 289. For purposes of this section, when calculating elevation above existing finished grade, the height of existing or proposed fences shall be included.

**295-421. Native Vegetation.** All land development or redevelopment activities shall preserve, to the maximum extent possible, grasses, forbs, trees, shrubs, wildflowers and aquatic plants that are native to Wisconsin, as well as any oldfield successions of native and non-native plants. This shall not include preservation of Canada thistle, leafy spurge, field bindweed or any other weed that the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious.

**295-423. Agricultural Uses.** Every community garden or commercial farming enterprise shall comply with the relevant provisions of chs. 68, 78, 79, 200 and 275.

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## SUBCHAPTER 5 RESIDENTIAL DISTRICTS

**295-501. Purposes.** The regulations of this subchapter are intended to promote, preserve and protect residential neighborhoods. These regulations allow for some non-residential uses, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy and recreational opportunities. These standards preserve the character of neighborhoods by providing 6 different zones with different densities and development standards. The site development standards allow for flexibility of development while maintaining compatibility within the city's various neighborhoods. In addition, the regulations provide certainty to property owners, developers and neighbors about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating the need for future growth. The purposes of the individual residential districts are as follows:

**1. SINGLE-FAMILY RESIDENTIAL DISTRICTS.** a. **RS1-RS5 Districts.** The purpose of the RS1-RS5 districts is to promote, preserve and protect neighborhoods intended for single-family dwellings and having a character slightly more suburban than the RS6 district. These districts require larger lots, larger setbacks and a smaller lot coverage than the RS6 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RS6 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

b. **RS6 District.** The purpose of the RS6 single-family district is to promote, preserve and protect neighborhoods intended primarily for single-family dwellings with traditional urban character. This district allows smaller lots, smaller setbacks and a higher lot coverage than the other single-family districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800's and early 1900's. This district also allows traditional corner commercial establishments commonly found in more urban neighborhoods.

**2. TWO-FAMILY RESIDENTIAL DISTRICTS.** a. **RT1-RT2 Districts.** The purpose of the RT1-RT2 districts is to promote, preserve and protect neighborhoods intended primarily for one- and 2-family dwellings. Properties in these districts typically have larger setbacks and smaller lot coverage than those found in the RT3 or RT4 districts. Commercial uses are not allowed in these districts. The neighborhoods found in RT1 and RT2 districts feature a regular platting standard and a more uniform pattern of development than those of the RT3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

b. **RT3 District.** The purpose of the RT3 district is to promote, preserve and protect neighborhoods intended primarily for two-family dwellings with a traditional urban character. This district, much like the RT4 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. However, it does not allow the establishment of new, multi-family buildings. The neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform than those of the RT4 district.

c. **RT4 District.** The purpose of the RT4 district is to promote, preserve and protect neighborhoods intended primarily for 2-family dwellings while also permitting a mixture of single-family dwellings and small multi-family dwellings of 3 or 4 units. This district, much like the RT3 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800s and early 1900s. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.

**3. MULTI-FAMILY RESIDENTIAL DISTRICTS.** a. **RM1-RM2 Districts.** The purpose of the RM1-RM2 districts is to promote, preserve and protect neighborhoods intended primarily for low- to medium-density multi-family uses with a more suburban character. These districts require larger lots, larger setbacks and a smaller lot coverage than the RM3 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RM3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.

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b. RM3 District. The purpose of the RM3 district is to promote, preserve, and protect neighborhoods intended primarily for medium-density residential uses with an urban character. This district, much like the RM4-RM7 districts, allows smaller lots, smaller setbacks and higher lot coverage than the RM1-RM2 districts. However, the neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform and of a lower density than those of the RM4-RM7 districts. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.

c. RM4-RM7 Districts. The purpose of the RM4-RM7 districts is to promote, preserve and protect neighborhoods intended primarily for high-density multi-family residential uses. These districts allow a wide range of lot sizes, smaller setbacks, and a high percentage of lot coverage. They also allow neighborhood-serving commercial establishments commonly found in urban neighborhoods.

4. RESIDENTIAL AND OFFICE DISTRICTS. a. RO1 District. The purpose of the RO1 district is similar to that of the RM1 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have larger setbacks and lower lot coverage than properties in the RO2 district. The neighborhoods found in this district feature a more uniform pattern of development than neighborhoods in the RO2 district. Neighborhoods in this district were platted and developed in large part in the mid- to late-1900s, with some areas recently developed.

b. RO2 District. The purpose of the RO2 district is similar to that of the RM7 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have smaller setbacks and greater lot coverage than properties in the RO1 district. The neighborhoods found in this district were platted and developed in large part in the late 1800s and early 1900s.

**295-503. Uses. 1. USE TABLE.** Table 295-503-1 indicates the use classifications for various land uses in the residential districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-503-1:

a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

| Table 295-503-1<br>RESIDENTIAL DISTRICTS USE TABLE |  |                                       |     |                  |     |     |         |         |            |
|--|--|---------------------------------------|-----|------------------|-----|-----|---------|---------|------------|
| Y = Permitted Use<br>S = Special Use               |  | L = Limited Use<br>N = Prohibited Use |     | Zoning Districts |     |     |         |         |            |
| Uses   |  | RS1-RS5                               | RS6 | RT1-RT2          | RT3 | RT4 | RM1-RM2 | RM3-RM7 | R01<br>R02 |
| <b>RESIDENTIAL USES</b>                            |  |                                       |     |                  |     |     |         |         |            |
| Single-family dwelling                             |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| Two-family dwelling                                |  | L                                     | L   | Y                | Y   | Y   | Y       | Y       | Y          |
| Multi-family dwelling                              |  | N                                     | N   | L                | L   | L   | Y       | Y       | Y          |
| Permanent supportive housing                       |  | N                                     | N   | N                | N   | N   | Y       | Y       | Y          |
| Transitional housing                               |  | N                                     | N   | N                | N   | S   | S       | S       | S          |
| Attached single-family dwelling                    |  | N                                     | N   | L                | L   | L   | Y       | Y       | Y          |
| Live-work unit                                     |  | N                                     | N   | N                | L   | L   | L       | L       | Y          |
| Mobile home  |  | N                                     | N   | N                | N   | N   | N       | N       | N          |
| Watchman/service quarters                          |  | N                                     | N   | N                | N   | N   | N       | N       | N          |
| Family day care home                               |  | L                                     | L   | L                | L   | L   | L       | L       | L          |
| <b>GROUP RESIDENTIAL USES</b>                      |  |                                       |     |                  |     |     |         |         |            |
| Rooming house                                      |  | N                                     | N   | N                | N   | S   | S       | S       | S          |
| Convent, rectory or monastery                      |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| Dormitory  |  | N                                     | N   | N                | N   | S   | S       | S       | S          |
| Fraternity or sorority                             |  | N                                     | N   | N                | N   | S   | S       | S       | S          |
| Adult family home                                  |  | L                                     | L   | L                | L   | L   | L       | L       | L          |
| <i>Foster Homes</i>                                |  |                                       |     |                  |     |     |         |         |            |
| Foster family home                                 |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| Small foster home                                  |  | L                                     | L   | L                | L   | L   | L       | L       | L          |
| Group home or group foster home                    |  | L                                     | L   | L                | L   | L   | L       | L       | L          |
| <i>Shelter Care Facilities</i>                     |  |                                       |     |                  |     |     |         |         |            |
| Family shelter care facility                       |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| Small group shelter care facility                  |  | L                                     | L   | L                | L   | L   | L       | L       | L          |
| Large group shelter care facility                  |  | N                                     | N   | N                | N   | S   | S       | S       | S          |
| Community living arrangement                       |  | L                                     | L   | L                | L   | L   | L       | L       | L          |
| <b>EDUCATIONAL USES</b>                            |  |                                       |     |                  |     |     |         |         |            |
| Day care center                                    |  | L                                     | L   | L                | L   | L   | L       | L       | L          |
| School, elementary or secondary                    |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| College  |  | N                                     | N   | N                | N   | S   | S       | S       | Y          |
| School, personal instruction                       |  | N                                     | L   | N                | L   | L   | N       | L       | Y          |
| <b>COMMUNITY-SERVING USES</b>                      |  |                                       |     |                  |     |     |         |         |            |
| Library  |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| Cultural institution                               |  | N                                     | L   | N                | L   | L   | L       | L       | L          |
| Community center                                   |  | N                                     | S   | N                | N   | S   | S       | S       | S          |
| Religious assembly                                 |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| Cemetery or other place of interment               |  | N                                     | N   | N                | N   | N   | N       | N       | N          |
| Public safety facility                             |  | Y                                     | Y   | Y                | Y   | Y   | Y       | Y       | Y          |
| Correctional facility                              |  | N                                     | N   | N                | N   | N   | N       | N       | N          |

| Table 295-503-1<br>RESIDENTIAL DISTRICTS USE TABLE                            |         |                  |         |     |     |         |         |     |     |
|---|---------|------------------|---------|-----|-----|---------|---------|-----|-----|
| Y = Permitted Use    L = Limited Use<br>S = Special Use    N = Prohibited Use |         | Zoning Districts |         |     |     |         |         |     |     |
| Uses  | RS1-RS5 | RS6              | RT1-RT2 | RT3 | RT4 | RM1-RM2 | RM3-RM7 | R01 | R02 |
| <b>COMMERCIAL AND OFFICE USES</b>   |         |                  |         |     |     |         |         |     |     |
| General office  | N       | L                | N       | L   | L   | N       | L       | Y   | Y   |
| Government office   | N       | L                | N       | L   | L   | N       | L       | Y   | Y   |
| Bank or other financial institution   | N       | L                | N       | L   | L   | N       | L       | Y   | Y   |
| Currency exchange, payday loan or title loan agency                           | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Installment loan agency   | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Cash-for-gold business  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Pawn shop   | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Retail establishment, general   | N       | L                | N       | L   | L   | N       | L       | L   | L   |
| Garden supply or landscaping center   | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Home improvement center   | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Secondhand store  | N       | N                | N       | N   | N   | N       | N       | S   | S   |
| Outdoor merchandise sales   | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Artist studio   | N       | L                | N       | L   | L   | N       | L       | Y   | Y   |
| Adult retail establishment  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b>                                 |         |                  |         |     |     |         |         |     |     |
| Medical office  | N       | L                | N       | L   | L   | N       | L       | Y   | Y   |
| Health clinic   | N       | N                | N       | N   | N   | N       | S       | S   | S   |
| Hospital  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Medical research laboratory   | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Medical service facility  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Social service facility   | N       | N                | N       | N   | S   | N       | S       | S   | S   |
| Emergency residential shelter   | N       | N                | N       | N   | N   | S       | S       | S   | S   |
| Nursing home  | N       | S                | N       | N   | S   | S       | S       | S   | S   |
| <b>GENERAL SERVICE USES</b>   |         |                  |         |     |     |         |         |     |     |
| Personal service  | N       | L                | N       | L   | L   | N       | L       | Y   | Y   |
| Business service  | N       | S                | N       | L   | S   | N       | S       | L   | L   |
| Catering service  | N       | L                | N       | L   | L   | N       | L       | L   | L   |
| Funeral home  | N       | L                | N       | L   | L   | N       | L       | Y   | Y   |
| Laundromat  | N       | N                | N       | L   | N   | N       | N       | L   | L   |
| Dry cleaning establishment  | N       | L                | N       | L   | L   | N       | L       | L   | L   |
| Furniture and appliance rental and leasing                                    | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Household maintenance and repair service                                      | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Tool/equipment rental facility  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| <i>Animal Services</i>  |         |                  |         |     |     |         |         |     |     |
| Animal hospital/clinic  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Animal boarding facility  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| Animal grooming or training facility  | N       | N                | N       | N   | N   | N       | N       | N   | N   |
| <b>MOTOR VEHICLE USES</b>   |         |                  |         |     |     |         |         |     |     |

| <b>Table 295-503-1</b><br><b>RESIDENTIAL DISTRICTS USE TABLE</b> |                                       |         |                         |         |     |     |         |         |            |
|--|---------------------------------------|---------|-------------------------|---------|-----|-----|---------|---------|------------|
| Y = Permitted Use<br>S = Special Use                             | L = Limited Use<br>N = Prohibited Use |         | <b>Zoning Districts</b> |         |     |     |         |         |            |
| <b>Uses</b>  |                                       | RS1-RS5 | RS6                     | RT1-RT2 | RT3 | RT4 | RM1-RM2 | RM3-RM7 | R01<br>R02 |
| <i>Light Motor Vehicle</i>                                       |                                       |         |                         |         |     |     |         |         |            |
| Sales facility   |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Rental facility  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Repair facility  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Body Shop  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Outdoor storage  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Wholesale facility   |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| <i>Heavy Motor Vehicle</i>                                       |                                       |         |                         |         |     |     |         |         |            |
| Sales facility   |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Rental facility  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Repair facility  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Body shop  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Outdoor storage  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| <i>General Motor Vehicle</i>                                     |                                       |         |                         |         |     |     |         |         |            |
| Filling station  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Car wash   |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Drive-through facility   |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| <i>Parking</i>   |                                       |         |                         |         |     |     |         |         |            |
| Parking lot, principal use                                       |                                       | N       | S                       | N       | N   | S   | S       | S       | S          |
| Parking lot, accessory use                                       |                                       | Y       | L                       | Y       | Y   | L   | Y       | L       | Y          |
| Parking structure, principal use                                 |                                       | N       | N                       | N       | N   | N   | N       | S       | S          |
| Parking structure, accessory use                                 |                                       | N       | N                       | N       | N   | N   | Y       | Y       | L          |
| Heavy motor vehicle parking lot, principal                       |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Heavy motor vehicle parking lot, accessory                       |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>                       |                                       |         |                         |         |     |     |         |         |            |
| Bed and breakfast  |                                       | S       | L                       | L       | L   | L   | L       | L       | Y          |
| Hotel, commercial  |                                       | N       | N                       | N       | N   | N   | N       | N       | S          |
| Hotel, residential   |                                       | N       | N                       | N       | N   | N   | N       | N       | Y          |
| Tavern   |                                       | N       | L                       | N       | L   | L   | N       | L       | S          |
| Brewpub  |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Assembly hall  |                                       | N       | N                       | N       | N   | N   | N       | N       | L          |
| Restaurant, sit-down   |                                       | N       | L                       | N       | L   | L   | N       | L       | Y          |
| Restaurant, fast-food/carry-out                                  |                                       | N       | L                       | N       | L   | L   | N       | L       | L          |
| <b>ENTERTAINMENT AND RECREATION USES</b>                         |                                       |         |                         |         |     |     |         |         |            |
| Park or playground   |                                       | Y       | Y                       | Y       | Y   | Y   | Y       | Y       | Y          |
| Festival grounds   |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |
| Recreation facility, indoor                                      |                                       | N       | N                       | N       | N   | N   | N       | S       | S          |
| Recreation facility, outdoor                                     |                                       | N       | N                       | N       | N   | N   | N       | N       | N          |

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| Table 295-503-1   |             |                  |             |     |     |             |             |     |     |
|---|-------------|------------------|-------------|-----|-----|-------------|-------------|-----|-----|
| RESIDENTIAL DISTRICTS USE TABLE   |             |                  |             |     |     |             |             |     |     |
| Y = Permitted Use      L = Limited Use<br>S = Special Use      N = Prohibited Use |             | Zoning Districts |             |     |     |             |             |     |     |
| Uses  | RS1-<br>RS5 | RS6              | RT1-<br>RT2 | RT3 | RT4 | RM1-<br>RM2 | RM3-<br>RM7 | R01 | R02 |
| Health club   | N           | N                | N           | N   | N   | N           | N           | Y   | Y   |
| Sports facility   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Gaming facility   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Theater   | N           | N                | N           | N   | N   | N           | N           | L   | L   |
| Convention and exposition center  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Marina  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Outdoor racing facility   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| <b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>                                |             |                  |             |     |     |             |             |     |     |
| Recycling collection facility   | N           | N                | N           | N   | N   | N           | N           | S   | S   |
| Mixed-waste processing facility   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Material reclamation facility   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Salvage operation, indoor   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Salvage operation, outdoor  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Wholesale and distribution facility, indoor                                       | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Wholesale and distribution facility, outdoor                                      | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| <i>Storage Facilities</i>   |             |                  |             |     |     |             |             |     |     |
| Indoor  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Self-service  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Outdoor   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Hazardous materials   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| <b>TRANSPORTATION USES</b>  |             |                  |             |     |     |             |             |     |     |
| Ambulance service   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Ground transportation service   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Passenger terminal  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Helicopter landing facility   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Airport   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Ship terminal or docking facility   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Truck freight terminal  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Railroad switching, classification yard or freight terminal                       | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| <b>INDUSTRIAL USES</b>  |             |                  |             |     |     |             |             |     |     |
| Alcohol beverage facility, micro  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Alcohol beverage facility, large  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Food processing   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Manufacturing, light  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Manufacturing, heavy  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Manufacturing, intense  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Research and development  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Processing or recycling of mined materials  | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Contractor's shop   | N           | N                | N           | N   | N   | N           | N           | N   | N   |
| Contractor's yard   | N           | N                | N           | N   | N   | N           | N           | N   | N   |

| <b>Table 295-503-1</b><br><b>RESIDENTIAL DISTRICTS USE TABLE</b>                    |         |                         |         |     |     |         |         |     |     |
|---|---------|-------------------------|---------|-----|-----|---------|---------|-----|-----|
| Y = Permitted Use      L = Limited Use<br>S = Special Use        N = Prohibited Use |         | <b>Zoning Districts</b> |         |     |     |         |         |     |     |
| <b>Uses</b>   | RS1-RS5 | RS6                     | RT1-RT2 | RT3 | RT4 | RM1-RM2 | RM3-RM7 | R01 | R02 |
| <b>AGRICULTURAL USES</b>  |         |                         |         |     |     |         |         |     |     |
| Plant nursery or greenhouse   | Y       | Y                       | Y       | Y   | Y   | Y       | Y       | Y   | Y   |
| Raising of livestock  | L       | L                       | L       | L   | L   | L       | L       | L   | L   |
| Community garden  | Y       | Y                       | Y       | Y   | Y   | Y       | Y       | Y   | Y   |
| Commercial farming enterprise   | S       | S                       | S       | S   | S   | S       | S       | S   | S   |
| <b>UTILITY AND PUBLIC SERVICE USES</b>  |         |                         |         |     |     |         |         |     |     |
| Broadcasting or recording studio  | N       | N                       | N       | N   | N   | N       | N       | N   | N   |
| Transmission tower  | L       | L                       | L       | L   | L   | L       | L       | L   | L   |
| Water treatment plant   | S       | S                       | S       | S   | S   | S       | S       | S   | S   |
| Sewage treatment plant  | N       | N                       | N       | N   | N   | N       | N       | N   | N   |
| Power generation plant  | N       | N                       | N       | N   | N   | N       | N       | N   | N   |
| Small wind energy system  | L       | L                       | L       | L   | L   | L       | L       | L   | L   |
| Solar farm  | Y       | Y                       | Y       | Y   | Y   | Y       | Y       | Y   | Y   |
| Substation/distribution equipment, indoor   | S       | S                       | S       | S   | S   | S       | S       | S   | S   |
| Substation/distribution equipment, outdoor  | L       | L                       | L       | L   | L   | L       | L       | L   | L   |
| <b>TEMPORARY USES</b>   |         |                         |         |     |     |         |         |     |     |
| Seasonal market   | L       | L                       | L       | L   | L   | L       | L       | L   | L   |
| Temporary real estate sales office  | L       | L                       | L       | L   | L   | L       | L       | L   | L   |
| Concrete/batch plant, temporary   | L       | L                       | L       | L   | L   | L       | L       | L   | L   |
| Live entertainment special event  | L       | L                       | L       | L   | L   | L       | L       | L   | L   |

**2. LIMITED USE STANDARDS.** a. Two-Family Dwelling. The premises was legally established and occupied as a 2-family dwelling as of October 1, 2002. If this standard is not met, a 2-family dwelling is a prohibited use.

b. Multi-Family Dwelling. b-1. In an RT1 to RT3 district, the premises was legally established and occupied as a multi-family dwelling as of October 1, 2002. If this standard is not met, a multi-family dwelling is a prohibited use.

b-2. In the RT4 district, not more than 4 dwelling units shall be permitted in a single building. If this standard is not met, a multi-family dwelling is a prohibited use.

c. Attached Single-Family Dwelling. c-1. In an RT1 to RT3 district, not more than 2 dwelling units may be attached to each other. If this standard is not met, an attached single-family dwelling is a prohibited use.

c-2. In the RT4 district, not more than 4 single-family dwellings may be attached to one another.

d. Live-work Unit. d-1. The activity and work area shall be accessory to the residential use of the dwelling unit.

d-2. The occupant of the unit shall be the primary person involved in the business or activity. Not more than 2 other full-time employees may use the live-work space.

d-3. Only goods produced in the live-work unit may be sold there.

d-4. No detached garage, shed or exterior space shall be used for the live-work activity.

d-5. Signage shall be limited to one non-illuminated wall sign of not more than 2 square feet in area.

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e. Family Day Care Home. e-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located. If this standard is not met, the facility is classified as a day care center and subject to the limited use standards for day care centers.

e-2. For a facility licensed by the state of Wisconsin, there shall be no other family day care home in the building as of April 6, 2001.

e-3. For a facility certified by Milwaukee county, there shall be no other family day care home in the building as of May 30, 2003.

e-4. The family day care home shall not operate between the hours of 12 a.m. and 6 a.m.

e-5. Signage shall be in conformance with s. 295-505-5-d.

f. Adult Family Home or Small Group Shelter Care Facility. f-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

f-2. Small Group Shelter Care Facility. f-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

f-2-b. The department of neighborhood services has received notification from the state of Wisconsin for application for licensure of the facility as a small group shelter care facility.

g. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

h. Group Home, Group Foster Home or Community Living Arrangement. h-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

h-2. If the use is located in an RS1 to RS6 or RT1 to RT3 district, not more than 8 clients shall reside on the premises. In all other residential districts, not more than 15 clients shall reside on the premises.

h-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

h-4. The department of neighborhood services has received notification from the state of Wisconsin for application for licensure of the facility as a group home, group foster home or community living arrangement.

h-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

i. Day Care. i-1. The day care center shall be located in a building containing an elementary or secondary school, religious assembly, community center, cultural institution or library, shall meet the minimum outdoor play space requirement of s. DCF 251.06(11), Wis. Adm. Code, and shall meet the off-street parking requirement for the existing principal use. If any of these standards are not met, a day care center is a special use.

i-2. Day care centers, including family day care homes classified as day care centers because they do not meet the standard of par. e-1, shall not be permitted in residential structures in the RS1 to RS6, RT1 to RT3 and RM1 and RM2 districts. In all other residential zoning districts, a day care center in a residential structure shall be classified as a special use.

i-3. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

i-4. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, religious assembly, community center, cultural



institution or library as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

j. Personal Instruction School, General Office, Government Office, Bank or Other Financial Institution, General Retail Establishment, Artist Studio, Medical Office, Personal Service, Business Service, Catering Service, Funeral Home, Laundromat, Dry Cleaning Establishment, Sit-down Restaurant or Fast-food/Carry-out Restaurant.

j-1. In the RS6, RT3, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, the use shall be classified as a special use. If the structure does not meet either the first or second of these standards, the use shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

j-2. In RO1 and RO2 districts, the use shall either:

j-2-a. Meet the conditions of subd. 1; or

j-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

j-3. The use shall not operate between the hours of 10 p.m. and 6 a.m. This provision shall not apply to a convenience store, personal service, sit-down restaurant or fast-food/carry-out restaurant which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

k. Cultural Institution. k-1. The use shall be located on an arterial or collector street.

k-2. The area of the site shall be at least 10,000 square feet.

L. Drive-through Facility. The facility shall be attached to a bank or other financial institution.

m. Parking Lot, Accessory Use. The parking lot shall not be located between a street façade of the principal building and a street lot line.

n. Parking Structure, Accessory Use. At least 50% of the street frontage of the street-level area shall be occupied by one or more other uses listed as permitted in the zoning district or otherwise approved by the board.

o. Bed and Breakfast. Not more than 2 guest rooms shall be permitted. In the "Milwaukee Bed and Breakfast District" (the area bounded by West Juneau Avenue, West Michigan Street, North 27<sup>th</sup> Street and North 35<sup>th</sup> Street), a maximum of 8 guest rooms shall be permitted.

p. Tavern. p-1. In the RS6, RT3, RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been occupied by such non-residential use within the past 12 months. If the structure meets the first 2 of these standards, but not the third, a tavern shall be classified as a special use. If the structure does not meet either the first or second of these standards, a tavern shall be classified as a prohibited use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.

p-2. In RO1 and RO2 districts, the use shall either:

p-2-a. Meet the conditions of subd. 1; or

p-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

q. Assembly Hall. q-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

q-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

q-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

r. Theater. The capacity of the theater building shall not exceed 49 persons.

s. Raising of Livestock. The use is limited to the raising of chickens or bees, as permitted under ch. 78.

t. Transmission Tower. t-1. The tower shall comply with the applicable provisions of s. 295-413.

t-2. If the tower is located in an RS1 to RS6 district or an RT1 to RT4 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit and shall be

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set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit may be allowed as a special use.

t-3. If the tower is located in an RM1 to RM3 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit or 150 feet, whichever is less, and shall be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

t-4. If the tower is located in an RM4 to RM7 district or an RO1 or RO2 district, the tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

u. Small Wind Energy System. The total height of the tower shall not be more than 10 feet higher than the maximum building height for the zoning district in which the tower is located.

v. Substation/Distribution Equipment, Outdoor. v-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

v-2. No structure associated with the use shall be located within 25 feet of a street lot line.

w. Seasonal Market. w-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.

w-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

w-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

w-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

w-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

w-6. The site shall be restored to its previous condition following termination of the market operation.

x. Temporary Real Estate Sales Office. x-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

x-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of this subchapter.

x-3. Customer-accessible restrooms shall be provided.

x-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.

y. Temporary Concrete/Batch Plant. y-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

y-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

y-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

y-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

y-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

y-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

z. Live Entertainment Special Event. z-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

z-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

z-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

**3. ACCESSORY USES.** a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot.

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted. b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Residential Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

c-8. The home occupation shall not involve explosives, fireworks or repair of motor vehicles including body work.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Roomers. Not more than 2 roomers shall be permitted in any dwelling unit.

**295-505. Design Standards. 1. INTRODUCTION.** The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in residential districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

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c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the “Principles of Urban Design” adopted by the city plan commission as part of the city’s comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Residential development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

**2. PRINCIPAL BUILDING STANDARDS.** a. Introduction. Principal building standards are established to ensure that new construction of principal buildings in residential districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for principal buildings are set forth in table 295-505-2. These standards apply to non-residential buildings as well as residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Front Setback Standards. b-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the front lot line that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 30% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall meet the standards of this paragraph. The remaining 70% or less of the front façade may be set back farther from the street than the required setback, but not closer to it.

b-2. Setback Average and Range. When table 295-505-2 specifies that the minimum front setback for a principal building in a residential district shall be determined by averaging, the front setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

b-3. Determination of “Front.” b-3-a. Interior Lot. The street frontage shall be the “front.”

b-3-b. Corner Lot. The “front” of a corner lot shall be along the same street as the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street lot line with the smallest dimension shall be the “front.” An interior lot separated by an alley or other public way not exceeding 20 feet in width from the corner lot being developed shall be considered to be immediately adjacent to that corner lot.

b-3-c. Through Lot. When a lot has only 2 street frontages and those frontages are on opposite sides of the lot, the “front” of the lot shall be along the same street as the fronts of the immediately adjacent interior lots. When the fronts of the immediately adjacent lots are on different streets, the permit applicant shall specify which street frontage is the “front.”

b-3-d. Lot with More than 2 Frontages. When a lot is bounded by more than 2 streets, the permit applicant shall specify which street frontage is the “front.”

b-4. Required Setback For New Construction. When table 295-505-2 requires use of an average to determine front setback, the average shall be determined using the most applicable of the following methods:

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| Table 295-505-2<br>PRINCIPAL BUILDING DESIGN STANDARDS   |  |                |        |       |       |       |       |                      |       |       |       |
|--|--|----------------|--------|-------|-------|-------|-------|----------------------|-------|-------|-------|
| Single-family Districts  |  |                |        |       |       |       |       | Two-family Districts |       |       |       |
|  |  | RS1            | RS2    | RS3   | RS4   | RS5   | RS6   | RT1                  | RT2   | RT3   | RT4   |
| Lot  | Lot area, minimum (sq. ft.)<br><i>detached housing</i>                   | 20,000         | 12,000 | 9,000 | 7,200 | 6,000 | 3,600 | 7,200                | 4,800 | 3,000 | 2,400 |
|  | Lot area, minimum (sq. ft.)<br><i>attached housing</i>                   | not applicable |        |       |       |       |       | 3,600                | 3,000 | 1,800 | 1,800 |
|  | Lot area, maximum (sq. ft.)  | none           | none   | none  | none  | none  | none  | none                 | none  | none  | none  |
|  | Lot width, minimum (ft.)<br><i>detached housing</i>                      | 100            | 100    | 75    | 60    | 50    | 30    | 60                   | 40    | 30    | 24    |
|  | Lot width, minimum (ft.)<br><i>attached housing</i>                      | not applicable |        |       |       |       |       | 30                   | 25    | 18    | 18    |
|  | Lot width, maximum (ft.)   | none           | none   | none  | none  | none  | none  | none                 | none  | none  | none  |
| Density  | Lot area per dwelling unit,<br>minimum (sq. ft.)                         | none           | none   | none  | none  | none  | 3,600 | 3,600                | 2,400 | 1,800 | 1,200 |
|  | Lot area per roomer or transitional<br>housing client, minimum (sq. ft.) | NA             | NA     | NA    | NA    | NA    | NA    | NA                   | NA    | NA    | 600   |
|  | Lot coverage, minimum <i>interior lot</i>                                | none           | none   | none  | none  | none  | *     | none                 | none  | *     | *     |
|  | Lot coverage, maximum <i>interior lot</i>                                | 15%            | 30%    | 30%   | 30%   | 30%   | 60%   | 30%                  | 30%   | 50%   | 70%   |
|  | Lot coverage, minimum <i>corner lot</i>                                  | none           | none   | none  | none  | none  | *     | none                 | none  | *     | *     |
|  | Lot coverage, maximum <i>corner lot</i>                                  | 15%            | 30%    | 30%   | 30%   | 40%   | 70%   | 40%                  | 40%   | 60%   | 85%   |
|  | Floor area, minimum<br>(sq. ft.) <i>one-story structure</i>              | 1,500          | 1,500  | 1,300 | 1,200 | 900   | none  | none                 | none  | none  | none  |
|  | Floor area, minimum<br>(sq. ft.) <i>split-level or taller</i>            | 1,900          | 1,900  | 1,700 | 1,450 | 1,200 | none  | none                 | none  | none  | none  |
| Height   | Height, minimum (ft.)  | none           | none   | none  | none  | none  | **    | none                 | none  | *     | *     |
|  | Height, maximum (ft.)  | 45             | 45     | 45    | 45    | 45    | 45    | 45                   | 45    | 45    | 48    |
| <p>*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.</p> <p>**A structure shall meet the minimum height requirements of table 295-505-2-i unless it is adjacent to a lot containing a one-story house, in which case there shall be no minimum height requirement.</p> |  |                |        |       |       |       |       |                      |       |       |       |

| Table 295-505-2<br>PRINCIPAL BUILDING DESIGN STANDARDS |  |   |   |   |         |  |                |   |         |   |  |
|--|--|---|---|---|---------|--|----------------|---|---------|---|--|
| Single -family Districts                               |  |   |   |   |         |  |                | Two-family Districts                              |         |   |  |
|  |  | RS1   | RS2   | RS3   | RS4     | RS5  | RS6            | RT1   | RT2     | RT3   | RT4  |
| Primary Frontage                                       | Front setback, minimum (ft.)<br>(see s. 295-505-2-b)           | average or<br>25 ft.,<br>whichever is<br>less     | average or<br>25 ft.,<br>whichever is<br>less | average   | average | average  | average        | average   | average | average   | average  |
|  | Front setback, maximum (ft.)<br>(see s. 295-505-2-b)           | none  | none  | none  | none    | average  | average        | none  | none    | average but never more than<br>20 ft.               |  |
|  | Side street setback, minimum (ft.)                             | 20% of lot width<br>but never more<br>than 20 ft. |   | 10% of lot width<br>but never more<br>than 15 ft. |         | 10% of lot width<br>but never more<br>than 6 ft. |                | 20% of lot width<br>but never more<br>than 20 ft. |         | 10% of lot<br>width but<br>never more<br>than 6 ft. | 3  |
|  | Side street setback, maximum (ft.)                             | none  | none  | none  | none    | none   | none           | none  | none    | none  | 15   |
| Side Setback   | North or west side setback, minimum (ft.)                      | 3   | 3   | 3   | 3       | 3  | 1.5            | 3   | 3       | 1.5   | 1.5  |
|  | South or east side setback, minimum (ft.)                      | 6   | 6   | 6   | 6       | 6  | 3.5            | 6   | 6       | 3.5   | 3.5  |
|  | Combined side setback, minimum (ft.)                           | 12  | 12  | 12  | 12      | 12   | 5              | 12  | 12      | 5   | 5  |
|  | Maximum depth of building<br>without side setback adjustment   | 50  | 50  | 50  | 50      | 50   | 75             | 50  | 50      | 75  | 100  |
|  | Max. no. of stories without<br>side or rear setback adjustment | 2   | 2   | 2   | 3       | 3  | 3              | 2   | 2       | 3   | 4  |
| Rear Setback   | Rear setback, minimum (ft.) <i>interior lot</i>                | 25  | 25  | 25  | 20      | 15   | 15             | 25  | 25      | 15  | 15   |
|  | Rear setback, minimum (ft.) <i>corner lot</i>                  | 25  | 25  | 25  | 15      | 10   | 10             | 20  | 20      | 10  | 10   |
|  | Rear street setback, minimum (ft.)<br>(see s. 295-505-2-e)     | average   | average                                       | average   | average | average  | average        | average   | average | average   | average  |
|  | Rear street setback, maximum (ft.)                             | none  | none  | none  | none    | none   | none           | none  | none    | none  | none   |
| Multiple principal residential buildings permitted?    |  | no  | no  | no  | no      | no   | same as<br>RT4 | no  | no      | no  | yes, if in existence<br>on Nov. 22, 2003;<br>otherwise, special<br>use |

| Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS  |   |   |   |   |   |   |   |  |   |   |
|--|---|---|---|---|---|---|---|--|---|---|
|  |   | Multi-family Districts                          |   |   |   |   |   |  | Residence & Office                              |   |
|  |   | RM1   | RM2   | RM3   | RM4   | RM5   | RM6   | RM7  | R01   | R02   |
| Lot  | Lot area, minimum (sq. ft.)<br><i>detached housing</i>                        | 3,600   | 3,600   | 3,000   | 2,400   | 2,400                                       | 2,400                                       | 2,400                                      | 3,600   | 2,400                                       |
|  | Lot area, minimum (sq. ft.)<br><i>attached housing</i>                        | 3,000   | 3,000   | 1,800   | 1,800   | 1,800                                       | 1,800                                       | 1,800                                      | 3,000   | 1,800                                       |
|  | Lot area, maximum (sq. ft.)   | none  | none  | none  | none  | none  | none  | none                                       | none  | none  |
|  | Lot width, minimum (ft.)<br><i>detached housing</i>                           | 40  | 40  | 30  | 24  | 24  | 24  | 24   | 30  | 24  |
|  | Lot width, minimum (ft.)<br><i>attached housing</i>                           | 25  | 25  | 18  | 18  | 18  | 18  | 18   | 25  | 18  |
|  | Lot width, maximum (ft.)  | none  | none  | none  | none  | none  | none  | none                                       | none  | none  |
| Density  | Lot area per dwelling unit, minimum (sq. ft.)                                 | 2,400   | 1,200   | 2,400 ea. (3 or more);<br>3,600 for 2;<br>1,800 for 1 | 1,200   | 800   | 400   | 150  | 2,400   | 400   |
|  | Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)** | 1,200; 2,400 for a unit with 2 or more bedrooms | 600; 1,200 for a unit with 2 or more bedrooms | 900; 1,800 for a unit with 2 or more bedrooms         | 600; 1,200 for a unit with 2 or more bedrooms | 400; 800 for a unit with 2 or more bedrooms | 200; 400 for a unit with 2 or more bedrooms | 75; 150 for a unit with 2 or more bedrooms | 1,200; 2,400 for a unit with 2 or more bedrooms | 200; 400 for a unit with 2 or more bedrooms |
|  | Lot area per roomer or transitional housing client, minimum (sq. ft.)**       | 1,200   | 600   | 900   | 600   | 400   | 200   | 75   | 1,200   | 200   |
|  | Lot coverage, minimum interior lot  | 15%   | 15%   | *   | *   | *   | *   | 20%  | 15%   | *   |
|  | Lot coverage, maximum interior lot  | 30%   | 50%   | 50%   | 70%   | 70%   | 70%   | 85%  | 30%   | none  |
|  | Lot coverage, minimum corner lot  | 15%   | 15%   | *   | *   | *   | *   | 20%  | 15%   | *   |
|  | Lot coverage, maximum corner lot  | 40%   | 60%   | 60%   | 85%   | 85%   | 85%   | 85%  | 40%   | none  |
|  | Floor area, minimum (sq. ft.)<br><i>One-story structure</i>                   | none  | none  | none  | none  | none  | none  | none                                       | none  | none  |
|  | Floor area, minimum (sq. ft.)<br><i>One-story structure</i>                   | none  | none  | none  | none  | none  | none  | none                                       | none  | none  |
| <p>*The requirements of table 295-505-2-i apply in lieu of the minimum lot coverage and minimum height requirements of this table.</p> <p>For premises with a mixture of residential types including either permanent supportive housing or transitional housing, the minimum lot area per dwelling unit or per roomer or Transitional housing client shall be calculated pursuant to s. 295-505-2-n</p> |   |   |   |   |   |   |   |  |   |   |

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| Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS |   |   |         |                                  |         |                                    |         |   |                    |         |
|---|---|---|---------|----------------------------------|---------|------------------------------------|---------|---|--------------------|---------|
| Multi-family Districts                              |   |   |         |                                  |         |                                    |         |   | Residence & Office |         |
|   |   | RM1                                       | RM2     | RM3                              | RM4     | RM5                                | RM6     | RM7   | R01                | R02     |
| HEIGHT  | Height, minimum (ft.)                                       | none                                      | none    | *                                | *       | *                                  | *       | 20  | none               | *       |
|   | Height, maximum (ft.)                                       | 45  | 45      | 45                               | 60      | 60                                 | 85      | 85; no limit if floor area ratio is less than 4:1 | 45                 | 85      |
| Primary Frontage                                    | Front setback, minimum (ft.) (see s. 295-505-2-b)           | average                                   | average | average                          | average | average                            | average | average   | average            | average |
|   | Front setback maximum (ft.) (see s. 295-505-2-b)            | none                                      | none    | average but not more than 20 ft. |         | average but never more than 15 ft. |         |   | none               | 15 ft.  |
|   | Side street setback, minimum (ft.)                          | 10% of lot width but not more than 15 ft. |         | 3                                | 3       | 3                                  | 3       | 3   | same as RM1-RM2    | none    |
|   | Side street setback, maximum (ft.)                          | none                                      | none    | 15                               | 15      | 15                                 | 15      | 15  | none               | none    |
| Side Setback  | North or west side setback, minimum (ft.)                   | 3   | 3       | 1.5                              | 1.5     | 1.5                                | 1.5     | 1.5   | 3                  | none    |
|   | South or east side setback, minimum (ft.)                   | 6   | 6       | 3.5                              | 3.5     | 3.5                                | 3.5     | 3.5   | 6                  | none    |
|   | Combined side setback, minimum (ft.)                        | 12  | 12      | 5                                | 5       | 5                                  | 5       | 5   | 12                 | none    |
|   | Maximum depth of building without side setback adjustment   | 50  | 50      | 75                               | 100     | 100                                | 100     | 100   | 50                 | none    |
|   | Max. no. of stories without side or rear setback adjustment | 2   | 2       | 3                                | 4       | 6                                  | 8       | 8   | 2                  | 8       |
| Rear Setback  | Rear setback, minimum (ft.) <i>interior lot</i>             | 25  | 25      | 20                               | 15      | 15                                 | 15      | 10  | 20                 | none    |
|   | Rear setback, minimum (ft.) <i>corner lot</i>               | 10  | 10      | 10                               | 10      | 10                                 | 10      | 10  | 10                 | none    |
|   | Rear street setback, minimum (ft.) (see s. 295-505-2-e)     | average                                   | average | average                          | average | average                            | average | average   | average            | average |
|   | Rear street setback, maximum (ft.)                          | none                                      | none    | none                             | none    | none                               | none    | none  | none               | none    |
| Multiple principal residential buildings permitted? |   | no  | no      | no                               | yes     | yes                                | yes     | yes   | yes                | yes     |



b-4-a. **Adjacent Structures.** Where immediately adjacent lots contain principal buildings, the front setback dimensions of those structures shall be averaged to establish the average front setback.

b-4-b. **No Adjacent Structures.** If one or both adjacent lots do not contain principal buildings, the average front setback shall be determined by averaging the front setbacks of the 2 nearest principal buildings located on the same blockface, on adjacent blockfaces on the same side of the street, on the blockface across the street or on the nearest similar street, in that order.

b-5. **Required Setback for Addition or Alteration.** b-5-a. In a case where portions of the existing structure are closer to the front street lot line than the nearest adjacent buildings, a new addition or alteration may come up to the portion of the structure closest to the front property line.

b-5-b. Where the existing structure is set back farther from the front property line than the nearest adjacent buildings, a new addition or alteration shall be permitted within the front setback range described in subd. 2 or may be placed up to any point between the existing front setback and the setback range.

b-5-c. No structure may be altered by removing a portion of the structure such that the front of the building will no longer be within the allowed setback range, or will be even farther from the permitted range than it already is.

b-6. **Atypical Properties.** b-6-a. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

b-6-b. When determining the required setback, the commissioner of neighborhood services shall exclude any building with a setback that is at least 25 percent less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

b-7. **Exclusion of Non-residential Buildings.** When determining the required setback for residential buildings, the commissioner of neighborhood services shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

b-8. **Adjustment Due to Topography.** Where a sloping front yard rises at least one foot for every 2 feet of run and application of the maximum front setback requirement would result in the front of the proposed building being placed on the slope or within 10 feet of the crest of the sloping front yard, the maximum front setback may be increased to not more than 10 feet back from the crest of the sloping front yard.

b-9. **Exception for All Non-Residential Uses.** There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

b-10. **Exception for Educational and Community-serving Uses.** Principal structures of educational and community-serving uses may be set back a distance greater than the maximum front setback otherwise required.

c. **Side Setback Standards.** c-1. **Minimum Setback for Property Adjacent to Developed Parcels or Alleys.** c-1-a. A new principal building on a property that is adjacent to another property containing an existing principal building located closer than 1.5 feet from the shared property line shall maintain a minimum dimension of 3 feet from such existing structure, even when table 295-505-2 allows the new structure to be less than 3 feet from the property line.

c-1-b. Where a side property line abuts an alley, the minimum setback shall be the lesser of the 2 required side setbacks.

c-2. **Adjustment for Buildings with Excessive Depth.** When a structure exceeds the maximum depth specified in table 295-505-2, as measured from the front façade of the building, 1.5 additional feet of side setback shall be required for each additional 10 feet of building depth. Only the portion of the structure which exceeds the maximum building depth shall be required to have the additional setback. This adjustment shall not apply on the side of a lot that abuts an alley or a side street.

c-3. **Adjustment for Buildings with Excessive Number of Stories.** As specified in table 295-505-2, 4 additional feet of side setback shall be required on each side for each additional story above the maximum number of stories allowed. Only stories above the maximum story shall be required to have these additional setbacks. This adjustment shall not apply on the side of a building that abuts an alley.

d. **Side Street Setback Standards.** d-1. **Build-to Line.** Where a maximum side street setback is specified, at least 30% of the side street façade shall be located between the minimum and maximum required setbacks.

d-2. **Exception for All Non-Residential Uses.** There shall be no minimum side street setback for a principal structure of any non-residential use located on a corner lot.

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d-3. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum side street setback specified in table 295-505-2.

e. Rear Street Setback Standards. e-1. Determination of Required Setback. There shall be no maximum rear street setback. The minimum rear street setback for both new construction and additions to existing structures shall be determined by using the most applicable of the following methods:

e-1-a. Adjacent Structures. Where immediately adjacent lots contain principal or accessory buildings, the rear street setback shall be calculated as the average of the distance between the rear-most façade element or roofed area of the adjacent buildings and the street property line.

e-1-b. No Adjacent Structures. Where one or both of the immediately adjacent lots do not contain buildings, the rear street setback shall be determined by averaging the rear street setbacks of the 2 nearest buildings located on the same blockface, in adjacent blockfaces on the same side of the street, in the blockface across the street or on the nearest similar street, in that order. Buildings included in this calculation may be either principal structures or accessory structures.

e-2. Setback Average and Range. When table 295-505-2 specifies that the minimum rear street setback for a principal building in a residential district shall be determined by averaging, the minimum rear street setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

e-3. Atypical Properties. e-3-a. When determining the required setback, the commissioner shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

e-3-b. When determining the required setback, the commissioner shall exclude any building with a setback that is at least 25 percent less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

e-4. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

f. Permitted Setback Intrusions. f-1. General. In order for buildings to have various features that provide variety, articulation and unique character, standards are established to allow certain elements of modest size to be placed in setback areas. These standards are found in table 295-505-2-f.

f-2. Porches. As used in table 295-505-2-f, the term "porch" refers to a covered, open-sided protrusion from the principal building. It does not refer to an enclosed porch, which is considered part of the principal building, or to an uncovered porch, which is considered a deck.

g. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

h. Building Height. h-1. Compliance with Minimum Height Requirement. At least 50% of a structure's roof shall meet the minimum height requirement. In the case of a pitched roof, this standard shall be applied to the ridge of the roof. In the case of a flat roof, this standard shall apply to the entire surface area of the roof.

h-2. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

h-2-a. Chimneys and flues.

h-2-b. Water towers or tanks other than those located on the roof of a building.

h-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

h-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

h-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

h-2-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is set back from side lot lines a distance equal to one-half the height of the building or portion thereof.

h-2-g. Transmission towers which are in compliance with the height-related standards of s. 295-503-2-r.

h-2-h. Buildings in the RM7 district which have a floor area ratio of less than 4:1.

h-2-i. Solar farms and solar arrays.

| <b>Table 295-505-2-f</b><br><b>PRINCIPAL BUILDING INTRUSIONS INTO SETBACK AREAS</b> |  |   |   |  |
|---|--|---|---|--|
| Type of Intrusion   | Front or Rear Street Setback   | Side Street Setback   | Side Setback  | Rear Setback   |
| Porch   | Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.  | Shall not encroach into required setbacks; however, stairs leading to a porch may encroach. | Up to 4 ft.; however, the porch shall not be more than 6 ft. wide or be closer than 3 ft. from the side property line and shall be open on all sides. | Shall not encroach into required setback; however, stairs leading to a porch may encroach. |
| Uncovered wheelchair ramp   | Permitted in setback only if:<br>1. The ramp has skirting material to screen the areas beneath the ramp.<br>2. The ramp is kept in a reasonably good state of repair and maintenance.<br>3. Trees or shrubs displaced by the ramp shall be relocated or replaced.                                  |   |   | Permitted anywhere in rear setback area.   |
| Uncovered wheelchair lift   | Permitted in setback only if:<br>1. Skirting with a minimum height of 4 feet is provided.<br>2. The lift is equipped to prevent lowering if the area beneath the lift is not clear of obstructions.<br>3. The lift has skirting material which prevents obstructions to the movement of the chair. |   |   |  |
| Planter   | Permitted anywhere in a setback area, but shall not exceed 4 feet in height.   |   |   |  |
| Air-conditioning condenser  | Not permitted unless set back at least 50 feet and entirely screened.  |   | Not permitted unless the use on the adjacent lot is non-residential or unless any dwelling on the adjacent lot is at least 15 feet from the lot line. | Permitted anywhere in rear setback area.   |
| Hood or awning  | Up to 6 feet   | Up to 6 feet  | Up to 4 feet, but not closer than 2 feet from any property line   |  |
| Eave  | Up to 4 feet   | Up to 4 feet  | Up to 2 feet, or one-half of the required setback, whichever is less.   | Up to 4 feet, but not closer than 2 feet from any property line.                           |
| Balcony   | Up to 4 feet   | Up to 4 feet  | Not permitted   | Up to 4 feet, but not closer than 2 feet from any property line.                           |
| Fire escape   | Not permitted  | Not permitted   | Permitted only along a side facing an alley   | Up to 6 feet, but not closer than 2 feet from any property line                            |
| Bay window  | Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line. Not more than one-third of the facade may have similar protrusions.  |   |   |  |
| Chimney   | Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line.  |   |   |  |

## 295-505-2-i Zoning

h-3. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

i. Lot Coverage. i-1. The lot coverage standards set forth in table 295-505-2 relate to the proportion of a lot occupied by principal buildings. Accessory structures shall not be included when determining principal building lot coverage.

i-2. Table 295-505-2-i provides minimum building height and minimum front façade width requirements that are to be applied, in certain zoning districts, in place of the lot coverage standards of table 295-505-2. The standards in table 295-505-2-i apply only to single-family, 2-family and multi-family dwellings.

i-3. For any interior lot in an RS4, RS5 or RS6 zoning district, the maximum lot coverage for a residential use or group residential use shall be as follows:

i-3-a. If the area of the lot is less than or equal to 1.3 times the average lot area of other lots on the blockface that are occupied by residential or group residential uses, the maximum lot coverage shall be as specified in table 295-505-2.

i-3-b. If the area of the lot is more than 1.3 times the average lot area of other lots on the blockface that are occupied by residential or group residential uses, the maximum lot coverage shall be 60% of the maximum lot coverage specified in table 295-505-2.

i-4. For any corner lot in an RS4, RS5 or RS6 zoning district, the maximum lot coverage for a residential use or group residential use shall be as follows:

i-4-a. If the area of the lot is less than or equal to 1.3 times the average lot area of other lots on both blockfaces that are occupied by residential or group residential uses, the maximum lot coverage shall be as specified in table 295-505-2.

i-4-b. If the area of the lot is more than 1.3 times the average lot area of other lots on both blockfaces that are occupied by residential or group residential uses, the maximum lot coverage shall be 60% of the maximum lot coverage specified in table 295-505-2.

j. Multiple Principal Buildings. j-1. Intent. Standards for properties with more than one principal building are established to recognize the various contexts in which this type of development occurs and to allow practical use and improvement of such properties. More than one principal residential building shall be permitted on a lot only as provided in table 295-505-2. Multiple principal non-residential buildings shall be permitted in all residential zoning districts. The standards of this paragraph apply to both multiple principal residential buildings and multiple principal non-residential buildings.

j-2. Distance Between Buildings. The front-to-back minimum distance between 2 principal residential buildings shall be 10 feet. The side-to-side minimum distance between 2 principal residential buildings shall be 5 feet. There shall be no required minimum distance between 2 principal non-residential buildings.

j-3. Side Setback. The minimum side setback shall be as specified in table 295-505-2.

j-4. Rear Setback. Where the rear of a property abuts an alley, the minimum rear setback shall be 4 feet, regardless of the requirement specified in table 295-505-2.

j-5. Lot Coverage. On a lot having multiple principal residential buildings, maximum lot coverage may be increased by up to an additional 15% as long as the accessory building lot coverage is reduced by a corresponding amount.

k. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-505-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit.

L. Design Features. L-1. Intent. The standards of this paragraph are intended to enable a residential building to be compatible with its context, as well as to encourage pedestrian-oriented residential development.

L-2. Entrance Door Orientation.

L-2-a. Standard. Every new principal building shall have an entrance door that faces a street.

L-2-b. Exception. A new principal building may have an entrance door that does not face a street if the building or building site includes physical features that clearly identify the location of the front entrance of the building and are readily visible from the public right-of-way. Examples of such features include, but shall not be limited to, covered stoops, porches, retaining walls and masonry planters.

L-3. Overhead Garage Doors Facing Streets. For any new building constructed in the RS6, RT3, RT4 and RM3-RM7 districts, an attached garage which has an overhead garage door that faces the street shall be set back at least 4 feet from the street façade of the main building mass. The following exceptions shall apply:

| <b>Table 295-505-2-i</b><br><b>MINIMUM RESIDENTIAL BUILDING FRONT FACADE WIDTH AND BUILDING HEIGHT</b>  |  |                       |                            |
|---|--|-----------------------|----------------------------|
| Lot width (ft.)   | Min. building front facade width (ft.) | Min. no. of stories * | Min. building height (ft.) |
| 25  | No requirement                         | 1                     | 20                         |
| 30  | No requirement                         | 1                     | 20                         |
| 31  | No requirement                         | 1                     | 20                         |
| 32  | No requirement                         | 1                     | 20                         |
| 33  | No requirement                         | 1                     | 20                         |
| 34  | No requirement                         | 1                     | 20                         |
| 35  | 20                                     | 1                     | 20                         |
| 36  | 22                                     | 1                     | 20                         |
| 37  | 22                                     | 1                     | 20                         |
| 38  | 24                                     | 1                     | 20                         |
| 39  | 24                                     | 1                     | 20                         |
| 40  | 24                                     | 1                     | 20                         |
| 41  | 24                                     | 1                     | 20                         |
| 42  | 24                                     | 1                     | 20                         |
| 43  | 24                                     | 1                     | 20                         |
| 44  | 24                                     | 1                     | 20                         |
| 45  | 24                                     | 1                     | 20                         |
| 46  | 26                                     | 2                     | 25                         |
| 47  | 28                                     | 2                     | 25                         |
| 48  | 30                                     | 2                     | 25                         |
| 49  | 30                                     | 2                     | 25                         |
| 50  | 32                                     | 2                     | 25                         |
| 51  | 32                                     | 2                     | 25                         |
| 52  | 34                                     | 2                     | 25                         |
| 53  | 34                                     | 2                     | 25                         |
| 54  | 34                                     | 2                     | 25                         |
| 55  | 36                                     | 2                     | 25                         |
| 56  | 36                                     | 2                     | 25                         |
| 57  | 38                                     | 2                     | 25                         |
| 58  | 38                                     | 2                     | 25                         |
| 59  | 40                                     | 2                     | 25                         |
| 60  | 40                                     | 2                     | 25                         |
| More than 60  | Width X 0.65                           | 2                     | 25                         |
| * If the structure is adjacent to a lot containing a one-story house, a one-story structure shall be permitted regardless of the width of the lot on which it is located. |  |                       |                            |

L-3-a. An overhead garage door may be flush with the street façade of the building if the building has a porch, floor-to-ceiling bay window, balcony, hood, canopy, integral planter, landscaping wall or other significant design feature or combination of features which extend at least 4 feet forward from the wall plane on which the door is placed. A garage door which is recessed within the thickness of the garage wall as a result of typical construction practices shall be considered “flush.”

L-3-b. An overhead garage door may be flush with the street façade of the building if at least 40% of the façade on which the door is located is comprised of windows.

L-4. Restricted Building Wall Materials. Unless otherwise noted herein, the following regulations apply to any non-industrial principal building or addition:

L-4-a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

L-4-b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building’s street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building’s rear, alley and interior lot line facades. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building’s rear, alley and interior lot line facades. For purposes of this subparagraph, the ground-level area of a one-story building is the lowest 12 feet of the building. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock or smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgerstone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material. This subparagraph shall not apply to a single- or 2-family dwelling.

L-4-e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk. This subparagraph shall not apply to a single- or 2-family dwelling.

m. Garage Door Setback. Garage doors shall be set back a minimum of 4 feet from alley lot lines.

n. Minimum Lot Area for Premises with Mixture of Dwelling Unit Types. n-1. Permanent Supportive Housing. Where permanent supportive housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula  $PSF = ((PN/RN) \times LSF)/PN$ , where:

n-1-a. PSF is the lot area, in square feet, per permanent supportive housing unit.

n-1-b. PN is the number of permanent supportive housing units.

n-1-c. RN is the total number of residential units both permanent supportive housing units other types of dwelling units.

n-1-d. LSF is total lot area, in square feet.

n-2. Transitional Housing. Where transitional housing is mixed with other types of dwelling units, the calculation of lot area per dwelling unit first requires that the lot area be prorated between the different housing types according to the number of units of each type, using the formula  $TSF = ((TN/2)/((TN/2) + GN)) \times LSF/TN$ , where:

n-2-a. TSF is the lot area, in square feet, per transitional housing client

n-2-b. TN is the total number of transitional housing clients

n-2-c. GN is the total number of dwelling units, not including transitional housing

n-2-d. LSF is total lot area, in square feet

**3. ACCESSORY STRUCTURE STANDARDS.** a. Introduction. The design standards for accessory structures in residential districts are set forth in table 295-505-3. These standards apply to accessory structures of permitted non-residential uses in residential districts, as well as to structures which are accessory to residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Principal Building Required. No accessory building shall be located on a lot not containing a principal building, unless the principal use of the lot is for the raising of livestock, a community garden or a commercial farming enterprise. If a principal building on a lot is removed, any accessory building on the lot shall also be removed within 60 days and the premises made compliant with this code.

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| Table 295-505-3<br>ACCESSORY STRUCTURE DESIGN STANDARDS |   |                             |   |   |  |  |                             |
|---|---|-----------------------------|---|---|--|--|-----------------------------|
|   | Garage  | Shed                        | Deck/stoop less than one foot above grade | Deck/stoop one to 3 feet above grade  | Deck/stoop 3 to 7 feet above grade                                       | Deck/stoop more than 7 feet above grade                                  | Open trellis or arbor       |
| Included in lot coverage calculation?                   | Yes   | Yes                         | No  | No  | Yes  | Yes  | No                          |
| Minimum front setback                                   | Same as principal building; if the garage door faces the front of the lot, an additional 4 ft. shall be required. | Same as principal building. | No restriction.                           | Same as principal building.   | Same as principal building.  | Same as principal building.  | No restriction.             |
| Minimum side street setback                             | Same as principal building, but not closer to side street than any existing principal building.                   |                             | No restriction.                           | Same as principal building.   |  | Same as principal building.  | No restriction.             |
| Minimum rear street setback                             | Average in accordance with s. 295-505-2-e   |                             |   |   |  | No restriction.  | No restriction.             |
| Minimum side setback when located in the side yard      | Same as principal building.   | Same as principal building. | No restriction.                           | Up to property line; however, all railings above 4 feet shall be at least 50% open. | 1.5 feet; however, all railings above 4 feet shall be at least 50% open. | Same as principal building.  | Same as principal building. |
| Minimum side setback when located in the rear yard      | 1.5 feet; 4 feet if access crosses side lot line from an alley.   | 1.5 feet.                   | No restriction.                           | No restriction.   | 1.5 feet; however, all railings above 4 feet shall be at least 50% open. | 1.5 feet; however, all railings above 4 feet shall be at least 50% open. | No restriction.             |

## 295-505-3 Zoning

| <b>Table 295-505-3</b><br><b>ACCESSORY STRUCTURE DESIGN STANDARDS</b> |  |  |   |                                      |   |  |                       |
|---|--|--|---|--------------------------------------|---|--|-----------------------|
|   | Garage   | Shed   | Deck/stoop less than one foot above grade | Deck/stoop one to 3 feet above grade | Deck/stoop 3 to 7 feet above grade                                      | Deck/stoop more than 7 feet above grade                  | Open trellis or arbor |
| Min. rear setback   | 4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley | 4 feet; may be reduced to 1.5 feet if there is no alley or no access from an alley | No restriction.                           | No restriction.                      | 1.5 feet; however, all railings above 4 feet shall be at least 50% open | 4 feet; may be reduced to 1.5 feet if there is no alley. | No restriction.       |
| Max. height of sidewall   | 10 feet  | 8 feet   | No restriction.                           | No restriction.                      | No restriction.   | 10 feet  | 8 feet                |
| Max. overall height   | 24 feet or the height of the principal building, whichever is less                 | 14 feet  | Not applicable.                           | Not applicable.                      | Not applicable.   | 14 feet  | 14 feet               |



c. **Maximum Lot Coverage.** See table 295-505-3 to determine which structures shall be included when calculating the lot coverage of accessory structures. The total lot coverage of all accessory structures which are subject to inclusion in the lot coverage calculation shall not exceed 15% of the lot area.

d. **Maximum Number.** Not more than 2 accessory buildings may be located on a single lot.

e. **Maximum Size.** For any lot occupied solely by a single-family or 2-family dwelling, no garage or deck shall exceed 1,000 square feet in area.

f. **Garages and Sheds.** f-1. **General.** An accessory building that is 150 square feet or less in area shall meet the requirements for sheds set forth in table 295-505-3. An accessory building that is greater than 150 square feet in area shall meet the requirements for garages set forth in table 295-505-3. A carport or similar roofed structure shall meet the requirements for either garages or sheds, depending on the size of the structure.

f-2. **Location.** A garage or shed may be located in the rear yard of the principal structure. A garage or shed may also be located in the side yard, provided it is not in the required side setback area of the principal structure. Garages and sheds shall not be permitted in front yards.

f-3. **Roof Overhang.** A roof overhang may project into a required setback area up to one-third of the required setback. Gutters shall not be considered part of a roof overhang.

f-4. **Dormers.** Dormers shall be permitted provided that, in the aggregate, they are no wider than half of the length of the roof, begin no closer than 4 feet from either of the gable ends and have a roof pitch of at least 3:12.

f-5. **Sidewall Height.** The maximum height of a garage or shed sidewall shall be as specified in table 295-505-3. The height of a sidewall shall be measured from the level of the grade to a horizontal line even with the bottom edge of the fascia board. Where rafter tails are exposed, measurement shall be to a horizontal line even with the bottom edge of the rafters.

f-6. **Parapet Walls.** A parapet wall on a flat-roofed garage may extend up to 2 feet above the permitted sidewall height.

f-7. **Rooftop Decks.** Railings for a rooftop deck may extend up to 3.5 feet above the maximum sidewall height if they are at least 50% open. Portions of a parapet wall may also extend up to 3.5 feet above the permitted sidewall height if these sections are no wider than half the width of the side of the garage on which they are located.

f-8. **Roof Type.** A shed may have a gambrel-style roof. A garage may have a gambrel-style roof only if the principal building has a gambrel-style roof. When a gambrel-style roof is used, its pitch shall be similar to the roof pitch of the principal building.

f-9. **Attachment to Principal Building.** A garage or shed may be attached to a principal building. If an attached garage or shed has no second-floor living space, it shall be included in the lot coverage calculation for accessory structures, rather than the lot coverage calculation for the principal building. In addition, an attached garage or shed with no second-floor living space shall be subject to the setback requirements for an accessory building, rather than the setback requirements for a principal building.

f-10. **Exception for Small Lots.** Notwithstanding the limitations of subd. 1, a garage shall be permitted to have an area of at least 484 square feet.

g. **Uncovered Wheelchair Lifts and Ramps.** Uncovered wheelchair lifts and ramps shall be permitted within required setback areas in accordance with the provisions of table 295-505-2-f. Adjacent deck areas shall also be in compliance with the applicable provisions of this table. Uncovered wheelchair lifts and ramps shall not be included in the calculation of lot coverage of accessory structures.

h. **Decks and Stoops.** h-1. **General.** Decks and stoops shall meet the requirements set forth in table 295-505-3. Decks and stoops are classified into the following 4 categories on the basis of height above grade:

h-1-a. At grade to not more than one foot above grade.

h-1-b. More than one foot above grade to not more than 3 feet above grade.

h-1-c. More than 3 feet above grade to not more than 7 feet above grade.

h-1-d. More than 7 feet above grade.

h-2. **Exception.** Notwithstanding the requirements of table 295-505-3, a principal building may have a deck or stoop up to 3 feet above grade in the front or side street setback provided the area of the deck or stoop does not exceed 25 square feet.

h-3. **Stairs.** Stairs leading to a permitted deck, stoop or building entrance may be located in a required setback area.

h-4. **Deck Skirting.** Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

h-4-a. The deck is more than 30 feet from any property line.

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h-4-b. The deck is located within 3 feet of a property line and an opaque fence at least 4 feet high is present or is constructed along that property line such that the view of the deck from the neighboring property or public way is obscured.

h-4-c. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

i. Open Trellises and Arbors. An open trellis or arbor may be located in the front yard, side yard or rear yard in accordance with table 295-505-3.

j. Children's Playhouse. A playhouse shall not be subject to any of the regulations of this subsection, except that no playhouse shall be located in the front yard or the required side setback.

k. Swimming Pools. An in-ground or above-ground swimming pool shall not be subject to any of the regulations of this subsection, except that no swimming pool shall be located in the front yard or the required side setback.

L. Mechanical Equipment. L-1. Permitted Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers, satellite dishes and utility boxes shall be permitted only in portions of side yards and rear yards outside required setback areas. Air conditioning condensers may also be placed in the required setback areas of principal buildings to the extent allowed by table 295-505-2-f.

L-2. Wood-burning Furnaces. Because of their potential to create adverse off-site effects, outdoor wood-burning furnaces are prohibited in all residential districts.

m. Portable Moving and Storage Containers. No portable moving and storage container shall be placed on a lot in a residential zoning district for more than 30 days.

n. Chicken Coops. Chicken coops, under s. 78-6.5, shall not be subject to any of the regulations of this subsection if the covered portion of the coop is 50 square feet or less in size and 10 feet or less in height.

o. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

p. Accessory Structures for Agricultural Uses. p-1. Permitted Structures. The following accessory structures supporting the raising of livestock, a community garden or a commercial farming enterprise shall be permitted:

p-1-a. Sheds.

p-1-b. Large agricultural structures.

p-1-c. Hoop houses.

p-2. Maximum Number. Not more than one shed and one large agricultural structure may be located on a single lot. The number of hoop houses on a single lot is unlimited.

p-3. Lot Coverage. The total lot coverage of all sheds, large agricultural structures and hoop houses on a single lot shall not exceed 70% of lot area. The total lot coverage of sheds and large agricultural structures on a single lot shall not exceed 15% of lot area.

p-4. Setbacks. p-4-a. The minimum front setback, side street setback or rear street setback for a shed, large agricultural structure or hoop house shall be the average plus 5 feet.

p-4-b. The minimum side setback or rear setback for a shed, large agricultural structure or hoop house shall be 5 feet.

p-5. Maximum Height. p-5-a. The maximum height of the sidewall of an agricultural accessory structure shall be 8 feet for a shed, 10 feet for a large agricultural structure and 14 feet for a hoop house.

p-5-b. The maximum overall height of an agricultural accessory structure shall be 10 feet for a shed, 14 feet for a hoop house, 14 feet for a large agricultural structure on a vacant lot, and 24 feet or the height of the principal building for a large agricultural structure on a lot containing a principal building.

q. Other Accessory Structures. Miscellaneous accessory structures shall meet the requirements applicable to the most similar accessory building or site feature for which requirements have been established.

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in residential zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a residential zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. Parking spaces may be located in a rear yard or the portion of a side yard that is beyond the required setback. Parking spaces shall not be located within the front yard or in the side setback, rear street setback or side street setback of the principal building.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family, 2-family dwelling or community living arrangement with 8 or fewer clients.

b-5. Commercial Vehicles. Not more than one commercial vehicle may be parked on a lot in a single-family, 2-family or multi-family zoning district.

b-6. Recreational Vehicles. Not more than one recreational vehicle, other than a motorcycle or snowmobile, may be parked on a lot in a single-family, 2-family or multi-family district.

b-7. Maximum Vehicle Length, Vehicle Height and Number of Wheels. No vehicle in excess of 22 feet in length, or in excess of 10 feet in height or with more than 6 wheels may be parked on a lot in a single-family, 2-family or multi-family district.

b-8. Tow Trucks. No tow truck may be parked on a lot in a single-family, 2-family or multi-family zoning district unless the tow truck is parked inside a building.

b-9. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Location. An access drive leading to parking spaces in a permitted rear-yard or side-yard location may be located in a required setback area. An access drive which leads to permitted parking spaces may also be used for parking, but any such parking shall not count toward the parking-space requirements of s. 295-403-2. An access drive may be placed directly adjacent to an interior side property line.

c-2. Configuration. An access drive shall generally traverse the front property line at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-3. Width. An access drive traversing the side yard to a permitted parking area of a residential building shall not exceed 18 feet in width. An access drive leading to an overhead garage door facing the street shall be not more than 2 feet wider, on each side, than the door being served.

c-4. Shared Drives. For any single-family or 2-family dwelling, an access drive to the abutting public street may be shared with an adjoining single-family or 2-family dwelling provided there exists a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the shared drive and which assigns responsibility for maintenance of the drive.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 3 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a residential zoning district. As in commercial and industrial zoning districts, parking lots, dumpsters and other unsightly site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. Parking Lots. All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened with type "G" landscaping, as described in s. 295-405, or shall be incorporated into the structure it serves.

f. Fences. f-1. General. Fences shall be permitted anywhere on a lot in a residential zoning district, including along property lines. For purposes of this paragraph, the term "fence" shall include a wall or similar structure.

f-2. Fences in Front Yards. A fence located in a front yard shall not exceed 4 feet in height. However, an ornamental metal fence may be erected to a height of 6 feet. Such ornamental fence may include piers constructed of masonry, wood or other approved materials, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

f-3. Fences in Side Yards. A fence located in a side yard shall not exceed 4 feet in height. However, a fence may be erected to a height of 6 feet if the entire fence is constructed of chain link, wrought iron or similar open construction or if the area above 4 feet high is at least 50% open. An example of the latter is a fence that is opaque to a height of 4 feet and is topped with not more than 2 feet of wood lattice. Any side-yard fence may be erected to a height of 6 feet if it is located more than 10 feet from a side lot line.

## 295-505-5 Zoning

- f-4. Fences in Rear Yards. A fence located in a rear yard may be erected to a height of 6 feet. However, if the fence is located along a side street or rear street, it shall also comply with subd. f-5.
- f-5. Fences Along Side Streets and Rear Streets. A fence located along a side street or rear street property line shall not exceed 4 feet in height, with the following exceptions:
  - f-5-a. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless the fence has been erected in accordance with the applicable provisions of ch. 245.
  - f-5-b. An ornamental fence may be erected to a height of 6 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.
- f-6. Fences Enclosing Swimming Pools. A fence which encloses a swimming pool shall also comply with all department of neighborhood services rules and regulations for swimming pools.
- f-7. Higher Fences on Abutting Properties. Where a fence is located along a lot line that abuts another property, and a higher fence is permitted directly across the property line on that property, the fence may be erected to the height permitted on the abutting property.
- f-8. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.
- f-9. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.
- f-10. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirements of s. 295-405.
- f-11. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.
- f-12. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.
- f-13. Fences or Retaining Walls Extending into Public Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.
- f-14. Prohibited Fence Materials. Barbed-wire, concertina-wire and razor-wire fences are prohibited.
- g. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or other street shall comply with the vision triangle regulations of s. 295-405-3.
- h. Lighting. The regulations for lighting in residential zoning districts are set forth in s. 295-409.
- 5. SIGNS. a. General. The design standards for signs in residential districts, except RO1 and RO2 districts, shall be based on the use of the property, as set forth in table 295-505-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B." General standards for each of these categories are found in s. 295-407. The provisions of this subsection explain, qualify or specify exceptions to the standards in table 295-505-5, which pertain specifically to type "A" and type "B" signs in residential zoning districts.
  - b. Signs for Dwellings. b-1. Single-family, 2-family and 3-family Dwellings. Except for permitted temporary signs, no other signage shall be allowed.
  - b-2. Multi-family Dwellings. Internally illuminated signs shall be prohibited.
  - c. Elementary and Secondary Schools, Colleges and Religious Assembly. c-1. Changeable Message Signs. Changeable message signs, both automatic and manual, shall be permitted.
  - c-2. Bonus Provision for Freestanding Signs. The maximum display area for a freestanding sign at an elementary or secondary school, college or religious assembly may be increased by up to 50% if the following conditions are met:
    - c-2-a. Not more than one freestanding sign may be erected on the premises.
    - c-2-b. The premises shall have at least 240 feet of continuous street frontage.
    - c-2-c. The base of the sign shall be at least as wide as the display surface of the sign.
    - c-2-d. Any illumination directed at the sign shall be shielded so that the source of illumination is not visible from any property line.
    - c-2-e. The sign shall be set back at least 30 feet from any residential use.
  - d. Family Day Care Homes. Signs shall not be permitted.

| <b>Table 295-505-5</b><br><b>RESIDENTIAL DISTRICT SIGN STANDARDS *</b>   |   |  |
|--|---|--|
|  | Elementary and secondary schools, colleges and religious assembly | All other permitted uses except single-family, 2-family and 3-family dwellings, family day care homes and bed and breakfast establishments |
| <i>Freestanding Signs</i>  | <i>permitted</i>  | <i>permitted</i>   |
| Maximum number   | 1 per site  | 1 per site   |
| Type "A" max. display area (sq. ft.)   | 32  | 24   |
| Type "B" max. display area (sq. ft.)   | 18  | 18   |
| Maximum height   | 6   | 6  |
| <i>Wall Signs</i>  | <i>permitted</i>  | <i>permitted</i>   |
| Maximum number   | 1 per principal building  | 1 per street frontage  |
| Type "A" max. display area (sq. ft.)   | No limit  | 36   |
| Type "B" max. display area (sq. ft.)   | 18  | 18   |
| <i>Projecting Signs</i>  | <i>permitted</i>  | <i>permitted</i>   |
| Maximum number   | 1 per principal building  | 1 per principal building   |
| Type "A" max. display area (sq. ft.)   | 24  | 24   |
| Type "B" max. display area (sq. ft.)   | 12  | 12   |
| <i>Awning Signs</i>  | <i>type "A" permitted only</i>                                    | <i>type "A" permitted only</i>   |
| Maximum number   | 1 per principal building  | 1 per principal building   |
| Type "A" max. display area (sq. ft.)   | 10  | 10   |
| <i>Canopy and Hood Signs</i>   | <i>permitted</i>  | <i>permitted</i>   |
| Maximum number   | 1 per principal building  | 1 per street frontage  |
| Type "A" max display area (sq. ft.)  | 24  | 24   |
| Type "B" max. display area (sq. ft.)   | 12  | 12   |
| <i>Roof Signs</i>  | <i>not permitted</i>  | <i>not permitted</i>   |
| <i>Off-premise Signs</i>   | <i>not permitted</i>  | <i>not permitted</i>   |
| * Signs in the RO1 and RO2 districts shall comply with the sign standards for the NS1 and NS2 districts, respectively. |   |  |

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e. Bed and Breakfast Establishments. A bed and breakfast establishment may have one internally-illuminated sign or one externally-illuminated type "B" sign, provided the sign does not exceed 6 square feet in area.

f. Signs in the RO1 and RO2 Districts. All signs in the RO1 district shall comply with the sign standards for the NS1 district. All signs in the RO2 district shall comply with the sign standards for the NS2 district.

g. Construction or Vacant Land. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

| Zoning District | Max. Sign Area |
|-----------------|----------------|
| RS1-RS6         | 36 sq. ft.     |
| RT1-RT4         | 36 sq. ft.     |
| RM1-RM3         | 36 sq. ft.     |
| RM4-RM6         | 48 sq. ft.     |
| RM7, R01-R02    | 72 sq. ft.     |

h. Sale or Lease of Improved Real Estate. A sign to advertise the sale or lease of a building or other improved real estate shall be permitted provided it does not exceed 6 square feet in area.

i. Vision Triangles. All signs in residential districts shall comply with the vision triangle regulations of s.295-405-3.

j. Additional Regulations. See s. 295-407 for additional regulations for on-premise signs.

**[Pages 801 to 810 are blank]**

## SUBCHAPTER 6 COMMERCIAL DISTRICTS

**295-601. Purposes.** For the purpose of regulating the use of land in the city of Milwaukee and to provide for the orderly growth and development of the city, the following commercial zoning districts are established:

**1. NEIGHBORHOOD SHOPPING DISTRICTS (NS1-NS2).** These districts provide for residential uses as well as commercial uses that serve the neighborhood. Such commercial uses are necessary to satisfy basic shopping and service needs that occur frequently and must, therefore, be located close to residential areas. The character of these districts is intended to be compatible with that of surrounding residential neighborhoods. Buildings in these districts are typically smaller in scale than those found in local business districts. The NS1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the NS2 district tends to be more urban, with smaller lots and smaller setbacks.

**2. LOCAL BUSINESS DISTRICTS (LB1-LB3).** These districts provide a wide range of goods and services to a large consumer population coming from an extensive area. Within these districts, motor-vehicle-related activities are of major significance. Good access by motor vehicle or public transit is important to local business districts, which are often located adjacent to intersections of major thoroughfares and in close proximity to bus transfer locations. The LB1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the LB2 district tends to be more urban, with smaller lots and smaller setbacks. The LB3 district is the most urban and is characterized by design standards appropriate for neighborhood commercial hubs, centers, corridors and transit-oriented development areas that have a denser level of development and may have taller buildings, all of which promote compact, walkable, sustainable neighborhoods.

**3. REGIONAL BUSINESS DISTRICTS (RB1-RB2).** These districts provide areas where regional or city-wide shopping, employment or high-density residential uses may occur. These districts allow large-scale and tall buildings. They also have a high intensity of land use and may contain nodes of development that can be effectively served by public transportation. The RB1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the RB2 district tends to be more urban, with smaller lots and smaller setbacks.

**4. COMMERCIAL SERVICE (CS).** This district is intended to provide areas where businesses and personal service establishments can be accommodated, but where extensive retail activities are not warranted by city plans.

**295-603. Uses. 1. USE TABLE.** Table 295-603-1 indicates the use classifications for various land uses in the commercial districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-603-1:

a. "AY" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

**295-603-1 Zoning**

| <b>Table 295-603-1<br/>COMMERCIAL DISTRICTS USE TABLE</b> |                                   |                         |     |     |     |     |     |    |  |
|---|-----------------------------------|-------------------------|-----|-----|-----|-----|-----|----|--|
| Y=Permitted Use<br>S=Special Use                          | L=Limited Use<br>N=Prohibited Use | <b>Zoning Districts</b> |     |     |     |     |     |    |  |
| <b>Uses</b>   | NS1                               | NS2                     | LB1 | LB2 | LB3 | RB1 | RB2 | CS |  |
| <b>RESIDENTIAL USES</b>                                   |                                   |                         |     |     |     |     |     |    |  |
| Single-family dwelling                                    | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Two-family dwelling                                       | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Multi-family dwelling                                     | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Permanent supportive housing                              | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Transitional housing                                      | S                                 | S                       | S   | S   | S   | S   | S   | S  |  |
| Attached single-family dwelling                           | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Live-work unit  | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Mobile home   | N                                 | N                       | N   | N   | N   | N   | N   | N  |  |
| Watchman/service quarters                                 | N                                 | N                       | N   | N   | N   | N   | N   | N  |  |
| Family day care home                                      | L                                 | L                       | L   | L   | L   | L   | L   | L  |  |
| <b>GROUP RESIDENTIAL USES</b>                             |                                   |                         |     |     |     |     |     |    |  |
| Rooming house   | S                                 | S                       | S   | S   | S   | S   | S   | S  |  |
| Convent, rectory or monastery                             | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Dormitory   | S                                 | S                       | S   | S   | S   | S   | S   | S  |  |
| Fraternity or sorority                                    | S                                 | S                       | S   | S   | S   | S   | S   | S  |  |
| Adult family home   | L                                 | L                       | L   | L   | L   | L   | L   | L  |  |
| <i>Foster Homes</i>                                       |                                   |                         |     |     |     |     |     |    |  |
| Foster family home  | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Small foster home   | L                                 | L                       | L   | L   | L   | L   | L   | L  |  |
| Group home or group foster home                           | L                                 | L                       | L   | L   | L   | L   | L   | L  |  |
| <i>Shelter Care Facilities</i>                            |                                   |                         |     |     |     |     |     |    |  |
| Family shelter care facility                              | Y                                 | Y                       | Y   | Y   | Y   | Y   | Y   | Y  |  |
| Small group shelter care facility                         | L                                 | L                       | L   | L   | L   | L   | L   | L  |  |
| Large group shelter care facility                         | S                                 | S                       | S   | S   | S   | S   | S   | S  |  |
| Community Living Arrangement                              | L                                 | L                       | L   | L   | L   | L   | L   | L  |  |



| Table 295-603-1<br>COMMERCIAL DISTRICTS USE TABLE   |                                   |                  |     |     |     |     |     |    |
|---|-----------------------------------|------------------|-----|-----|-----|-----|-----|----|
| Y=Permitted Use<br>S=Special Use                    | L=Limited Use<br>N=Prohibited Use | Zoning Districts |     |     |     |     |     |    |
| USES  | NS1                               | NS2              | LB1 | LB2 | LB3 | RB1 | RB2 | CS |
| <b>EDUCATIONAL USES</b>                             |                                   |                  |     |     |     |     |     |    |
| Day care center                                     | S                                 | S                | S   | S   | S   | S   | S   | S  |
| School, elementary or secondary                     | S                                 | S                | S   | S   | S   | S   | S   | S  |
| College   | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| School, personal instruction                        | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| <b>COMMUNITY-SERVING USES</b>                       |                                   |                  |     |     |     |     |     |    |
| Library   | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Cultural institution                                | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Community center                                    | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Religious assembly                                  | S                                 | S                | S   | S   | S   | Y   | Y   | Y  |
| Cemetery or other place of interment                | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Public safety facility                              | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Correctional facility                               | N                                 | N                | N   | N   | N   | N   | N   | N  |
| <b>COMMERCIAL AND OFFICE USES</b>                   |                                   |                  |     |     |     |     |     |    |
| General office                                      | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Government office                                   | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Bank or other financial institution                 | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Currency exchange, payday loan or title loan agency | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Installment loan agency                             | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Cash-for-gold business                              | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Pawn shop   | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Retail establishment, general                       | L                                 | L                | L   | L   | L   | L   | L   | L  |
| Garden supply or landscaping center                 | N                                 | N                | Y   | Y   | Y   | Y   | Y   | Y  |
| Home improvement center                             | N                                 | N                | S   | S   | S   | Y   | Y   | Y  |
| Secondhand store                                    | L                                 | L                | L   | L   | L   | L   | L   | L  |
| Outdoor merchandise sales                           | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Artist studio                                       | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Adult retail establishment                          | N                                 | N                | N   | N   | N   | S   | S   | N  |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b>       |                                   |                  |     |     |     |     |     |    |
| Medical office                                      | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Health clinic                                       | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Hospital  | N                                 | N                | S   | S   | S   | S   | S   | S  |
| Medical research laboratory                         | N                                 | N                | S   | S   | S   | S   | S   | Y  |
| Medical service facility                            | N                                 | N                | S   | S   | S   | S   | S   | S  |
| Social service facility                             | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Emergency residential shelter                       | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Nursing home  | S                                 | S                | Y   | Y   | Y   | Y   | Y   | Y  |
| <b>GENERAL SERVICE USES</b>                         |                                   |                  |     |     |     |     |     |    |
| Personal service                                    | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Business service                                    | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Catering service                                    | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Funeral home  | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Laundromat  | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |

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| Table 295-603-1<br>COMMERCIAL DISTRICTS USE TABLE |                                   |     |                  |     |     |     |     |    |
|---|-----------------------------------|-----|------------------|-----|-----|-----|-----|----|
| Y=Permitted Use<br>S=Special Use                  | L=Limited Use<br>N=Prohibited Use |     | Zoning Districts |     |     |     |     |    |
| USES  | NS1                               | NS2 | LB1              | LB2 | LB3 | RB1 | RB2 | CS |
| Dry cleaning establishment                        | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |
| Furniture and appliance rental and leasing        | S                                 | S   | Y                | Y   | Y   | Y   | Y   | Y  |
| Household maintenance and repair service          | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |
| Tool/equipment rental facility                    | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |
| <i>Animal Services</i>                            |                                   |     |                  |     |     |     |     |    |
| Animal hospital/clinic                            | L                                 | L   | L                | L   | L   | L   | L   | L  |
| Animal boarding facility                          | L                                 | L   | L                | L   | L   | L   | L   | L  |
| Animal grooming or training facility              | L                                 | L   | L                | L   | L   | L   | L   | L  |
| <b>MOTOR VEHICLE USES</b>                         |                                   |     |                  |     |     |     |     |    |
| <i>Light Motor Vehicle</i>                        |                                   |     |                  |     |     |     |     |    |
| Sales facility                                    | N                                 | N   | S                | S   | S   | Y   | Y   | S  |
| Rental facility                                   | L                                 | L   | L                | L   | L   | Y   | Y   | Y  |
| Repair facility                                   | N                                 | N   | S                | S   | S   | S   | S   | S  |
| Body shop   | N                                 | N   | S                | S   | S   | S   | S   | S  |
| Outdoor storage                                   | N                                 | N   | S                | S   | S   | S   | S   | S  |
| Wholesale facility                                | L                                 | L   | L                | L   | L   | L   | L   | L  |
| <i>Heavy Motor Vehicle</i>                        |                                   |     |                  |     |     |     |     |    |
| Sales facility                                    | N                                 | N   | S                | S   | S   | S   | S   | S  |
| Rental facility                                   | N                                 | N   | S                | S   | S   | S   | S   | S  |
| Repair facility                                   | N                                 | N   | N                | N   | N   | S   | S   | N  |
| Body shop   | N                                 | N   | N                | N   | N   | S   | S   | N  |
| Outdoor storage                                   | N                                 | N   | N                | N   | N   | S   | S   | N  |
| <i>General Motor Vehicle</i>                      |                                   |     |                  |     |     |     |     |    |
| Filling station                                   | N                                 | N   | S                | S   | S   | S   | S   | S  |
| Car wash  | N                                 | N   | L                | L   | L   | L   | L   | L  |
| Drive-through facility                            | L                                 | L   | L                | L   | L   | L   | L   | L  |
| <i>Parking</i>                                    |                                   |     |                  |     |     |     |     |    |
| Parking lot, principal use                        | L                                 | L   | L                | L   | L   | Y   | L   | L  |
| Parking lot, accessory use                        | Y                                 | L   | Y                | L   | L   | Y   | Y   | Y  |
| Parking structure, principal use                  | S                                 | S   | L                | L   | L   | L   | L   | L  |
| Parking structure, accessory use                  | Y                                 | L   | Y                | L   | L   | Y   | Y   | Y  |
| Heavy motor vehicle parking lot, principal use    | N                                 | N   | S                | S   | S   | S   | S   | S  |
| Heavy motor vehicle parking lot, accessory use    | S                                 | S   | S                | S   | S   | S   | S   | S  |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>        |                                   |     |                  |     |     |     |     |    |
| Bed and breakfast                                 | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |
| Hotel, commercial                                 | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |
| Hotel, residential                                | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |
| Tavern  | L                                 | L   | Y                | Y   | Y   | Y   | Y   | Y  |
| Brewpub   | S                                 | S   | Y                | Y   | Y   | Y   | Y   | Y  |
| Assembly hall                                     | L                                 | L   | L                | L   | L   | L   | L   | L  |
| Restaurant, sit-down                              | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |
| Restaurant, fast-food/carry-out                   | L                                 | L   | L                | L   | Y   | L   | L   | L  |
| <b>ENTERTAINMENT AND RECREATION USE</b>           |                                   |     |                  |     |     |     |     |    |
| Park or playground                                | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y  |

| Table 295-603-1<br>COMMERCIAL DISTRICTS USE TABLE           |                                   |                  |     |     |     |     |     |    |
|---|-----------------------------------|------------------|-----|-----|-----|-----|-----|----|
| Y=Permitted Use<br>S=Special Use                            | L=Limited Use<br>N=Prohibited Use | Zoning Districts |     |     |     |     |     |    |
| USES  | NS1                               | NS2              | LB1 | LB2 | LB3 | RB1 | RB2 | CS |
| Festival grounds  | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Recreation facility, indoor                                 | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Recreation facility, outdoor                                | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Health club   | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Sports facility   | N                                 | N                | S   | S   | S   | S   | S   | S  |
| Gaming facility   | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Theater   | L                                 | L                | Y   | Y   | Y   | Y   | Y   | Y  |
| Convention and exposition center                            | N                                 | N                | S   | S   | S   | S   | S   | S  |
| Marina  | Y                                 | Y                | Y   | Y   | Y   | Y   | Y   | Y  |
| Outdoor racing facility                                     | N                                 | N                | N   | N   | N   | N   | N   | N  |
| <b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>          |                                   |                  |     |     |     |     |     |    |
| Recycling collection facility                               | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Mixed-waste processing facility                             | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Material reclamation facility                               | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Salvage operation, indoor                                   | N                                 | N                | N   | N   | N   | N   | N   | S  |
| Salvage operation, outdoor                                  | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Wholesale and distribution facility, indoor                 | S                                 | S                | L   | L   | L   | L   | L   | L  |
| Wholesale and distribution facility, outdoor                | N                                 | N                | S   | S   | S   | S   | S   | S  |
| <i>Storage Facilities</i>                                   |                                   |                  |     |     |     |     |     |    |
| Indoor  | S                                 | S                | L   | L   | L   | L   | L   | L  |
| Self-service  | N                                 | N                | N   | N   | N   | N   | N   | S  |
| Outdoor   | N                                 | N                | S   | S   | S   | S   | S   | S  |
| Hazardous materials   | N                                 | N                | N   | N   | N   | N   | N   | N  |
| <b>TRANSPORTATION USES</b>                                  |                                   |                  |     |     |     |     |     |    |
| Ambulance service   | N                                 | N                | S   | S   | S   | Y   | Y   | S  |
| Ground transportation service                               | N                                 | N                | S   | S   | S   | S   | S   | L  |
| Passenger terminal  | N                                 | N                | Y   | Y   | Y   | Y   | Y   | Y  |
| Helicopter landing facility                                 | N                                 | N                | S   | S   | S   | S   | S   | S  |
| Airport   | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Ship terminal or docking facility                           | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Truck freight terminal                                      | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Railroad switching, classification yard or freight terminal | N                                 | N                | N   | N   | N   | N   | N   | N  |
| <b>INDUSTRIAL USES</b>                                      |                                   |                  |     |     |     |     |     |    |
| Alcohol beverage facility, micro                            | N                                 | N                | L   | L   | L   | L   | L   | Y  |
| Alcohol beverage facility, large                            | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Food processing   | N                                 | N                | L   | L   | L   | L   | L   | L  |
| Manufacturing, light  | N                                 | N                | L   | L   | L   | L   | L   | L  |
| Manufacturing, heavy  | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Manufacturing, intense                                      | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Research and development                                    | N                                 | N                | S   | S   | S   | S   | S   | S  |
| Processing or recycling of mined materials                  | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Contractor's shop   | N                                 | N                | L   | L   | L   | L   | L   | L  |
| Contractor's yard   | N                                 | N                | S   | S   | S   | S   | S   | S  |
| <b>AGRICULTURAL USES</b>                                    |                                   |                  |     |     |     |     |     |    |

## 295-603-2 Zoning

| <b>Table 295-603-1</b><br><b>COMMERCIAL DISTRICTS USE TABLE</b> |                                   |                  |     |     |     |     |     |    |
|---|-----------------------------------|------------------|-----|-----|-----|-----|-----|----|
| Y=Permitted Use<br>S=Special Use                                | L=Limited Use<br>N=Prohibited Use | Zoning Districts |     |     |     |     |     |    |
| USES  | NS1                               | NS2              | LB1 | LB2 | LB3 | RB1 | RB2 | CS |
| Plant, nursey or greenhouse                                     | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Raising of livestock  | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Community garden  | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Commercial farming enterprise                                   | S                                 | S                | S   | S   | S   | S   | S   | S  |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                          |                                   |                  |     |     |     |     |     |    |
| Broadcasting or recording studio                                | N                                 | N                | Y   | Y   | Y   | Y   | Y   | Y  |
| Transmission tower  | L                                 | L                | L   | L   | L   | L   | L   | L  |
| Water treatment plant   | S                                 | S                | Y   | Y   | Y   | Y   | Y   | Y  |
| Sewage treatment plant  | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Power generation plant  | N                                 | N                | N   | N   | N   | N   | N   | N  |
| Small wind energy system  | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Solar farm  | S                                 | S                | S   | S   | S   | S   | S   | Y  |
| Substation/distribution equipment, indoor                       | S                                 | S                | S   | S   | S   | S   | S   | S  |
| Substation/distribution equipment, outdoor                      | L                                 | L                | L   | L   | L   | L   | L   | L  |
| <b>TEMPORARY USES</b>   |                                   |                  |     |     |     |     |     |    |
| Seasonal market   | L                                 | L                | L   | L   | L   | L   | L   | L  |
| Temporary real estate sales office                              | L                                 | L                | L   | L   | L   | L   | L   | L  |
| Concrete/batch plant, temporary                                 | L                                 | L                | L   | L   | L   | L   | L   | L  |
| Live entertainment special event                                | L                                 | L                | L   | L   | L   | L   | L   | L  |

**2. LIMITED USE STANDARDS.** a. Family Day Care Home. a-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

a-2. There shall be no other family day care home in the building as of April 30, 2004.

a-3. The family day care home shall not operate between the hours of 10 p.m. and 6 a.m.

a-4. Signs shall not be permitted.

a-5. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.

b. Adult Family Home or Small Group Shelter Care Facility.

b-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator and care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

c. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

d-2. Not more than 15 clients shall reside on the premises.

d-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

d-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

d-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

f. General Retail Establishment. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This limitation shall not apply to a convenience store which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

g. Secondhand Store. g-1. Merchandise offered for sale shall be limited to clothing and books.

g-2. All drop-offs of consignment or donated items shall occur inside the building.

g-3. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

h. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.

i. Light Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.

j. Car Wash. j-1. If any mechanical washing equipment is used:

j-1-a. The car wash shall not be located within 150 feet of a residential use.

j-1-b. Washing and cleaning shall be conducted on a line of operation within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

j-1-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations. If access to the line of operation is limited to a single lane, the lane shall be used exclusively for the washing and cleaning operation.

j-1-d. Each driving lane shall be not less than 10 feet wide.

j-1-e. A queue lane of at least 200 feet in length shall be provided on the premises.

j-1-f. All wastewater shall be contained entirely on the premises.

j-2. If no mechanical washing equipment is used:

j-2-a. The car wash shall not be located within 150 feet of a residential use.

j-2-b. Washing and cleaning shall be conducted within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

j-2-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations.

j-2-d. Parking for at least 4 vehicles shall be provided on the premises.

j-2-e. All wastewater shall be contained entirely on the premises.

k. Drive-through Facility. k-1. A queue lane of at least 200 feet shall be provided on the premises. This limitation shall not apply to an automatic teller machine.

k-2. The facility shall not be operated between the hours of 10 p.m. and 7 a.m. This limitation shall not apply to an automatic teller machine or a drive-through facility associated with a convenience store, personal service, filling station, sit-down restaurant or fast food/carry-out restaurant which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

k-3. The facility shall not be located within 150 feet of a residential use.

k-4. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.

k-5. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.

## 295-603-2-L Zoning

- L. Parking Lot, Principal Use. L-1. In the NS1, NS2, LB2, LB3, RB2 and CS districts:
  - L-1-a. The width of the paved parking area shall not exceed 60 feet as measured from side lot line to side lot line, except in the LB3 district this dimension shall not exceed 45 feet.
  - L-1-b. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.
  - L-1-c. No alley shall be relied upon for vehicular circulation purposes.
  - L-1-d. The parking lot shall not be located on a corner lot.
- L-2. In the LB1 district, the parking lot shall function in an accessory manner and shall be used exclusively by owners of a different premises that is within 300 feet of the parking lot, or persons parking with the consent of any owner of the premises, and both the parking lot and the premises within 300 feet are under the same ownership. The parking shall serve as required parking or allowed parking that does not exceed the maximum number of parking spaces permitted for the use served, as specified in s. 295-403.
- m. Parking Lot, Accessory Use. m-1. The parking lot shall not be located between the street façade of a principal building and a street lot line. This standard shall not apply to any use listed in the “motor vehicle uses” section of table 295-603-1
- m-2. In the LB3 district, the width of the paved parking area adjacent to the primary street frontage shall not exceed 45 feet as measured from the principal building to the side lot line.
- n. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be occupied by one or more other uses listed as permitted in the district or otherwise approved by the board.
- o. Tavern. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use and has been occupied by such non-residential use within the past 12 months.
- p. Assembly Hall. p-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.
- p-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.
- p-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.
- q. Fast-food/Carry-out Restaurant. The use shall be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.
- r. Theater. The capacity of the building shall not exceed 49 persons.
- s. Light Motor Vehicle Wholesale Facility. Not more than 3 vehicles to be sold shall be stored on the premises.
- t. Indoor Wholesale and Distribution Facility or Indoor Storage Facility. t-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
- t-2. Storage of hazardous materials, as described in s. 295-201-627, shall be prohibited.
- u. Ground Transportation Service. u-1. Not more than 15 vehicles shall be stored on the premises at any one time.
- u-2. The vehicle storage area shall meet the applicable perimeter landscaping and residential buffer standards of s. 295-405-1.
- v. Alcohol Beverage Facility, Micro. v-1. Annual production of fermented malt beverages shall not exceed 5,000 barrels.
- v-2. Annual production of vinous spirits shall not exceed 50,000 gallons.
- v-3. No production of distilled spirits shall be permitted.
- w. Light Manufacturing. w-1. The gross floor area devoted to the use shall not exceed 3,600 square feet
- w-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- w-3. The use shall not generate noise or odors in violation of ch. 80.
- w-4. All manufacturing activities shall occur within an enclosed building.
- x. Food Processing. x-1. The gross floor area devoted to the use shall not exceed 3,600 square feet in the LB3 district and 20,000 square feet in other districts.
- x-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- x-3. The use shall not generate noise or odors in violation of ch. 80.
- x-4. All food processing activities shall occur within an enclosed building.
- y. Contractor's Shop. All of the contractor's activities, including those activities that are accessory to the principal use, shall be conducted entirely within a building.

- z. Transmission Tower. z-1. The tower shall comply with the applicable provisions of s. 295-413.
- z-2. The tower does not exceed the district height limit or the tower is accessory to an elementary or secondary school and does not exceed 2 times the district height limit or 150 feet, whichever is less, and is set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use. All other towers are prohibited.
  - aa. Substation/Distribution Equipment, Outdoor. aa-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
  - aa-2. No structure associated with the use shall be located within 25 feet of a street lot line.
  - bb. Seasonal Market. bb-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.
  - bb-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.
  - bb-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
  - bb-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.
  - bb-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
  - bb-6. The site shall be restored to its previous condition following termination of the market operation.
  - cc. Temporary Real Estate Sales Office. cc-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.
  - cc-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5.
  - cc-3. Customer-accessible restrooms shall be provided.
  - cc-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.
  - dd. Temporary Concrete/Batch Plant. dd-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.
  - dd-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.
  - dd-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.
  - dd-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.
  - dd-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.
  - dd-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.
  - ee. Live Entertainment Special Event. ee-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.
  - ee-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.
  - ee-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.
- 3. ADDITIONAL SPECIAL USE STANDARDS.** No special use permit for a currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

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a. No other currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

b. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

**4. ACCESSORY USES.** a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot.

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Commercial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupation and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Accessory Parking. The location of accessory off-street parking spaces, including parking for 4 or fewer vehicles, shall comply with all applicable parking location standards set forth in s. 295-603-2.

**295-605. Design Standards. 1. INTRODUCTION.** The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in commercial districts fit within the context in which they are built. Lot sizes, lot coverage, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.



b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the “Principles of Urban Design” adopted by the city plan commission as part of the city’s comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Commercial development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

**2. PRINCIPAL BUILDING STANDARDS.** a. Introduction. Principal building standards are established to ensure that new construction in commercial districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for non-residential and multi-family buildings are set forth in table 295-605-2. When a building contains both residential and non-residential uses, the design standards for non-residential buildings shall apply. Single-family and 2-family dwellings shall meet the design standards of subch. 5, as cross-referenced in table 295-605-2. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Street Orientation. b-1. Introduction. Both building placement standards and pedestrian engagement standards, such as but not limited to entrance placement standards and window requirements, relate to a building’s relationship to the street and insure that a new building or addition maintains existing contextual relationships. These standards are based on a street ranking system derived from the “Functional Classification of Streets and Highways Map” maintained by the commissioner of public works, which is also presented as the single-line street map found on the city’s geographic information system. Under this system, streets are ranked as principal arterial, minor arterial, collector and local streets, in that order. For purposes of this chapter, freeways and the Lake Parkway are not included in this street classification system.

b-2. Primary Street. The highest-ranked street abutting a lot shall be considered the primary street, and its street lot line considered the front of the lot. When a lot is bounded by 2 streets of equal rank, the permit applicant shall specify which street is the primary street.

b-3. Secondary Street. On a lot with 2 or more abutting streets, the second-highest-ranked street, or the other highest-ranking street after the street identified as the primary street pursuant to subd. 2, shall be considered the secondary street, and its street lot line considered the side street. A through lot shall not be required to meet side street setback requirements.

b-4. Other Streets. Each lot with 2 or more street frontages shall have one primary street and one secondary street. The setback requirements of table 295-605-2 shall not apply to any street lot line that does not abut a primary or secondary street.

c. Front Setback Standards. c-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the primary street that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 70% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2.

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| <b>TABLE 295-605-2</b><br><b>PRINCIPAL BUILDING DESIGN STANDARDS</b>             |  |  |  |  |  |   |  |  |  |
|--|--|--|--|--|--|---|--|--|--|
| <i>Design Standards for Non-residential and Multi-family Principal Buildings</i> |  |  |  |  |  |   |  |  |  |
|  | NS1  | NS2  | LB1  | LB2  | LB3  | RB1   | RB2  | CS   |  |
| <b>Primary Street</b>  |  |  |  |  |  |   |  |  |  |
| Front setback, minimum (ft.) (see s. 295-505-2-b)                                | average  | none   | average  | none   | none   | average   | none   | none   |  |
| Front setback, maximum (ft.) (see s. 295-505-2-b)                                | 50   | average  | 70   | average  | average  | none  | 70   | average  |  |
| <b>Secondary Street</b>  |  |  |  |  |  |   |  |  |  |
| Side street setback, min. (ft.)  | none   | none   | none   | none   | none   | none  | none   | none   |  |
| Side street setback max. (ft.)   | 15   | 5  | 25   | 5  | 5  | none  | 70   | 5  |  |
| Rear street setback, minimum (ft.)   | none   | none   | none   | none   | none   | none  | none   | none   |  |
| Rear street setback, maximum (ft.)   | none   | none   | none   | none   | none   | none  | none   | none   |  |
| Side setback, minimum (ft.)  | none   | none   | none   | none   | none   | none  | none   | none   |  |
| Side setback, maximum (ft.)  | none   | none   | none   | none   | none   | none  | none   | none   |  |
| Rear setback, minimum (ft.)  | none   | none   | none   | none   | none   | none  | none   | none   |  |
| Rear setback, maximum (ft.)  | none   | none   | none   | none   | none   | none  | none   | none   |  |
| Lot area per dwelling unit, minimum (sq. ft.)                                    | 2,400  | 1,200  | 1,200  | 800  | 300  | 1,200   | 800  | 1,200  |  |
| Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)      | 1,200;<br>2,400 for a unit with 2 or more bedrooms | 600;<br>1,200 for a unit with 2 or more bedrooms | 600;<br>1,200 for a unit with 2 or more bedrooms | 400;<br>800 for a unit with 2 or more bedrooms | 150;<br>300 for a unit with 2 or more bedrooms | 600<br>1,200 for a unit with 2 or more bedrooms | 400;<br>800 for a unit with 2 or more bedrooms | 600;<br>1,200 for a unit with 2 or more bedrooms |  |
| Lot area per transitional housing client, minimum (sq. ft.)                      | 1,200  | 600  | 600  | 400  | 150  | 600   | 400  | 600  |  |
| Height, minimum (ft.)  | none   | 18   | none   | 18   | 30   | none  | 24   | none   |  |
| Height, maximum (ft.)  | 45   | 60   | 45   | 60   | 75   | 85  | 85   | 60   |  |
| Minimum glazed area, primary street frontage                                     | 40%  | 60%  | 30%  | 60%  | 60%  | 20%   | 30%  | 30%  |  |
| Minimum glazed area, secondary street frontage                                   | 10%  | 15%  | 10%  | 15%  | 15%  | 10%   | 15%  | 10%  |  |
| Minimum build-out, primary street frontage                                       | none   | 30%  | none   | 30%  | 75%  | none  | 30%  | none   |  |
| Minimum build-out, secondary street frontage                                     | none   | none   | none   | none   | 50%  | none  | none   | none   |  |
| Multiple principal buildings permitted?  | yes  | yes  | yes  | yes  | yes  | yes   | yes  | yes  |  |
| <i>Design Standards for Single family and Two-family Dwellings</i>               |  |  |  |  |  |   |  |  |  |
|  | NS1  | NS2  | LB1  | LB2  | LB3  | RB1   | RB2  | CS   |  |
| Refer to design standards in subch. 5 for this residential district              | RM1  | RM4  | RM2  | RM5  | RM5  | RM2   | RM5  | RM4  |  |

c-2. Setback Averaging. When setback averaging is required, the average setback shall be determined using the formula described in s. 295-505-2-b-4.

c-3. Building Placement. c-3-a. New Buildings. At least 70% of the front façade of any newly constructed principal building shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2. The remaining 30% or less of the front façade may be set back farther from the front lot line than the maximum front setback, but shall not be located closer to the front lot line than the minimum front setback.

c-3-b. Additions and Alterations. Where portions of an existing building are closer to the front lot line than are the front facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the front lot line as the portion of the building closest to the front lot line. Where an existing building is set back farther from the front lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the front lot line as the minimum front setback.

c-3-c. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front façade of the building will no longer be within the required setback range, or will be even farther from the required range than it already is.

c-3-d. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no front setback requirements unless stipulated by the board.

c-3-e. Exception for Maximum Setbacks. Notwithstanding any other provision of this subchapter, when averaging is used to determine the maximum front setback, a maximum setback of 2 feet shall always be permitted.

c-4. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

d. Side Street Setback Standards. d-1. Intent. Side street setback standards are intended to ensure that the façade or other elements of new construction or additions maintain relationships to the secondary street in a manner similar to the corresponding setbacks for buildings of similar use in the immediate vicinity.

d-2. Building Placement. d-2-a. New Buildings. At least 70% of the side street façade of any newly constructed principal building shall be located within the range of the minimum and maximum side street setbacks established by table 295-605-2. The remaining 30% or less of the side street façade may be set back farther from the side street lot line than the maximum side street setback, but shall not be located closer to the side street lot line than the minimum side street setback.

d-2-b. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no side street setback requirements unless stipulated by the board.

e. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

f. Building Height. f-1. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

f-1-a. Chimneys and flues.

f-1-b. Water towers or tanks other than those located on the roof of a building.

f-1-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

f-1-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

f-1-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

f-1-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

f-1-g. Transmission towers which are in compliance with the height-related standards of s. 295-603-2-y.

f-1-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f-1-i. Solar farms and solar arrays.

f-2. Exceptions to Minimum Height Requirement. f-2-a. Motor Vehicle-Related Uses. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

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f-2-b. Additions to Nonconforming Buildings. An addition to an existing building that does not meet the minimum height requirement may be constructed to the same height as the existing building.

f-2-c. Additions to Conforming Buildings. In the LB3 district, an addition not meeting the minimum height requirement may be constructed along a street frontage provided it does not exceed 18 feet in width and meets the minimum height requirement of the LB2 districts. In all districts, an addition to the rear or other non-street wall area of a building shall not be required to meet a minimum height requirement.

f-2-d. Narrow Lots in LB3 District. For a lot located in the LB3 district and measuring 24 feet or less in width along the primary street frontage, the minimum height requirement of the LB2 district shall apply.

f-3. Sidewall Height. At least 70% of the sidewall of the front façade and, when located on a corner lot, at least 70% of the sidewall of the side street façade of any newly constructed principal building shall meet the minimum sidewall height requirement specified in table 295-605-2.

f-4. Minimum Height by Street Frontage. In a district having a minimum building height requirement, at least 70% of the building façade along the primary street frontage shall meet this requirement. On secondary and tertiary street frontages, at least 25% of the building façade shall meet the minimum height requirement.

f-5. Measuring Height. The following standards shall be used to determine compliance with the minimum height requirements specified in table 295-605-2:

f-5-a. Height shall be measured from the average grade level at the front façade to the top of the parapet wall or fascia, except as provided in subpar. c. With a gabled roof or similar wall conditions, the measurement shall be taken at the midpoint of the gable or similar shape.

f-5-b. Height shall be measured for the portion of the façade that is at the front wall line or not more than 10 feet stepped back. The height of a portion of the building that is not at the front wall line, such as a massing of the building that is set back, shall not count towards compliance with the minimum height requirement.

f-5-c. If a gable or irregular roof shape faces the primary street, the measurement shall be taken at the midpoint of the gable or other roof shape. If a gable or irregular roof shape faces the secondary street or a side lot line, the measurement shall be taken at a point 10 feet back from the front façade.

f-5-d. A penthouse for mechanical equipment may not be included when determining compliance with the minimum height requirement unless the penthouse is an integral part of the front façade. Other structures exempt from height limitations, as listed in subd. 1, may not be included when determining compliance with the minimum height requirement.

g. Build-Out Requirement. In a district having a minimum height requirement, the front façade of a building shall be built-out to at least the minimum percentage of the street frontage specified in table 295-605-2.

h. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-605-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit. Notwithstanding any other provision of this chapter, any building converted from non-residential use to residential use shall meet the glazing standard specified in table 295-605-2.

i. Design Features. i-1. Intent. The standards of this paragraph are intended to encourage pedestrian-oriented commercial development.

i-2. Entrance Door Orientation. Every new building shall have a primary entrance door on the front façade. A primary entrance door shall not be required on the front façade if there is a primary entrance door on a side façade and that door is within 20 feet of the front façade.

i-3. Glazing. i-3-a. General. All new principal buildings and additions shall have transparent glass windows on both the primary and secondary street frontages according to the percentages listed in table 295-605-2. In addition, no existing building may be altered in such a way that the amount of glazing is reduced below the amount required herein. Whenever a substantial improvement occurs, the building shall meet the glazing requirements of table 295-605-2 at the time the substantial improvement is completed. Non-glass materials such as transparent plastic may not be used to meet transparency requirements. Car washes and light and heavy motor vehicle repair facilities and body shops shall not be required to meet glazing standards.

i-3-b. Area of Required Glazing. For all commercial districts except the LB3 district, the percentage of lineal frontage of the first floor indicated in table 295-605-2 shall have windows at least 4 feet in height with sills not more than 3 feet 6 inches above the interior floor level. For the LB3 district, the requirements shall be at least 6 feet in height and not more than 2 feet 6 inches above the interior floor level.

i-3-c. **Transparent Glass.** Glass in windows or doors used to meet the glazing requirement shall not obscure clear vision and shall transmit at least 65% of visible daylight (visible transmittance  $\geq .65$ ), regardless of whether the glass is tinted integrally or with applied film. Spectrally selective low-e coatings can meet this requirement.

i-3-d. **Interior Spaces.** Interior walls parallel to required glazing shall be not less than 6 feet from the plane of the glazing.

i-3-e. **Window Coverings.** Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque.

i-3-f. **Display Racks and Fixtures.** In no case shall display racks and fixtures, in combination with permitted signs, obscure more than 50% of the glazing area.

i-3-g. **Structural Elements.** Structural elements of a glazing system that are less than 6 inches in width shall be counted as part of the clear glazing.

i-3-h. **Sill Height Exception.** In NS1, LB1, RS1 and CS districts, the maximum sill height may be raised to not more than 4 feet 6 inches above the finished floor level.

i-3-i. **Rear Street Exception.** When a rear street frontage is determined to be a secondary street frontage and the building façade facing that street frontage is more than 25 feet from the rear street property line, there shall be no requirement for glazing.

i-4. **Alternatives to Glazing.** The following alternative window or wall treatments may be used to meet the glazing requirements of subd. i-3:

i-4-a. **Other First-floor Windows Outside the Area of Required Glazing.** Clerestory windows or low windows that are at least 3 feet in height may be used to meet the requirements of subpar. i-3-b, and shall only be counted at half the rate of regular windows.

i-4-b. **Display Cases.** Display cases that are located in the area of required glazing and are at least 4 feet in height may be used to meet the requirements of subpar. i-3-b, but shall only be counted at half the rate of regular windows.

i-4-c. **Wall Design.** On secondary street frontages, walls that are designed to avoid long, flat facades may be used to meet the requirements of subpar. i-3-b, subject to approval by the commissioner of neighborhood services. In order to be counted towards the glazing requirement, the entire wall shall be designed in this manner and individual sections of flat, blank wall surface shall not exceed 25 feet in length.

i-4-d. **Windows not Meeting Transparency Standards.** Windows that do not meet the transparency standards of subpar. i-3-c shall be counted at 25% of the rate of regular windows. Spandrel glass shall not be counted when determining compliance with transparency requirements, even at the reduced 25% rate.

i-4-e. **Other Elements.** Subject to approval by the commissioner of neighborhood services, other elements that are integrated into the façade of a building may be used to meet the requirements of subpar. i-3-b and shall be counted at the same rate as regular windows. Such integrated elements include, but shall not be limited to, bus shelters and automatic teller machines.

i-5. **Overhead Garage Doors Facing Streets.** For any new building or addition constructed in the NS2, LB2, LB3, or RB2 district, an overhead garage door which faces the street shall be set back at least 4 feet from the front façade of the main building mass.

i-6. **Restricted Building Wall Materials.** The following regulations apply to any non-industrial principal building or addition:

i-6-a. **Metal Building Walls.** The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

i-6-b. **Concrete Masonry Units.** Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades.

i-6-c. **Simulated Stucco Products.** Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this subparagraph, the ground-level area of a one-story building is the lowest 12 feet of the building.

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i-6-d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock of smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgerstone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material.

i-6-e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk.

**3. ACCESSORY STRUCTURE STANDARDS.** a. General Requirements for Accessory Buildings.

a-1. The minimum front setback shall not be less than that of the principal building.

a-2. The minimum side street setback shall not be less than that of the principal building.

a-3. No side setback shall be required.

a-4. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required.

Otherwise, no setback shall be required.

a-5. Maximum building height shall not exceed the district height limit found in table 295-605-2.

a-6. The number of accessory buildings shall not be limited.

b. Structures Accessory to Single-family and Two-family Dwellings. Any structure accessory to a single-family or 2-family dwelling shall meet the requirements set forth in table 295-505-3.

c. Deck Skirting. Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

c-1. The deck is more than 30 feet from any property line.

c-2. The deck is located within 3 feet of a property line and an opaque fence at least 4 feet high is present or is constructed along that property line such that the view of the deck from the neighboring property or public way is obscured.

c-3. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

d. Mechanical Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers and utility boxes shall be permitted in portions of side yards and rear yards outside required setback areas.

e. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

**4. SITE STANDARDS** a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in commercial zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a commercial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. The location of parking spaces shall be in accordance with table 295-603-1 and any corresponding limited use standards.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family or 2-family dwelling.

b-5. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 5 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a commercial zoning district. As in residential and industrial zoning districts, parking lots, dumpsters and

similar site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. **Parking Lots.** All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. **Dumpsters.** A dumpster storage area for a non-residential building constructed after October 1, 2002, or a residential building containing more than 4 dwelling units and constructed after October 1, 2002, shall be screened with type "G" landscaping, as described in s. 295-405, or shall be incorporated into the structure it serves.

f. **Truck Berths.** f-1. **Size.** Every truck berth shall be at least 60 feet in depth by 12 feet in width, except that the width of each truck berth may be reduced to 10 feet where there is more than one berth side-by-side with no intervening obstruction. Each enclosed berth shall be at least 14 feet high.

f-2. **Location.** To eliminate interference with the public use of sidewalks, streets or alleys, every truck berth shall be located on the same lot as the principal structure it serves.

f-3. **Screening.** Where berths for more than 2 truck bays are in a yard facing and visible from a public street or a non-industrial district, the truck berths shall be screened with type "G" landscaping, as described in s. 295-405. This requirement may be waived in whole or in part, or compliance with it may be delayed, if visibility of the truck berths is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

g. **Fences.** g-1. **General.** Fences shall be permitted anywhere on a lot in a commercial zoning district, including placement along property lines. For the purposes of this paragraph, the term "fence" shall include a wall or other similar structure.

g-2. **Fences along Streets.** Fences along streets shall not exceed a height of 4 feet, with the following exceptions:

g-2-a. A fence may be erected to a height of 6 feet if it is ornamental or if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245. An ornamental fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

g-2-b. An ornamental metal fence may be erected to a height of 8 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 8 feet and the portion of the wall/fence structure above 6 feet high is at least 50% open.

g-3. **Fences along Side and Rear Lot Lines.** A fence located along a side lot line or a rear lot line shall not exceed a height of 8 feet.

g-4. **Orientation of Supporting Members.** The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

g-5. **Fence Gates and Trellises.** At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

g-6. **Public-Right-of-Way.** A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, a special privilege granted by the common council pursuant to s. 245-12.

g-7. **Fences at Construction Sites.** Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

g-8. **Fences at Sports Facilities.** Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

g-9. **Fences as Part of Required Screening.** Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405-3.

g-10. **Prohibited Fence Materials.** Barbed-wire, concertina-wire and razor-wire fences are prohibited. In the LB3 district, chain-link fences are also prohibited.

## 295-605-5 Zoning

h. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the vision triangle regulations of s. 295-405-3.

i. Lighting. The regulations for lighting in commercial zoning districts are set forth in s. 295-409.

5. SIGNS. a. General. The design standards for signs in commercial districts are set forth in table 295-605-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B". General standards for each of these categories are found in s. 295-407. The provisions of this subsection explain, qualify or specify exceptions to the standard in table 295-605-5, which pertain specifically to type "A" and type "B" signs in commercial zoning districts.

b. Sign Limitation Based on Lineal Footage. Where table 295-605-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building facade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining facade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, projecting or canopy/hood sign may be located in each facade segment.

c. Bonus Provision for Type "B" Freestanding Signs. If a monument-type base meeting the base standard for a type "A" freestanding sign is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-605-5.

d. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street unless the signs are at least 150 feet apart or separated by a building which obstructs the view of each sign from the other sign.

e. Combination Type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

f. Signs Limited by Site. For purposes of applying sign regulations only, a site may include a parcel described by a lease, provided the lease is at least 20 years in length.

g. Temporary Signs. The following temporary signs shall be permitted in all commercial zoning districts:

g-1. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

| <b>Zoning District</b> | <b>Max. Sign Area</b> |
|------------------------|-----------------------|
| NS1 and NS2            | 36 sq. ft.            |
| LB1, LB2 and CS        | 48 sq. ft.            |
| RB1, RB2 and LB3       | 72 sq. ft.            |

g-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

h. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.



| Table 295-605-5<br>COMMERCIAL DISTRICT SIGN STANDARDS |                                |                                |                                |                                |                                |                                |                                |                                |
|---|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|
|   | Zoning District                |                                |                                |                                |                                |                                |                                |                                |
|   | NS1                            | NS2                            | LB1                            | LB2                            | LB3                            | RB1                            | RB2                            | CS                             |
| <i>Freestanding Signs</i>                             | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>type "A" permitted only</i> | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               |
| Maximum number  | 1 per site                     | 1 per site                     | 1 per street frontage*         | 1 per site*                    | 1 per site*                    | 1 per street frontage*         | 1 per street frontage*         | 1 per site*                    |
| Type "A" max. display area (sq. ft.)                  | 64                             | 40                             | 150                            | 100                            | 64                             | 150                            | 150                            | 100                            |
| Type "B" max. display area (sq. ft.)                  | 32                             | 20                             | 50                             | 32                             | NA                             | 75                             | 50                             | 32                             |
| Maximum height  | 10                             | 6                              | 14                             | 14                             | 8                              | 20                             | 20                             | 14                             |
| <i>Wall Signs</i>                                     | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               |
| Maximum number  | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           |
| Type "A" max. display area (sq. ft.)                  | 50                             | 40                             | 75                             | 50                             | 100                            | 75                             | 75                             | 50                             |
| Type "B" max. display area (sq. ft.)                  | 25                             | 25                             | 32                             | 25                             | 25                             | 32                             | 32                             | 25                             |
| <i>Projecting Signs</i>                               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>               |
| Maximum number  | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet           |
| Type "A" max. display area (sq. ft.)                  | 50                             | 50                             | 60                             | 50                             | 100                            | 100                            | 60                             | 50                             |
| Type "B" max. display area (sq. ft.)                  | 25                             | 25                             | 30                             | 25                             | 25                             | 50                             | 30                             | 25                             |
| <i>Awning Signs</i>                                   | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> |

| Table 295-605-5<br>COMMERCIAL DISTRICT SIGN STANDARDS   |                      |                      |   |                                |                                |                      |                      |                                |
|---|----------------------|----------------------|---|--------------------------------|--------------------------------|----------------------|----------------------|--------------------------------|
|   | Zoning District      |                      |   |                                |                                |                      |                      |                                |
|   | NS1                  | NS2                  | LB1   | LB2                            | LB3                            | RB1                  | RB2                  | CS                             |
| Maximum number  | 1 per 25 lineal feet | 1 per 25 lineal feet | 1 per 25 lineal feet  | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet | 1 per 25 lineal feet | 1 per 25 lineal feet           |
| Type "A" max. display area (sq. ft.)  | 20                   | 10                   | 20  | 20                             | 20                             | 20                   | 10                   | 20                             |
| <i>Canopy and Hood Signs</i>  | <i>permitted</i>     | <i>permitted</i>     | <i>permitted</i>  | <i>permitted</i>               | <i>permitted</i>               | <i>permitted</i>     | <i>permitted</i>     | <i>permitted</i>               |
| Maximum number  | 1 per 25 lineal feet | 1 per 25 lineal feet | 1 per 25 lineal feet  | 1 per 25 lineal feet           | 1 per 25 lineal feet           | 1 per 25 lineal feet | 1 per 25 lineal feet | 1 per 25 lineal feet           |
| Type "A" max. display area (sq. ft.)  | 50                   | 50                   | 60  | 50                             | 100                            | 100                  | 60                   | 50                             |
| Type "B" max. display area (sq. ft.)  | 25                   | 25                   | 30  | 25                             | 25                             | 50                   | 30                   | 25                             |
| <i>Roof Signs</i>   | <i>not permitted</i> | <i>not permitted</i> | <i>permitted</i>  | <i>type "A" permitted only</i> | <i>type "A" permitted only</i> | <i>permitted</i>     | <i>permitted</i>     | <i>type "A" permitted only</i> |
| Maximum number  | NA                   | NA                   | 1 per building  | 1 per building                 | 1 per building                 | 1 per building       | 1 per building       | 1 per building                 |
| Type "A" max. display area (sq. ft.)  | NA                   | NA                   | 150   | 150                            | 150                            | 150                  | 150                  | 100                            |
| Type "B" max. display area (sq. ft.)  | NA                   | NA                   | 32  | NA                             | NA                             | 32                   | 32                   | NA                             |
| <i>Off-Premise Signs</i>  | <i>not permitted</i> | <i>not permitted</i> | <i>permitted**</i>  | <i>permitted**</i>             | <i>permitted**</i>             | <i>permitted**</i>   | <i>permitted**</i>   | <i>permitted**</i>             |
| Maximum number  | NA                   | NA                   | 1 per site  | 1 per site                     | 1 per site                     | 1 per site           | 1 per site           | 1 per site                     |
| Maximum display area per sign (sq. ft.)   | NA                   | NA                   | 300   | 300                            | 300                            | 300                  | 300                  | 300                            |
| Minimum distance between signs  | NA                   | NA                   | 500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs |                                |                                |                      |                      |                                |
| Maximum height, freestanding sign (ft.)   | NA                   | NA                   | 35  | 35                             | 35                             | 35                   | 35                   | 35                             |
| Maximum height, wall sign (ft.)   | NA                   | NA                   | 40  | 40                             | 40                             | 40                   | 40                   | 40                             |
| Maximum height, roof sign   | NA                   | NA                   | 25 ft. above roof   |                                |                                |                      |                      |                                |
| * Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage of at least 240 feet. |                      |                      |   |                                |                                |                      |                      |                                |
| ** Subject to special use permit requirement set forth in s. 295-407-7-d.   |                      |                      |   |                                |                                |                      |                      |                                |

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## SUBCHAPTER 7 DOWNTOWN DISTRICTS

**295-701. Purposes. 1. HIGH-DENSITY RESIDENTIAL (C9A).** The high-density residential district is designed and intended to serve as a highly urban living environment for those persons or families desirous of a residential location in close proximity to the city's downtown, as delineated in the city's comprehensive plan.

**2. RESIDENTIAL AND SPECIALTY USE (C9B).** The residential and specialty use district is designed and intended to allow a compatible mix of urban activities which together result in a cohesive district offering a variety of residential, employment-generating, and neighborhood-serving or specialty retail uses.

**3. NEIGHBORHOOD RETAIL (C9C).** The neighborhood retail district is designed and intended as a convenience shopping district serving surrounding residential neighborhoods.

**4. CIVIC ACTIVITY (C9D).** The civic activity district is designed and intended to serve as a regional center for office, governmental, educational, cultural and recreational activities. Retail uses should be limited and should be designed to serve employees in the district, patrons of cultural, recreational, or educational activities, or district residents.

**5. MAJOR RETAIL (C9E).** The major retail district is designed and intended to be a highly active, intensely developed regional shopping district featuring both convenience and shoppers' retail goods and services.

**6. OFFICE AND SERVICE (C9F).** The office and service district is designed and intended to serve both as a retail trade and a personal and business services district, as well as a major center of office commercial activities.

**7. MIXED ACTIVITY (C9G).** The mixed activity district is designed and intended to permit a wide range of retail, service, light manufacturing and residential uses. Because of their operational characteristics, many of the uses allowed in the mixed activity district should be relegated to the peripheral portions of the downtown district.

**8. WAREHOUSING AND LIGHT MANUFACTURING (C9H).** The warehousing and light manufacturing district is designed and intended to permit those manufacturing, warehousing and distribution uses which, because of tradition or because of functional relationships, choose to locate in the peripheral portions of the downtown district.

**295-703. Uses. 1. USE TABLE.** Table 295-703-1 indicates the use classifications for various land uses in the downtown districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-703-1:

a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

## 295-703-1 Zoning

| Table 295-703-1<br>DOWNTOWN DISTRICTS USE TABLE |   |                                   |     |                  |     |     |     |     |     |
|---|---|-----------------------------------|-----|------------------|-----|-----|-----|-----|-----|
| Y=Permitted Use<br>S=Special Use                |   | L=Limited Use<br>N=Prohibited Use |     | Zoning Districts |     |     |     |     |     |
| Uses  |   | C9A                               | C9B | C9C              | C9D | C9E | C9F | C9G | C9H |
| RESIDENTIAL USES                                |   |                                   |     |                  |     |     |     |     |     |
| Single-family dwelling                          | Y | Y                                 | L   | L                | L   | L   | L   | L   | N   |
| Two-family dwelling                             | Y | Y                                 | L   | L                | L   | L   | L   | L   | N   |
| Multi-family dwelling                           | Y | Y                                 | L   | L                | L   | L   | L   | L   | N   |
| Permanent supportive housing                    | Y | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |
| Transitional housing                            | S | S                                 | S   | S                | S   | S   | S   | S   | N   |
| Attached single-family dwelling                 | Y | Y                                 | L   | L                | L   | L   | L   | L   | N   |
| Live-work unit                                  | Y | Y                                 | L   | L                | L   | L   | L   | L   | S   |
| Mobile home                                     | N | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Watchman/service quarters                       | N | N                                 | N   | N                | N   | N   | N   | N   | Y   |
| Family day care home                            | L | L                                 | L   | L                | L   | L   | L   | L   | N   |
| GROUP RESIDENTIAL USES                          |   |                                   |     |                  |     |     |     |     |     |
| Rooming house                                   | S | S                                 | S   | S                | S   | S   | S   | S   | N   |
| Convent, rectory or monastery                   | Y | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |
| Dormitory                                       | S | S                                 | S   | S                | S   | S   | S   | S   | N   |
| Fraternity or sorority                          | S | S                                 | S   | S                | S   | S   | S   | S   | N   |
| Adult family home                               | L | L                                 | L   | L                | L   | L   | L   | L   | N   |
| Foster Homes                                    |   |                                   |     |                  |     |     |     |     |     |
| Foster family home                              | Y | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |
| Small foster home                               | L | L                                 | L   | L                | L   | L   | L   | L   | N   |
| Group home or group foster home                 | L | L                                 | L   | L                | L   | L   | L   | L   | N   |
| Shelter Care Facilities                         |   |                                   |     |                  |     |     |     |     |     |
| Family shelter care facility                    | Y | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |
| Small group shelter care facility               | L | L                                 | L   | L                | L   | L   | L   | L   | N   |
| Large group shelter care facility               | S | S                                 | S   | S                | S   | S   | S   | S   | N   |
| Community living arrangement                    | L | L                                 | L   | L                | L   | L   | L   | L   | N   |

| <b>Table 295-703-1</b><br><b>DOWNTOWN DISTRICTS USE TABLE</b> |                                   |     |                  |     |     |     |     |     |
|---|-----------------------------------|-----|------------------|-----|-----|-----|-----|-----|
| Y=Permitted Use<br>S=Special Use                              | L=Limited Use<br>N=Prohibited Use |     | Zoning Districts |     |     |     |     |     |
| Uses  | C9A                               | C9B | C9C              | C9D | C9E | C9F | C9G | C9H |
| <b>EDUCATIONAL USES</b>                                       |                                   |     |                  |     |     |     |     |     |
| Day care center   | S                                 | S   | S                | S   | S   | S   | S   | S   |
| School, elementary or secondary                               | Y                                 | Y   | Y                | Y   | S   | Y   | Y   | S   |
| College   | S                                 | S   | S                | Y   | S   | S   | Y   | Y   |
| School, personal instruction                                  | S                                 | Y   | Y                | S   | S   | S   | Y   | S   |
| <b>COMMUNITY-SERVING USES</b>                                 |                                   |     |                  |     |     |     |     |     |
| Library   | Y                                 | Y   | Y                | Y   | S   | Y   | Y   | N   |
| Cultural institution  | L                                 | L   | Y                | Y   | S   | Y   | Y   | N   |
| Community center  | S                                 | S   | S                | S   | S   | S   | S   | S   |
| Religious assembly  | Y                                 | Y   | Y                | Y   | L   | Y   | L   | N   |
| Cemetery or other place of interment                          | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Public safety facility  | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y   |
| Correctional facility   | N                                 | N   | N                | S   | N   | N   | N   | N   |
| <b>COMMERCIAL AND OFFICE USES</b>                             |                                   |     |                  |     |     |     |     |     |
| General office  | L                                 | Y   | Y                | Y   | L   | Y   | Y   | Y   |
| Government office   | L                                 | Y   | Y                | Y   | L   | Y   | Y   | Y   |
| Bank or other financial institution                           | L                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |
| Currency exchange, payday loan or title loan agency           | N                                 | S   | S                | S   | S   | S   | S   | S   |
| Installment loan agency                                       | N                                 | S   | S                | S   | S   | S   | S   | S   |
| Cash-for-gold business  | N                                 | S   | S                | S   | S   | S   | S   | S   |
| Pawn shop   | N                                 | S   | S                | S   | S   | S   | S   | S   |
| Retail establishment, general                                 | L                                 | Y   | Y                | S   | Y   | Y   | Y   | S   |
| Garden supply or landscaping center                           | N                                 | N   | N                | N   | N   | N   | S   | S   |
| Home improvement center                                       | N                                 | N   | N                | N   | N   | N   | N   | S   |
| Secondhand store  | S                                 | L   | L                | S   | L   | L   | Y   | S   |
| Outdoor merchandise sales                                     | S                                 | S   | S                | N   | S   | S   | Y   | S   |
| Artist studio   | L                                 | Y   | Y                | N   | L   | L   | Y   | S   |
| Adult retail establishment                                    | N                                 | N   | N                | N   | N   | N   | S   | S   |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b>                 |                                   |     |                  |     |     |     |     |     |
| Medical office  | L                                 | Y   | Y                | Y   | L   | Y   | Y   | Y   |
| Health clinic   | S                                 | S   | S                | S   | L   | Y   | Y   | N   |
| Hospital  | S                                 | S   | S                | S   | N   | S   | S   | N   |
| Medical research laboratory                                   | N                                 | S   | S                | S   | S   | Y   | Y   | Y   |
| Medical service facility                                      | N                                 | N   | N                | N   | S   | S   | S   | S   |
| Social service facility                                       | S                                 | S   | S                | S   | S   | S   | S   | S   |
| Emergency residential shelter                                 | N                                 | S   | S                | S   | N   | N   | S   | N   |
| Nursing home  | S                                 | S   | S                | N   | N   | N   | N   | N   |
| <b>GENERAL SERVICE USES</b>                                   |                                   |     |                  |     |     |     |     |     |
| Personal service  | L                                 | Y   | Y                | S   | Y   | Y   | Y   | N   |
| Business service  | S                                 | Y   | Y                | Y   | L   | Y   | Y   | Y   |

## 295-703-1 Zoning

| <b>Table 295-703-1</b><br><b>DOWNTOWN DISTRICTS USE TABLE</b> |                                   |     |                  |     |     |     |     |     |
|---|-----------------------------------|-----|------------------|-----|-----|-----|-----|-----|
| Y=Permitted Use<br>S=Special Use                              | L=Limited Use<br>N=Prohibited Use |     | Zoning Districts |     |     |     |     |     |
| Uses  | C9A                               | C9B | C9C              | C9D | C9E | C9F | C9G | C9H |
| Catering service  | L                                 | S   | S                | N   | N   | N   | Y   | Y   |
| Funeral home  | N                                 | S   | S                | N   | N   | N   | Y   | N   |
| Laundromat  | S                                 | Y   | Y                | N   | S   | Y   | Y   | N   |
| Dry cleaning establishment                                    | L                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |
| Furniture and appliance rental and leasing                    | N                                 | S   | S                | N   | S   | S   | S   | S   |
| Household maintenance and repair service                      | N                                 | Y   | Y                | N   | Y   | N   | Y   | Y   |
| Tool/equipment rental facility                                | N                                 | S   | S                | N   | S   | N   | S   | S   |
| <i>Animal Services</i>  |                                   |     |                  |     |     |     |     |     |
| Animal hospital/clinic  | N                                 | N   | S                | N   | S   | S   | S   | S   |
| Animal boarding facility                                      | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Animal grooming or training facility                          | N                                 | N   | S                | N   | S   | S   | S   | S   |
| <b>MOTOR VEHICLE USES</b>                                     |                                   |     |                  |     |     |     |     |     |
| <i>Light Motor Vehicle</i>                                    |                                   |     |                  |     |     |     |     |     |
| Sales facility  | N                                 | N   | N                | N   | N   | N   | S   | Y   |
| Rental facility   | N                                 | L   | L                | L   | L   | L   | L   | L   |
| Repair facility   | N                                 | S   | S                | N   | S   | S   | S   | S   |
| Body shop   | N                                 | N   | N                | N   | N   | N   | N   | S   |
| Outdoor storage   | N                                 | N   | N                | N   | N   | N   | N   | S   |
| Wholesale facility  | N                                 | L   | L                | N   | L   | L   | L   | L   |
| <i>Heavy Motor Vehicle</i>                                    |                                   |     |                  |     |     |     |     |     |
| Sales facility  | N                                 | N   | N                | N   | N   | N   | N   | S   |
| Rental facility   | N                                 | N   | N                | N   | N   | N   | S   | S   |
| Repair facility   | N                                 | N   | N                | N   | N   | N   | N   | S   |
| Body shop   | N                                 | N   | N                | N   | N   | N   | N   | S   |
| Outdoor storage   | N                                 | N   | N                | N   | N   | N   | N   | S   |
| <i>General Motor Vehicle</i>                                  |                                   |     |                  |     |     |     |     |     |
| Filling station   | N                                 | S   | S                | S   | S   | S   | S   | S   |
| Car wash  | N                                 | S   | S                | S   | S   | S   | S   | S   |
| Drive-through facility  | N                                 | S   | S                | S   | S   | S   | S   | S   |
| <i>Parking</i>  |                                   |     |                  |     |     |     |     |     |
| Parking lot, principal use                                    | S                                 | S   | S                | L   | S   | S   | L   | S   |
| Parking lot, accessory use                                    | L                                 | S   | S                | L   | S   | S   | L   | S   |
| Parking structure, principal use                              | S                                 | S   | L                | S   | L   | L   | S   | S   |
| Parking structure, accessory use                              | L                                 | L   | L                | L   | L   | L   | L   | L   |
| Heavy motor vehicle parking lot, principal                    | N                                 | N   | S                | S   | S   | S   | S   | Y   |
| Heavy motor vehicle parking lot, accessory                    | S                                 | S   | S                | S   | S   | S   | S   | Y   |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>                    |                                   |     |                  |     |     |     |     |     |
| Bed and breakfast   | S                                 | Y   | Y                | N   | L   | L   | Y   | N   |
| Hotel, commercial   | S                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |

| <b>Table 295-703-1</b><br><b>DOWNTOWN DISTRICTS USE TABLE</b> |                                   |     |                  |     |     |     |     |     |
|---|-----------------------------------|-----|------------------|-----|-----|-----|-----|-----|
| Y=Permitted Use<br>S=Special Use                              | L=Limited Use<br>N=Prohibited Use |     | Zoning Districts |     |     |     |     |     |
| Uses  | C9A                               | C9B | C9C              | C9D | C9E | C9F | C9G | C9H |
| Hotel, residential  | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | N   |
| Tavern  | S                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y   |
| Brewpub   | N                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y   |
| Assembly hall   | L                                 | L   | Y                | Y   | L   | Y   | Y   | Y   |
| Restaurant, sit-down  | L                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y   |
| Restaurant, fast-food/carry-out                               | L                                 | L   | L                | L   | L   | L   | L   | L   |
| <b>ENTERTAINMENT AND RECREATION USES</b>                      |                                   |     |                  |     |     |     |     |     |
| Park or playground  | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y   |
| Festival grounds  | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Recreation facility, indoor                                   | S                                 | S   | Y                | Y   | Y   | Y   | Y   | Y   |
| Recreation facility, outdoor                                  | N                                 | S   | S                | S   | N   | N   | S   | S   |
| Health club   | L                                 | L   | Y                | Y   | L   | Y   | Y   | Y   |
| Sports facility   | S                                 | S   | Y                | Y   | Y   | Y   | Y   | Y   |
| Gaming facility   | S                                 | S   | S                | S   | S   | S   | S   | S   |
| Theater   | N                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y   |
| Convention and exposition center                              | N                                 | N   | N                | Y   | Y   | Y   | Y   | N   |
| Marina  | N                                 | Y   | Y                | Y   | Y   | Y   | Y   | Y   |
| Outdoor racing facility                                       | N                                 | N   | N                | N   | N   | N   | N   | N   |
| <b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>            |                                   |     |                  |     |     |     |     |     |
| Recycling collection facility                                 | N                                 | S   | S                | N   | N   | N   | S   | S   |
| Mixed-waste processing facility                               | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Material reclamation facility                                 | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Salvage operation, indoor                                     | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Salvage operation, outdoor                                    | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Wholesale and distribution facility, indoor                   | N                                 | S   | S                | N   | N   | S   | S   | Y   |
| Wholesale and distribution facility, outdoor                  | N                                 | N   | N                | N   | N   | N   | N   | N   |
| <i>Storage Facilities</i>                                     |                                   |     |                  |     |     |     |     |     |
| Indoor  | N                                 | S   | S                | N   | N   | S   | L   | Y   |
| Self-service  | N                                 | N   | N                | N   | N   | N   | L   | S   |
| Outdoor   | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Hazardous materials   | N                                 | N   | N                | N   | N   | N   | N   | N   |
| <b>TRANSPORTATION USES</b>                                    |                                   |     |                  |     |     |     |     |     |
| Ambulance service   | N                                 | N   | N                | N   | N   | N   | S   | S   |
| Ground transportation service                                 | N                                 | N   | N                | N   | N   | N   | L   | Y   |
| Passenger terminal  | S                                 | S   | S                | S   | S   | S   | Y   | Y   |
| Helicopter landing facility                                   | N                                 | S   | S                | S   | S   | S   | S   | S   |
| Airport   | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Ship terminal or docking facility                             | N                                 | N   | N                | N   | N   | N   | Y   | Y   |
| Truck freight terminal  | N                                 | N   | N                | N   | N   | N   | N   | N   |
| Railroad switching, classification yard or freight terminal   | N                                 | N   | N                | N   | N   | N   | Y   | Y   |

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| Table 295-703-1<br>DOWNTOWN DISTRICTS USE TABLE |     |                                   |     |                  |     |     |     |     |
|---|-----|-----------------------------------|-----|------------------|-----|-----|-----|-----|
| Y=Permitted Use<br>S=Special Use                |     | L=Limited Use<br>N=Prohibited Use |     | Zoning Districts |     |     |     |     |
| Uses  | C9A | C9B                               | C9C | C9D              | C9E | C9F | C9G | C9H |
| INDUSTRIAL USES                                 |     |                                   |     |                  |     |     |     |     |
| Alcohol beverage facility, micro                | N   | L                                 | L   | L                | L   | L   | Y   | Y   |
| Alcohol beverage facility ,large                | N   | N                                 | N   | N                | N   | N   | L   | L   |
| Food processing                                 | N   | L                                 | L   | N                | L   | L   | Y   | Y   |
| Manufacturing, light                            | N   | L                                 | L   | N                | L   | L   | Y   | Y   |
| Manufacturing, heavy                            | N   | N                                 | N   | N                | N   | N   | N   | N   |
| Manufacturing, intense                          | N   | N                                 | N   | N                | N   | N   | N   | N   |
| Research and development                        | N   | Y                                 | Y   | N                | Y   | Y   | Y   | Y   |
| Processing or recycling of mined materials      | N   | N                                 | N   | N                | N   | N   | N   | N   |
| Contractor's shop                               | N   | N                                 | N   | N                | N   | N   | S   | Y   |
| Contractor's yard                               | N   | N                                 | N   | N                | N   | N   | S   | Y   |
| AGRICULTURAL USES                               |     |                                   |     |                  |     |     |     |     |
| Plant nursery or greenhouse                     | N   | N                                 | N   | N                | N   | N   | N   | S   |
| Raising of livestock                            | N   | N                                 | N   | N                | N   | N   | N   | N   |
| Community garden                                | S   | S                                 | S   | S                | S   | S   | S   | S   |
| Commercial farming enterprises                  | N   | N                                 | N   | N                | N   | N   | N   | N   |
| UTILITY AND PUBLIC SERVICE USES                 |     |                                   |     |                  |     |     |     |     |
| Broadcasting or recording studio                | N   | Y                                 | Y   | Y                | L   | Y   | Y   | Y   |
| Transmission tower                              | L   | L                                 | L   | L                | L   | L   | L   | L   |
| Water treatment plant                           | S   | S                                 | S   | S                | S   | S   | S   | S   |
| Sewage treatment plant                          | S   | S                                 | S   | S                | S   | S   | S   | S   |
| Power generation plant                          | N   | N                                 | N   | N                | N   | N   | N   | N   |
| Small wind energy system                        | Y   | Y                                 | Y   | Y                | Y   | Y   | Y   | Y   |
| Solar farm                                      | S   | S                                 | S   | S                | S   | S   | S   | S   |
| Substation/distribution equipment, indoor       | S   | S                                 | S   | S                | S   | S   | S   | Y   |
| Substation/distribution equipment, outdoor      | L   | L                                 | L   | L                | L   | L   | L   | Y   |
| TEMPORARY USES                                  |     |                                   |     |                  |     |     |     |     |
| Seasonal market                                 | L   | L                                 | L   | L                | L   | L   | L   | L   |
| Temporary real estate sales office              | L   | L                                 | L   | L                | L   | L   | L   | L   |
| Concrete/batch plant, temporary                 | L   | L                                 | L   | L                | L   | L   | L   | L   |
| Live entertainment special event                | L   | L                                 | L   | L                | L   | L   | L   | L   |

2. LIMITED USE STANDARDS. a. Single-family Dwelling, Two-family Dwelling, Multi-family Dwelling, Attached Single-family Dwelling or Live-work Unit. No dwelling unit or accessory parking, storage facilities or mechanical equipment shall be located in the street level area.



b. Family Day Care Home. b-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

b-2. There shall be no other family day care home in the same building as of April 6, 2001.

b-3. The family day care shall not operate between the hours of 10 p.m. and 6 a.m.

b-4. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.

c. Adult Family Home or Small Group Shelter Care Facility. c-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

c-2. Small Group Shelter Care Facility. c-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

c-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

d. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

e. Group Home, Group Foster Home or Community Living Arrangement. e-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

e-2. Not more than 15 clients shall reside on the premises.

e-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

e-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

e-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

f. Cultural Institution, Bank or Other Financial Institution, General Retail Establishment, Personal Service, Catering Service, Dry Cleaning Establishment, Sit-down Restaurant, Fast-food/Carry-out Restaurant or Health Club. The use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

g. Religious Assembly, Health Clinic, Business Service, Building Maintenance Service, Bed and Breakfast, Assembly Hall or Broadcasting or Recording Studio. g-1. The use shall not be located in the street level area.

g-2. In the case of an assembly hall:

g-2-a. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

g-2-b. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

g-2-c. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

h. General Office, Government Office or Medical Office. h-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

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- h-2. In the C9E district, the use shall not be located in the street level area.
- i. Secondhand Store. i-1. Merchandise offered for sale shall be limited to clothing and books.
- i-2. All drop-offs of consignment or donated items shall occur inside the building.
- j. Artist Studio. j-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.
- j-2. In the C9E and C9F districts, the use shall not be located in the street level area.
- k. Light Motor Vehicle Rental Facility or Accessory-use Parking Lot. Not more than 10 vehicles shall be parked outside.
- L. Limited Wholesale Facility. Not more than 3 vehicles shall be stored outside.
- m. Parking Lot, Principal Use or Accessory Use. m-1. The parking lot is located within a redevelopment project area which is 10 acres or more and under common ownership or control.
- m-2. If located in the C9D district, the parking lot is located in subdistrict B.
- n. Parking Structure, Principal Use. At least 50% of the street frontage shall be devoted to permitted uses or uses approved by the board.
- o. Parking Structure, Accessory Use. o-1. The parking spaces shall be integrated into a larger structure that houses one or more principal uses of the premises that are permitted uses or have been approved by the board.
- o-2. If the structure is in the C9C, C9E, C9F or C9G district, at least 50% of the street frontage shall be devoted to permitted uses or uses approved by the board.
- p. Storage Facility, Indoor or Self-Service. p-1. The structure to be occupied was constructed prior to March 20, 2015.
- p-2. If the use is an indoor storage facility, it shall not be located on the first floor.
- p-3. If the use is a self-storage facility, it shall only be located in the basement.
- p-4. If the standards of subds. 1 to 3 are not met, the use shall be prohibited.
- q. Ground transportation Service. The facility is owned or operated by a government unit.
- r. Alcohol Beverage Facility, Micro. r-1. Annual production of fermented malt beverages shall not exceed 5,000 barrels.
- r-2. Annual production of vinous spirits shall not exceed 50,000 gallons.
- r-3. No production of distilled spirits shall be permitted.
- s. Light Manufacturing. s-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
- s-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- s-3. The use shall not generate noise or odors in violation of ch. 80.
- s-4. All manufacturing activities shall occur within an enclosed building.
- s-5. At the street level, the street frontage of the building shall be used for retail sales.
- t. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.
- u. Food Processing. u-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
- u-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- u-3. The use shall not generate noise or odors in violation of ch. 80.
- u-4. All food processing activities shall occur within an enclosed building.
- v. Transmission Tower. v-1. The tower shall comply with the applicable provisions of s. 295-413.
- v-2. If the tower is located in a C9A, C9B, C9C, C9D, C9F or C9G district, the tower shall not exceed 150 feet in height or the tower shall be accessory to an elementary or secondary school and be set back from all property lines a distance at least equal to the height of the tower. Any other tower may be allowed as a special use.
- v-3. If the tower is located in a C9E or C9H district, the tower shall not exceed 150 feet in height. Any other tower may be allowed as a special use.
- w. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
- x. Seasonal Market. x-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.
- x-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees

constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

x-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.  
 x-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

x-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.  
 x-6. The site shall be restored to its previous condition following termination of the market operation.  
 y. Temporary Real Estate Sales Office. y-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

y-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5  
 y-3. Customer-accessible restrooms shall be provided.  
 y-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.

z. Temporary Concrete/Batch Plant. z-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

z-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

z-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

z-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.  
 z-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

z-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

aa. Live Entertainment Special Event. aa-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

aa-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

aa-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

**3. ADDITIONAL SPECIAL USE STANDARDS.** No special use permit for a currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a. No other currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

b. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

**295-705. Design Standards. 1. TABLE OF STANDARDS.** The design standards for buildings in downtown districts are set forth in table 295-705-1.

**1.5. PURPOSES.** The purposes of the design standards of this section are to:  
 a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in downtown districts fit within the context in which they are built. Building setback, floor area, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

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| <b>Table 295-705-1</b><br><b>DOWNTOWN DISTRICTS DESIGN STANDARDS</b>  |  |                                      |  |  |                      |   |
|---|--|--------------------------------------|--|--|----------------------|---|
|   | C9A<br>subdistrict A   | C9A<br>subdistrict B                 | C9B<br>subdistrict A                                       | C9B<br>subdistrict B                                       | C9C                  | C9D<br>subdistrict A  |
| Front setback<br>(see s. 295-705-2-a)   | avg., but not<br>more than 10 ft.  | avg., but not<br>more than 10ft      | no<br>requirement  | no<br>requirement  | no<br>requirement    | 10 ft.  |
| Side setback  | each side setback shall be<br>at least 3 ft., with a<br>minimum of 8 ft. total for 2<br>sides; however, side<br>setbacks shall not be<br>required when a side lot<br>line is shared by separate<br>townhouse units |                                      | no<br>requirement  | no<br>requirement  | no<br>requirement    | each side<br>setback shall<br>be at least 3<br>ft., with a minimum<br>of 8 ft. total for<br>2 sides |
| Side street setback<br>(see s. 295-705-2-a)   | avg., but not<br>more than 10<br>ft.   | avg., but not<br>more than 10<br>ft. | no<br>requirement  | no<br>requirement  | no<br>requirement    | no<br>requirement   |
| Rear setback  | 10 ft.   | 10 ft.                               | no<br>requirement  | no<br>requirement  | no<br>requirement    | no<br>requirement   |
| Rear street setback<br>(see s. 295-705-2-a)   | avg. but not<br>more than 10<br>ft.  | avg., but not<br>more than 10<br>ft. | no<br>requirement  | no<br>requirement  | no<br>requirement    | no<br>requirement   |
| Lot width, minimum  | 24 ft.   | 24ft.                                | none   | none   | none                 | 100 ft.   |
| Lot area, minimum   | none   | none                                 | none   | none   | none                 | 20,000 sq. ft.  |
| Permitted floor area ( <i>when surface open space<br/>will comprise 40% or less of the development site</i> ;<br>see s. 295-705-4                       | 2(W)+ 7.5(X)<br>+4 (Y)   | 2(W)+ 7.5(X)<br>+4 (Y)               | 6(W) +5(X)+<br>2.5(Y)                                      | 7(W)+10(X)<br>+5(Y)  | 3(W)+7.5(X)<br>+4(Y) | 2(W)+20(X)<br>+10(Y) +<br>0.05(z)   |
| Permitted floor area ( <i>when surface open space<br/>will comprise more than 40% but less than 80% of<br/>the development site</i> ); see s. 295-705-4 | 5(W)   | 5(W)                                 | 7(W)   | 8(W)+5(X)+<br>2.5(Y)+<br>0.3(Z)                            | 6(W)                 | 4(W)+10(X)<br>+5(Y)+<br>0.05(Z)   |
| Permitted floor area<br>( <i>when surface open space will comprise 80%<br/>or more of the development site</i> ); see s. 295-705-4                      | 25(W)-25(X)  | 25(W)-25(X)                          | 11.5(W)-<br>11.5(X)  | 12(W)+12(X)<br>+0.3(Z)                                     | 30(W)-30(X)          | 8(W)+<br>0.05(Z)  |
| Building height, minimum  | 20 ft.   | 20 ft.                               | 20 ft. if<br>wholly<br>residential;<br>otherwise 30<br>ft. | 20 ft. if<br>wholly<br>residential;<br>otherwise 30<br>ft. | 20 ft.               | 30 ft.  |
| Building height, maximum  | none   | 40 ft.                               | none   | none   | none                 | none  |

| <b>Table 295-705-1</b><br><b>DOWNTOWN DISTRICTS DESIGN STANDARDS</b>   |                                       |                                      |   |                                     |                                     |                      |                      |
|--|---------------------------------------|--------------------------------------|---|-------------------------------------|-------------------------------------|----------------------|----------------------|
|  | C9D<br>subdist. B                     | C9E                                  | C9F<br>subdist. A                       | C9F<br>subdist. B                   | C9F<br>subdist. C                   | C9G                  | C9H                  |
| Front setback  | no<br>requirement                     | no<br>requirement                    | no<br>requirement                       | no<br>requirement                   | no<br>requirement                   | no<br>requirement    | no<br>requirement    |
| Side setback   | no<br>requirement                     | no<br>requirement                    | no<br>requirement                       | no<br>requirement                   | no<br>requirement                   | no<br>requirement    | no<br>requirement    |
| Side street setback  | no<br>requirement                     | no<br>requirement                    | no<br>requirement                       | no<br>requirement                   | no<br>requirement                   | no<br>requirement    | no<br>requirement    |
| Rear setback   | no<br>requirement                     | no<br>requirement                    | no<br>requirement                       | no<br>requirement                   | no<br>requirement                   | no<br>requirement    | no<br>requirement    |
| Rear street setback  | no<br>requirement                     | no<br>requirement                    | no<br>requirement                       | no<br>requirement                   | no<br>requirement                   | no<br>requirement    | no<br>requirement    |
| Lot width, minimum   | 100 ft.                               | none                                 | none                                    | none                                | none                                | none                 | none                 |
| Lot area, minimum  | 20,000 sq.<br>ft.                     | none                                 | none                                    | none                                | none                                | none                 | none                 |
| Permitted floor area<br>(when surface open space will<br>comprise 40% or less of the<br>development site); see s. 295-705-4                        | 2(W)+<br>20(X)+<br>10(Y)+<br>0.05 (Z) | 7(W)+<br>13(X)+<br>6.5(Y)+<br>0.2(Z) | 5.5(W)+<br>15(X)+<br>7.5(Y)+<br>0.1 (Z) | 8(W)+<br>20(X)+<br>10(Y)+<br>0.2(Z) | 8(W)+<br>20(x)+<br>10(Y)+<br>0.2(Z) | 5(W)+5(X)<br>+2.5(Y) | 5(W)+5(X)<br>+2.5(Y) |
| Permitted floor area<br>(when surface open space will<br>comprise more than 40% but less than<br>80% of the development site); see s.<br>295-705-4 | 4(W)+<br>10(X)+<br>5(Y)+<br>0.05(Z)   | 8.1(W)+<br>2(X)+1(Y)<br>+0.2(Z)      | 7.5(W)+<br>5(X)+<br>2.5(Y)+<br>0.1 (Z)  | 9(W)+<br>10(X)+<br>5(Y)+<br>0.2(Z)  | 9(W)+<br>10(X)+<br>5(Y)+<br>0.2(Z)  | 7(W)                 | 7(W)                 |
| Permitted floor area<br>(when surface open space will<br>comprise 80% or more of the<br>development site); see s. 295-705-4                        | 8(W)+<br>0.05(Z)                      | 8.5(W)+<br>0.2(Z)                    | 9.5(W)+<br>0.1 (Z)                      | 12(W)+<br>0.2(Z)                    | 12(W)+<br>0.2(Z)                    | 14(W)-<br>14(X)      | 14(W)-<br>14(X)      |
| Building height, minimum   | 30 ft.                                | 40 ft.                               | 30 ft.                                  | 40 ft.                              | 30 ft.                              | 20 ft.               | 20 ft.               |
| Building height, maximum   | none                                  | none                                 | none                                    | none                                | 50 ft.                              | none                 | none                 |

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c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the “Principles of Urban Design” adopted by the city plan commission as part of the city’s comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Downtown development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

2. SETBACK REQUIREMENTS. a. Setback Average and Range. Whenever table 295-705-1 specifies that a setback shall be determined by averaging, the average setback shall be determined using the formula described in s. 295-505-2-b-4. When this formula is used to determine an average side street or rear street setback, the term “front setback” in s. 295-505-2-b-4 shall be interpreted as the side street setback or rear street setback, respectively.

b. Building Placement. b-1. New Buildings. At least 70% of the front, side street or rear street façade of any newly constructed principal building shall meet the setback requirements of table 295-705-1. The remaining 30% or less of each façade may be placed anywhere between the property line and the specified maximum setback of 10 feet.

b-2. Additions and Alterations. Where portions of an existing building are closer to the front, side street or rear street lot line than are the corresponding facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the lot line as the portion of the building closest to the lot line. Where an existing building is set back farther from the lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the lot line as the required setback specified in table 295-705-1.

b-3. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front, side street or rear street façade of the building will no longer meet the setback requirements of table 295-705-1, or will be even less in conformance with those requirements than it already is.

c. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

3. INTRUSIONS INTO PUBLIC RIGHT-OF-WAY. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

4. CALCULATION OF PERMITTED FLOOR AREA. a. Variables. As indicated in the permitted floor area standards in table 295-705-1, one or more of the following 4 variables may be used to determine how much building floor area will be allowed for any development project:

- a-1. The size of the development site (W).
- a-2. The amount of surface open space (X).
- a-3. The amount of qualifying roof top open space (Y).
- a-4. The size of an interior atrium or mall (Z).

b. Formulas. Exact formulas vary from district to district. In general, the larger the development site and the more surface open space, roof top open space or atrium space provided, the more floor area permitted. Paragraphs c to f describe how to calculate each of the 4 variables.

c. Size of the Development Site (W). c-1. In most cases, the size of the development site equals the gross area of the primary building site. However, when a lot separated from the primary building site will be developed or utilized in conjunction with development of the primary building site, the gross area of such lot may be counted as part of the development site if:

- c-1-a. The separate lot is under the same ownership as the primary building site.
- c-1-b. The separate lot is or will be physically connected to the primary building site in a manner allowing human passage.
- c-1-c. The property owner files an overall development plan with the commissioner of neighborhood services indicating the total floor area to be constructed on the development site; and
- c-1-d. The property owner files a deed restriction indicating that the total floor area shown on the development plan will not be increased without the express approval of the common council.

- c-2. Any portion of the primary building site and any portion of a qualifying separate lot which is dedicated to the public for open space use may be counted as part of the development site.
- d. Amount of Surface Open Space (X). The city encourages the creation of surface open space and permits construction of additional building floor area when it is provided. The amount of surface open space equals the size of the development site (W) less:
  - d-1. The area of the development site covered by structures at grade.
  - d-2. The area underneath cantilevered portions of such structures where the cantilevered portions are less than 24 feet above grade; and
  - d-3. The area of the development site designed for surface vehicular use.
- e. Amount of Qualifying Roof Top Open Space (Y). Sometimes plazas or other open space amenities can be created on the roof of structures. The city encourages development of roof top open space and permits construction of additional building floor area when roof top open space meets the following criteria:
  - e-1. It will be improved in such a way that it can be classified as a walkway, plaza, courtyard or other open space amenity.
  - e-2. Its average length and width will each exceed 10 feet.
  - e-3. It will be open to the sky.
  - e-4. It will be designed and intended primarily for use by the public or by the employees, residents or patrons of the development site's principal building. Improved roof top areas designed primarily for maintenance activities do not qualify.
- f. Size of an Interior Atrium or Mall (Z). f-1. The city encourages the creation of qualifying interior atrium or mall space which is designed in such a way that it either will or eventually could be connected to the downtown skywalk system. In certain zoning districts development of additional building floor area is permitted when such space is provided. Qualifying atrium or mall space shall:
  - f-1-a. Be 2 or more stories in height.
  - f-1-b. Have a volume of at least 10,000 cubic feet.
  - f-2. The size of qualifying interior atrium or mall space shall be the volume of said space measured in cubic feet.
- 5. BUILDING HEIGHT.** a. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, if any, except the following:
  - a-1. Chimneys and flues.
  - a-2. Water towers or tanks other than those located on the roof of a building.
  - a-3. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.
  - a-4. Parapet walls or cornices extending above the height limit not more than 5 feet.
  - a-5. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.
  - a-6. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.
  - a-7. Transmission towers which are in compliance with the height-related standards of s. 295-703-2-u.
  - a-8. Solar farms and solar arrays.
  - b. Exception to Minimum Height Requirement. Motor vehicle-related uses shall not be subject to a minimum building height requirement.
- 5.5. GLAZING.** The glazing requirements applicable to the LB3 district, as specified in s. 295-605-2-i-3, shall apply to all properties in downtown zoning districts, except properties in the C9A and C9H districts, which shall meet the glazing requirements of the LB2 district.
- 6. FENCES.** a. General. Fences shall be permitted anywhere on a lot in a downtown zoning district, including placement along property lines. For the purposes of this subsection, the term "fence" shall include a wall or other similar structure.
  - b. Fences along Streets. Fences along streets shall not exceed a height of 4 feet, with the following exceptions:
    - b-1. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245.

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b-2. An ornamental metal fence may be erected to a height of 8 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 8 feet and the portion of the wall/fence structure above 6 feet high is at least 50% open.

c. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 8 feet.

d. Barbed Wire. Barbed wire shall not be permitted except in the C9H district, where it may be used for fence purposes provided that it is located not less than 6 feet above the grade directly below the wire. Razor wire and concertina wire are prohibited in all circumstances.

e. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

f. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

g. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.

h. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

i. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

j. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405-3.

**7. SIGNS.** a. Sign Classification Table. Table 295-705-7 specifies the classification of various types of signs when located in the downtown districts. The sign types in this table are defined in s. 295-201. The following are the classifications indicated in table 295-705-7:

a-1. "L" indicates a limited-permission sign. This sign shall be permitted only when the commissioner of neighborhood services finds that the sign will meet the standards of par. b. If the sign cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-2. "N" indicates that a sign of this type is prohibited.

| <b>Table 295-705-7</b>                        |     |     |     |     |     |     |     |     |
|---|-----|-----|-----|-----|-----|-----|-----|-----|
| <b>DOWNTOWN DISTRICT SIGN CLASSIFICATIONS</b> |     |     |     |     |     |     |     |     |
|   | C9A | C9B | C9C | C9D | C9E | C9F | C9G | C9H |
| <b>On -premise</b>                            |     |     |     |     |     |     |     |     |
| Awning  | L   | L   | L   | L   | L   | L   | L   | L   |
| Canopy  | L   | L   | L   | L   | L   | L   | L   | L   |
| Hood  | L   | L   | L   | L   | L   | L   | L   | L   |
| Wall  | L   | L   | L   | L   | L   | L   | L   | L   |
| Freestanding                                  | L   | L   | L   | L   | L   | L   | L   | L   |
| Roof  | L   | L   | L   | L   | L   | L   | L   | L   |
| Projecting                                    | N   | L   | L   | L   | L   | L   | L   | L   |
| Marquee                                       | N   | L   | L   | L   | L   | L   | L   | L   |
| <b>Off-premise</b>                            |     |     |     |     |     |     |     |     |
| All   | N   | L   | N   | N   | N   | L   | N   | N   |

b. Limited-Permission Sign Standards. b-1. Awning Signs. b-1-a. The sign shall be not more than 12 inches in height.

b-1-b. If the awning to which such sign is attached is made of translucent material, the awning shall not be internally illuminated.

b-2. Canopy and Hood Signs. If the sign has a display area larger than 25 square feet, the sign shall be a type A sign.

b-3. Wall Signs. b-3-a. If the sign has a display area larger than 50 square feet, the sign shall be a type A sign.



- b-3-b. The sign shall be attached only to a flat, opaque wall surface.
- b-4. Freestanding Signs. b-4-a. The sign's display area shall not be larger than 35 square feet.
- b-4-b. The sign shall be a type A sign.
- b-5. Roof Signs. If the sign has a display area larger than 50 square feet, the sign shall be a type A sign.
- b-6. Projecting Signs. If the sign has a display area larger than 25 square feet, the sign shall be a type A sign.
- b-7. Marquee Signs. If the sign has a display area larger than 50 square feet, the sign may be illuminated only by internal lights.
- b-8. Off-Premise Signs. b-8-a. The sign shall not be located within 300 feet of a residential district or 100 feet of a residential use.
- b-8-b. The sign's display area shall not be larger than 300 square feet. If this condition is not met, the sign is prohibited.
- b-8-c. No off-premise sign shall be placed upon any premises used as a parking lot.
- b-8-d. Off-premise automatic changeable message signs shall be subject to the special use permit requirement set forth in 295-407-7-d.
- c. Temporary Signs. The following temporary signs shall be permitted in all downtown zoning districts:
  - c-1. A sign pertaining to the construction of a building or the sale or lease of vacant land not exceeding 72 square feet.
  - c-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.
- d. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.
- 8. LANDSCAPING REQUIREMENTS.** a. Following Demolition of a Structure. In addition to requirements set forth in s. 218-6-8, whenever a structure in any downtown zoning district is demolished, the site shall be covered with sodded grass and shall have at least one tree planted for every 25 lineal feet of street frontage. Type "B" landscaping, as specified in s. 295-405-1, shall be provided along all street frontages. If plans for new development on the site are submitted to the department, these landscaping requirements shall not apply.
- b. Uses for Which Landscaping is Required. All land uses in downtown zoning districts shall be in compliance with all applicable landscaping requirements of s. 295-405.
- 9. RESTRICTED BUILDING WALL MATERIALS.** The following regulations apply to any non-industrial principal building or addition:
  - a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.
  - b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2.5 feet. These materials are permitted on a building's rear, alley and interior lot line facades.
  - c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this paragraph, the ground-level area of a one-story building is the lowest 12 feet of the building.
  - d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock or smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgerstone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material.
  - e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk.

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## SUBCHAPTER 8 INDUSTRIAL DISTRICTS

**295-801. Purposes.** 1. **INDUSTRIAL-OFFICE (IO).** This district provides sites for modern, clean industry and supporting, non-residential land uses that complement industrial uses or require an industrial environment. Older portions of this zoning district (IO2) often form corridors which provide a buffer between residential areas and more intensive industrial districts. The newer portions of this district (IO1) are in the form of office-industrial parks or business parks with campus-style layouts and designs. The IO district has a performance-oriented transition area where it adjoins residential neighborhoods. Buffering and other requirements in the transition area are intended to protect the character of such neighborhoods.

2. **INDUSTRIAL-LIGHT (IL).** This district is intended to provide sites primarily for light industrial uses that utilize medium-sized buildings and do not have extensive outdoor storage areas or operations. This district includes both older industrial corridors (IL2) and modern industrial parks (IL1). While most buildings contain clean, light industrial uses, some commercial and office uses may also be included. This district contains heavier uses than the IO district and requires more extensive buffering from adjoining residential areas.

3. **INDUSTRIAL-COMMERCIAL (IC).** This district is intended primarily for light industrial uses that utilize small and medium-sized buildings and do not have extensive outdoor operations or storage areas. This district also provides for the orderly conversion of certain older industrial and warehousing buildings to commercial and office uses with less traffic generation than uses located on more intensive commercial retail corridors. Retail uses are considered accessory or complementary to the primarily light manufacturing nature of the district. These areas have an urban character and are more pedestrian-scaled than other, vehicular-traffic-dominated corridors. Buildings in this district were typically built without setbacks or yards and often with little or no off-street parking.

4. **INDUSTRIAL-MIXED (IM).** This district is intended to provide for the orderly conversion of certain older industrial and warehousing areas with multi-story buildings to residential, commercial or office uses for which the buildings, at the present time, may be better suited. These areas have an urban character. Buildings were typically built without setbacks or yards and often with little or no off-street parking.

5. **INDUSTRIAL-HEAVY (IH).** This district accommodates high-intensity industry and often includes very large structures, extensive exterior storage, exterior mechanical operations, or heavy truck or equipment operations. It also accommodates uses that require large or isolated sites or harbor, airport or rail service. This district includes the historic industrial core of the city. It has a strong relationship to shipping and rail services and includes the port of Milwaukee, the Menomonee valley and various railroad corridors. Most sites within the IH district have already been developed or redeveloped. These sites seldom have excess land to provide buffer areas. Where possible, the IH district should be separated from residential neighborhoods with less intensive, non-residential districts.

**295-803. Uses.** 1. **USE TABLE.** Table 295-803-1 indicates the use classifications for various land uses in the industrial districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in table 295-803-1:

- a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.
- b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2.
2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.
- c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.
- d. "N" indicates a prohibited use.

## 295-803-1 Zoning

| <b>Table 295-803-1</b><br><b>INDUSTRIAL DISTRICTS USE TABLE</b> |                           |             |                         |    |    |
|---|---------------------------|-------------|-------------------------|----|----|
| Y=Permitted Use<br>S=Special Use                                | L=Limited<br>N=Prohibited |             | <b>Zoning Districts</b> |    |    |
| <b>Uses</b>   | I01/<br>I02               | IL1/<br>IL2 | IC                      | IM | IH |
| <b>RESIDENTIAL USES</b>   |                           |             |                         |    |    |
| Single-family dwelling  | N                         | N           | N                       | L  | N  |
| Two-family dwelling   | N                         | N           | N                       | L  | N  |
| Multi-family dwelling   | N                         | N           | N                       | L  | N  |
| Permanent supportive housing                                    | N                         | N           | N                       | L  | N  |
| Transitional housing  | N                         | N           | N                       | S  | N  |
| Attached single-family dwelling                                 | N                         | N           | N                       | L  | N  |
| Live-work unit  | N                         | N           | N                       | Y  | N  |
| Mobile home   | N                         | N           | N                       | N  | N  |
| Watchman/service quarters                                       | Y                         | Y           | Y                       | Y  | Y  |
| Family day care home  | N                         | N           | N                       | L  | N  |
| <b>GROUP RESIDENTIAL USES</b>                                   |                           |             |                         |    |    |
| Rooming house   | N                         | N           | N                       | S  | N  |
| Convent, rectory or monastery                                   | N                         | N           | N                       | L  | N  |
| Dormitory   | N                         | N           | N                       | S  | N  |
| Fraternity or sorority  | N                         | N           | N                       | S  | N  |
| Adult family home   | N                         | N           | N                       | L  | N  |
| <i>Foster Homes</i>   |                           |             |                         |    |    |
| Foster family home  | N                         | N           | N                       | L  | N  |
| Small foster home   | N                         | N           | N                       | L  | N  |
| Group home or group foster home                                 | N                         | N           | N                       | L  | N  |
| <i>Shelter Care Facilities</i>                                  |                           |             |                         |    |    |
| Family shelter care facility                                    | N                         | N           | N                       | L  | N  |
| Small group shelter care facility                               | N                         | N           | N                       | L  | N  |
| Large group shelter care facility                               | N                         | N           | N                       | S  | N  |
| Community living arrangement                                    | N                         | N           | N                       | L  | N  |
| <b>EDUCATIONAL USES</b>   |                           |             |                         |    |    |
| Day care center   | S                         | S           | N                       | S  | S  |
| School, elementary or secondary                                 | N                         | N           | N                       | S  | N  |
| College   | S                         | S           | N                       | S  | N  |
| School, personal instruction                                    | S                         | S           | Y                       | S  | N  |
| <b>COMMUNITY-SERVING USES</b>                                   |                           |             |                         |    |    |
| Library   | N                         | N           | N                       | Y  | N  |
| Cultural institution  | N                         | N           | L                       | L  | N  |
| Community center  | N                         | N           | N                       | S  | N  |
| Religious assembly  | N                         | N           | N                       | S  | N  |
| Cemetery or other place of interment                            | N                         | N           | N                       | N  | N  |
| Public safety facility  | Y                         | Y           | Y                       | Y  | Y  |
| Correctional facility   | N                         | N           | N                       | N  | N  |
| <b>COMMERCIAL AND OFFICE USES</b>                               |                           |             |                         |    |    |
| General office  | Y                         | Y           | Y                       | Y  | L  |
| Government office   | Y                         | Y           | Y                       | Y  | L  |

| Table 295-803-1<br>INDUSTRIAL DISTRICTS USE TABLE   |                           |                  |             |    |          |
|---|---------------------------|------------------|-------------|----|----------|
| Y=Permitted Use<br>S=Special Use                    | L=Limited<br>N=Prohibited | Zoning Districts |             |    |          |
| Uses  |                           | I01/<br>I02      | IL1/<br>IL2 | IC | IM<br>IH |
| Bank or other financial institution                 |                           | S                | S           | N  | Y<br>N   |
| Currency exchange, payday loan or title loan agency |                           | N                | N           | N  | S<br>N   |
| Installment loan agency                             |                           | N                | N           | N  | S<br>N   |
| Cash-for-gold business                              |                           | N                | N           | N  | S<br>N   |
| Pawn shop   |                           | N                | N           | N  | S<br>N   |
| Retail establishment, general                       |                           | N                | N           | L  | Y<br>N   |
| Garden supply or landscaping center                 |                           | N                | Y           | Y  | Y<br>N   |
| Home improvement center                             |                           | N                | Y           | L  | Y<br>N   |
| Secondhand store                                    |                           | N                | N           | L  | L<br>N   |
| Outdoor merchandise sales                           |                           | N                | N           | N  | L<br>N   |
| Artist studio                                       |                           | Y                | Y           | Y  | Y<br>Y   |
| Adult retail establishment                          |                           | N                | N           | N  | S<br>N   |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE</b>            |                           |                  |             |    |          |
| Medical office                                      |                           | S                | N           | N  | Y<br>N   |
| Health clinic                                       |                           | L                | N           | N  | S<br>N   |
| Hospital  |                           | N                | N           | N  | N<br>N   |
| Medical research laboratory                         |                           | Y                | Y           | Y  | Y<br>N   |
| Medical service facility                            |                           | N                | S           | N  | N<br>N   |
| Social service facility                             |                           | N                | S           | N  | S<br>N   |
| Emergency residential shelter                       |                           | N                | N           | N  | N<br>N   |
| Nursing home  |                           | N                | N           | N  | N<br>N   |
| <b>GENERAL SERVICE USES</b>                         |                           |                  |             |    |          |
| Personal service                                    |                           | N                | N           | N  | Y<br>N   |
| Business service                                    |                           | Y                | S           | Y  | Y<br>N   |
| Catering service                                    |                           | Y                | Y           | Y  | Y<br>Y   |
| Funeral home  |                           | N                | N           | N  | Y<br>N   |
| Laundromat  |                           | N                | N           | N  | Y<br>N   |
| Dry cleaning establishment                          |                           | N                | N           | N  | Y<br>N   |
| Furniture and appliance rental and leasing          |                           | N                | N           | N  | Y<br>N   |
| Household maintenance and repair service            |                           | N                | Y           | Y  | Y<br>N   |
| Tool/equipment rental facility                      |                           | N                | Y           | N  | Y<br>N   |
| <i>Animal Services</i>                              |                           |                  |             |    |          |
| Animal hospital/clinic                              |                           | N                | Y           | N  | L<br>Y   |
| Animal boarding facility                            |                           | N                | Y           | N  | L<br>Y   |
| Animal grooming or training facility                |                           | N                | Y           | N  | L<br>Y   |
| <b>MOTOR VEHICLE USES</b>                           |                           |                  |             |    |          |
| <i>Light Motor Vehicle</i>                          |                           |                  |             |    |          |
| Sales facility                                      |                           | L                | S           | N  | S<br>S   |
| Rental facility                                     |                           | L                | S           | N  | S<br>S   |
| Repair facility                                     |                           | L                | S           | N  | S<br>L   |
| Body shop   |                           | L                | S           | N  | S<br>L   |
| Outdoor storage                                     |                           | L                | Y           | N  | S<br>Y   |
| Wholesale facility                                  |                           | Y                | Y           | N  | Y<br>Y   |
| <i>Heavy Motor Vehicle</i>                          |                           |                  |             |    |          |
| Sales facility                                      |                           | L                | Y           | N  | S<br>Y   |

## 295-803-1 Zoning

| <b>Table 295-803-1<br/>INDUSTRIAL DISTRICTS USE TABLE</b> |                           |             |                         |    |          |
|---|---------------------------|-------------|-------------------------|----|----------|
| Y=Permitted Use<br>S=Special Use                          | L=Limited<br>N=Prohibited |             | <b>Zoning Districts</b> |    |          |
| <b>Uses</b>   |                           | I01/<br>I02 | IL1/<br>IL2             | IC | IM<br>IH |
| Rental facility   |                           | L           | Y                       | N  | S<br>Y   |
| Repair facility   |                           | L           | L                       | N  | S<br>L   |
| Body shop   |                           | L           | L                       | N  | S<br>L   |
| Outdoor storage   |                           | L           | S                       | N  | S<br>Y   |
| <i>General Motor Vehicle</i>                              |                           |             |                         |    |          |
| Filling station   |                           | S           | S                       | N  | S<br>S   |
| Car wash  |                           | S           | S                       | N  | S<br>S   |
| Drive-through facility                                    |                           | S           | S                       | N  | S<br>S   |
| <i>Parking</i>  |                           |             |                         |    |          |
| Parking lot, principal use                                |                           | Y           | Y                       | S  | L<br>Y   |
| Parking lot, accessory use                                |                           | Y           | Y                       | L  | L<br>Y   |
| Parking structure, principal use                          |                           | Y           | Y                       | S  | L<br>Y   |
| Parking structures, accessory use                         |                           | Y           | Y                       | L  | L<br>Y   |
| Heavy motor vehicle parking lot, principal use            |                           | S           | L                       | N  | L<br>Y   |
| Heavy motor vehicle parking lot, accessory use            |                           | Y           | Y                       | L  | Y<br>Y   |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>                |                           |             |                         |    |          |
| Bed and breakfast   |                           | N           | N                       | N  | Y<br>N   |
| Hotel, commercial   |                           | L           | N                       | N  | Y<br>N   |
| Hotel, residential  |                           | N           | N                       | N  | Y<br>N   |
| Tavern  |                           | L           | L                       | L  | Y<br>L   |
| Brewpub   |                           | L           | L                       | L  | Y<br>L   |
| Assembly Hall   |                           | N           | N                       | N  | L<br>N   |
| Restaurant, sit-down                                      |                           | L           | L                       | L  | Y<br>L   |
| Restaurant, fast-food/carry-out                           |                           | L           | L                       | L  | L<br>L   |
| <b>ENTERTAINMENT AND RECREATION USES</b>                  |                           |             |                         |    |          |
| Park or playground  |                           | S           | S                       | S  | S<br>S   |
| Festival grounds  |                           | N           | N                       | N  | N<br>N   |
| Recreation facility, indoor                               |                           | S           | S                       | S  | S<br>N   |
| Recreation facility, outdoor                              |                           | N           | N                       | N  | S<br>N   |
| Health club   |                           | L           | L                       | N  | Y<br>N   |
| Sports facility   |                           | N           | S                       | N  | S<br>N   |
| Gaming facility   |                           | N           | S                       | N  | N<br>N   |
| Theater   |                           | N           | N                       | N  | Y<br>N   |
| Convention and exposition                                 |                           | S           | N                       | N  | S<br>N   |
| Marina  |                           | Y           | Y                       | L  | Y<br>Y   |
| Outdoor racing facility                                   |                           | N           | N                       | N  | N<br>S   |
| <b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>        |                           |             |                         |    |          |
| Recycling collection facility                             |                           | S           | Y                       | N  | S<br>Y   |
| Mixed-waste processing facility                           |                           | N           | L                       | N  | S<br>L   |
| Material reclamation facility                             |                           | N           | N                       | N  | N<br>L   |
| Salvage operation, indoor                                 |                           | L           | L                       | N  | L<br>L   |
| Salvage operation, outdoor                                |                           | N           | S                       | N  | S<br>S   |
| Wholesale and distribution facility, indoor               |                           | Y           | Y                       | Y  | L<br>Y   |
| Wholesale and distribution facility, outdoor              |                           | S           | Y                       | S  | S<br>Y   |

| Table 295-803-1<br>INDUSTRIAL DISTRICTS USE TABLE           |                           |         |                  |    |    |
|---|---------------------------|---------|------------------|----|----|
| Y=Permitted Use<br>S=Special Use                            | L=Limited<br>N=Prohibited |         | Zoning Districts |    |    |
| Uses  | I01/I02                   | IL1/IL2 | IC               | IM | IH |
| <b>Storage Facilities</b>                                   |                           |         |                  |    |    |
| Indoor  | Y                         | Y       | L                | L  | Y  |
| Self-service  | Y                         | Y       | N                | N  | Y  |
| Outdoor   | N                         | Y       | N                | S  | Y  |
| Hazardous materials   | N                         | N       | N                | N  | S  |
| <b>TRANSPORTATION USES</b>                                  |                           |         |                  |    |    |
| Ambulance service   | Y                         | Y       | N                | S  | Y  |
| Ground transportation service                               | S                         | Y       | N                | S  | Y  |
| Passenger terminal  | Y                         | Y       | Y                | Y  | Y  |
| Helicopter landing facility                                 | S                         | S       | S                | S  | S  |
| Airport   | N                         | Y       | N                | N  | N  |
| Ship terminal or docking facility                           | N                         | Y       | N                | N  | Y  |
| Truck freight terminal                                      | N                         | S       | N                | S  | L  |
| Railroad switching, classification yard or freight terminal | N                         | Y       | Y                | Y  | Y  |
| <b>INDUSTRIAL USES</b>                                      |                           |         |                  |    |    |
| Alcohol beverage facility, micro                            | Y                         | Y       | Y                | Y  | Y  |
| Alcohol beverage facility, large                            | S                         | L       | Y                | S  | Y  |
| Food processing   | Y                         | Y       | Y                | Y  | Y  |
| Manufacturing, light  | Y                         | Y       | Y                | Y  | Y  |
| Manufacturing, heavy  | N                         | S       | S                | S  | Y  |
| Manufacturing, intense                                      | N                         | N       | N                | N  | S  |
| Research and development                                    | Y                         | Y       | Y                | Y  | Y  |
| Processing or recycling of mined minerals                   | N                         | N       | N                | N  | S  |
| Contractor's shop   | Y                         | Y       | Y                | Y  | Y  |
| Contractor's yard   | Y                         | Y       | N                | Y  | Y  |
| <b>AGRICULTURAL USES</b>                                    |                           |         |                  |    |    |
| Plant nursery or greenhouse                                 | Y                         | Y       | Y                | Y  | Y  |
| Raising of livestock  | L                         | L       | L                | L  | L  |
| Community garden  | Y                         | Y       | Y                | Y  | Y  |
| Commercial farming enterprise                               | Y                         | Y       | Y                | Y  | Y  |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                      |                           |         |                  |    |    |
| Broadcasting or recording studio                            | Y                         | S       | Y                | Y  | S  |
| Transmission tower  | L                         | L       | L                | L  | L  |
| Water treatment plant                                       | Y                         | Y       | Y                | Y  | Y  |
| Sewerage treatment plant                                    | N                         | Y       | N                | N  | Y  |
| Power generation plant                                      | N                         | S       | N                | N  | Y  |
| Small wind energy system                                    | Y                         | Y       | Y                | Y  | Y  |
| Solar farm  | Y                         | Y       | Y                | Y  | Y  |
| Substation/distribution equipment, indoor                   | S                         | Y       | Y                | S  | Y  |
| Substation/distribution equipment, outdoor                  | L                         | Y       | L                | L  | Y  |
| <b>TEMPORARY USES</b>                                       |                           |         |                  |    |    |
| Seasonal market   | L                         | L       | L                | L  | L  |
| Temporary real estate sales office                          | L                         | L       | L                | L  | L  |
| Concrete/batch plant, temporary                             | L                         | L       | L                | L  | L  |
| Live entertainment special event                            | L                         | L       | L                | L  | L  |

2. LIMITED USE STANDARDS.

a. Single-Family Dwelling, Two-Family Dwelling, Multi-Family Dwelling, Permanent Supportive Housing, Attached Single-Family Dwelling, Family Day Care Home, Convent, Rectory or Monastery, Foster Family Home or Family Shelter Care Facility. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

b. Adult Family Home or Small Group Shelter Care Facility.

b-1. Adult Family Home. b-1-a. All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

b-1-b. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

b-2-c. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

c. Small Foster Home. c-1. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

c-2. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [city clerk to insert date], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.

d. Group Home, Group Foster Home or Community Living Arrangement. d-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

d-2. Not more than 15 clients shall reside on the premises.

d-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

d-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement.

d-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

d-6. The use shall not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months. If this standard is not met, the use shall be a prohibited use.



- e. Cultural Institution. e-1. In the IM district, the use shall be located on an arterial or collector street and on a site that is at least 10,000 square feet in area.
- e-2. In the IC district, the use shall be located on an arterial or collector street and limited to an art gallery.
- f. General Office or Government Office. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-industrial principal use and has been occupied by such non-industrial principal use within the past 12 months.
- g. Retail Establishment, General. The use is primarily a showroom sales facility where the majority of items on display are purchased in bulk or by order, or are produced on site. This includes, but is not limited to, building products, interior fixtures and furnishings, antiques and items produced on site. The sales facility is primarily open to contractors and building industry professionals, but is also open to the general public.
- h. Home Improvement Center. h-1. The use shall not exceed 15,000 square feet in gross floor area.
- h-2. Outdoor storage related to home improvement sales or storage shall not be located in the front setback.
- i. Secondhand Store. i-1. In the IC district, resale of used merchandise shall be limited to building and finishing materials, household and office fixtures and furnishings, and home improvement supplies.
- i-2. In the IM district, merchandise offered for sale shall be limited to clothing and books. All drop-offs of consignment or donated items shall occur inside the building.
- j. Outdoor Merchandise Sales. j-1. No portion of the outdoor area where goods are displayed for sale is located within 150 feet of a residential use.
- j-2. The premises contains at least one enclosed, permanent building.
- j-3. No used merchandise is offered for sale.
- k. Health Clinic. The use shall be located on an arterial or collector street.
- L. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.
- m. Light Motor Vehicle Sales Facility or Heavy Motor Vehicle Sales Facility. The facility was in operation on October 1, 2002 and has been in operation within the past 12 months.
- n. Light Motor Vehicle Rental Facility or Heavy Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.
- o. Light Motor Vehicle Repair Facility or Light Motor Vehicle Body Shop. o-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- o-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- o-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- o-4. In the IO1 and IO2 districts, the repair facility or body shop was in operation on October 1, 2002, and has been in operation within the past 12 months.
- p. Light Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- q. Heavy Motor Vehicle Repair Facility or Heavy Motor Vehicle Body Shop. q-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- q-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- q-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- q-4. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- r. Heavy Motor Vehicle Outdoor Storage. The facility was in operation on October 1, 2002, and has been in operation within the past 12 months. If this standard is not met, the use shall be a prohibited use.
- s. Parking Lot, Principal Use. s-1. The width of the paved parking area shall not exceed 45 feet as measured from side lot line to side lot line.
- s-2. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.
- s-3. No alley shall be relied upon for vehicular circulation purposes.
- s-4. The parking lot shall not be located on a corner lot.
- t. Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- u. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be devoted to any other use or uses listed as permitted in the district or approved by the board.

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- v. Heavy Motor Vehicle Parking Lot, Principal Use. The parking lot shall not exceed 9,000 square feet or 30 parking spaces.
- w. Heavy Motor Vehicle Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.
- x. Commercial Hotel. The use shall be located on an arterial or collector street.
- y. Tavern or Brewpub. The use shall be located on an arterial or collector street or on a lot with water frontage.
- z. Assembly Hall. z-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.
  - z-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.
  - z-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.
- aa. Sit-down Restaurant. aa-1. The use shall be located on an arterial or collector street or on a lot with water frontage.
  - aa-2. The floor area of the restaurant shall not exceed 6,000 square feet.
- bb. Fast-food/Carry-out Restaurant. bb-1. The use shall be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.
  - bb-2. The use shall be located on an arterial or collector street.
- cc. Health Club. The use shall be located on an arterial or collector street.
- dd. Marina. No indoor or outdoor storage of boats shall be permitted as an exclusive or primary use. If this standard is not met, the use shall be a prohibited use.
- ee. Mixed-waste Processing Facility. If the use is located within 150 feet of a residential district, it shall be totally enclosed within a building and it shall not operate between the hours of 7 p.m. and 7 a.m.
- ff. Material Reclamation Facility. The use shall be contained entirely within a building and, if located within 150 feet of a residential district, shall not operate between the hours of 7 p.m. and 7 a.m.
- gg. Salvage Operation, Indoor. If the use is located within 150 feet of a residential district, special use approval shall be required.
- hh. Wholesale and Distribution Facility, Indoor. hh-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
  - hh-2. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.
- ii. Storage Facility, Indoor. ii-1. If the premises is located in an IC district:
  - ii-1-a. The use is accessory to a permitted principal use or a use otherwise approved by the board, and located on the same premises as that use, or the use is located off-premises but is used in an accessory manner to a principal use located within 150 feet of the indoor storage facility and both premises are under the same ownership.
    - ii-1-b. If located on the first floor, the use is not located within 25 feet of the primary street façade of the building, regardless of whether the use is located on the same premises or a different premises than the principal use
  - ii-2. If the premises is located in an IM district:
    - ii-2-a. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
    - ii-2-b. Storage of hazardous materials as described in s. 295-201-627 shall be prohibited.
- jj. Truck Freight Terminal. The use shall not be located within 500 feet of a residential district.
- kk. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.
- LL. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.
- mm. Transmission Tower. mm-1. The tower shall comply with the applicable provisions of s. 295-413.
  - mm-2. The height of the tower shall not exceed 85 feet. A tower exceeding 85 feet may be permitted as a special use.
- nn. Substation/Distribution Equipment, Outdoor. nn-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
  - nn-2. No structure associated with the use shall be located within 25 feet of a street lot line.

oo. Seasonal Market. oo-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

oo-2. If flowers, plants or Wisconsin-grown farm products, constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

oo-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

oo-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

oo-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

oo-6. The site shall be restored to its previous condition following termination of the market operation.

pp. Temporary Real Estate Sales Office. pp-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

pp-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.

pp-3. Customer-accessible restrooms shall be provided.

pp-4. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

qq. Temporary Concrete/Batch Plant. qq-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

qq-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

qq-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

qq-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

qq-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

qq-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

rr. Live Entertainment Special Event. rr-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

rr-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

rr-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

**3. ADDITIONAL SPECIAL USE STANDARDS.** a. Currency Exchange, Payday Loan Agency, Title Loan Agency, Cash-for-Gold Business or Pawn Shop. No special use permit for a currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a-1. No other currency exchange, payday loan agency, title loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

a-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

b. Transitional Housing, Rooming House, Dormitory, Fraternity or Sorority or Large Group Shelter Care Facility. No special use permit for transitional housing or a rooming house, dormitory, fraternity or

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sorority, or large group shelter care facility shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that the proposed use will not be located within 150 feet of a parcel located in an IH district that contains an intense manufacturing or heavy manufacturing land use that was in operation on the effective date of this ordinance [October 31, 2014], as indicated by a valid certificate of occupancy for that use, and has been in operation within the last 12 months.

**4. ACCESSORY USES.** a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot  
b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.  
b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Industrial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupancy and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work, motor vehicle sales, storage, recycling and wholesale trade uses or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

e. Retail Sales. Accessory retail sales shall be permitted provided such activity does not occupy more than 10% of the gross floor area of the use.

f. Accessory Parking. The location of accessory off-street parking spaces, including parking for 4 or fewer vehicles, shall comply with all applicable parking location standards set forth in par. 2-q.

**295-805. Industrial Design Standards. 1. PURPOSE.** The objective of the design standards of this section is to reduce or eliminate potential adverse effects and nuisances often associated with industrial activities and structures, particularly as these activities and structures impact surrounding residents and businesses. The standards set forth in this section include setbacks, screening/buffering, height transitions and noise limitations.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Table 295-805-2 indicates the design requirements for all buildings that are located in industrial districts. Table 295-805-2 also specifies which commercial or residential design standards of subchs. 5 and 6 apply to non-industrial buildings located in industrial zoning districts. The provisions of this subsection explain, qualify or specify exceptions to the design standards set forth in table 295-805-2.

b. Conversion of Industrial Buildings. Industrial buildings may be converted to non-industrial uses as permitted by table 295-803-1 or as approved by the board. The design standards for non-industrial and residential buildings specified in table 295-805-2 shall apply to new construction only. Converted buildings shall not be subject to these design standards.

c. Exception to Height Limitations. Solar farms and solar arrays shall not be subject to any height limitations established by table 295-805-2.

| <b>Table 295-805-2</b><br><b>PRINCIPAL BUILDING DESIGN STANDARDS</b>   |        |        |        |        |                                  |                                  |        |
|--|--------|--------|--------|--------|----------------------------------|----------------------------------|--------|
| <i>Design Standards for Industrial Buildings (as defined in s. 295-805-4-e-1)</i>  |        |        |        |        |                                  |                                  |        |
|  | I01    | I02    | IL1    | IL2    | IC                               | IM                               | IH     |
| Front setback, minimum (ft.)   | none*  | none*  | none*  | none*  | none*                            | none*                            | none*  |
| Side street setback, minimum (ft.)   | none*  | none*  | none*  | none*  | none*                            | none*                            | none*  |
| Rear street setback, minimum (ft.)   | none*  | none*  | none*  | none*  | none*                            | none*                            | none*  |
| Side setback, minimum (ft.)  | none*  | none*  | none*  | none*  | none*                            | none*                            | none*  |
| Rear setback, minimum (ft.)  | none*  | none*  | none*  | none*  | none*                            | none*                            | none*  |
| Height, maximum  | none** | none** | none** | none** | 85 ft. (new construction only)** | 85 ft. (new construction only)** | none** |
| Height, minimum  | none   | none   | none   | none   | 18 ft.                           | 30 ft.                           | none   |
| *Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-industrial planned development district, see also the residential buffer (setback) standards of table 295-805-4-d. |        |        |        |        |                                  |                                  |        |
| **Whenever an industrial building site is adjacent to or across a street or alley from a residential, institutional, park or non-industrial planned development district, see also s. 295-805-4-e.   |        |        |        |        |                                  |                                  |        |
| <i>Design Standards for Non-industrial Buildings except Single-family and Two-family Dwellings</i>   |        |        |        |        |                                  |                                  |        |
|  | I01    | I02    | IL1    | IL2    | IC                               | IM                               | IH     |
| Refer to design standards in subch. 6 for this commercial district:  | LB1    | LB2    | LB1    | LB2    | LB2                              | LB3<br>***                       | LB2    |
| *** For new construction on a parcel that is located within 100 feet of a residentially-zoned parcel, the design standards for the LB2 zoning district shall apply.  |        |        |        |        |                                  |                                  |        |
| <i>Design Standards for Single-family and Two-family Dwellings</i>   |        |        |        |        |                                  |                                  |        |
|  | I01    | I02    | IL1    | IL2    | IC                               | IM                               | IH     |
| Refer to design standards in subch. 5 for this residential district  | RT2    | RT3    | RT2    | RT3    | RT4                              | RT4                              | RT4    |

## 295-805-3 Zoning

**3. ACCESSORY STRUCTURE STANDARDS.** a. Accessory Industrial Buildings. Accessory industrial buildings shall comply with the following standards:

a-1. The front setback of an accessory industrial building shall not be less than the front setback of the principal building.

a-2. No side setbacks shall be required.

a-3. The side street setback shall not be less than the side street setback of the principal building.

a-4. The rear setback shall not be less than the rear setback of the principal building.

a-5. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required. Otherwise, there shall be no setback requirement.

a-6. The rear street setback shall not be less than the rear street setback of the principal building.

a-7. The number of accessory structures shall not be limited.

a-8. If the building is located adjacent to a residential district, it shall be subject to the height limitations of sub. 4-e.

b. Accessory Commercial Structures. Structures accessory to commercial buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

c. Accessory Residential Structures. Structures accessory to residential buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

d. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

**4. SITE STANDARDS.** a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all industrial uses. For commercial and residential uses, the site design standards applicable to the zoning district referenced in table 295-805-2 shall apply.

b. Parking. b-1. General. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and meet the design standards of s. 295-403-3.

b-2. Reduction Prohibited. The number of parking spaces required for a use in an industrial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Landscaping. Parking lots shall be landscaped in accordance with the applicable provisions of s. 295-405.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Residential Buffers. d-1. When Required. A transition buffer shall be required when a site in the IO1, IO2, IL1, IL2 or IH district is used for a storage, recycling or wholesale trade use, a transportation use or an industrial use, either principal or accessory, and is adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district. The purpose of such buffers is to screen unsightly activities or buildings, and to reduce significant scale changes between industrial districts and surrounding neighborhoods. While setbacks, landscaping and fences are the primary methods used to achieve this objective, architectural techniques or features such as masonry walls may also be used to provide the buffer. The buffer area shall only include fences, walls, berms, landscaping, and access drives that traverse the buffer at right angles. Table 295-805-4-d contains setback and tree-planting requirements that shall be met whenever a residential buffer is required. Required evergreen trees shall be located and planted in a manner that most effectively obstructs views of industrial activities.

|   | Table 295-805-4-d<br>INDUSTRIAL DISTRICT RESIDENTIAL TRANSITION STANDARDS |                                     |                                  |                                     |                    |    |                                  |
|---|---|-------------------------------------|----------------------------------|-------------------------------------|--------------------|----|----------------------------------|
|   |   | Zoning District                     |                                  |                                     |                    |    |                                  |
|   |   | I01                                 | I02                              | IL1                                 | IL2                | IC | IM                               |
|   | Residential Buffer  |                                     |                                  |                                     |                    |    |                                  |
| Min. setback (Buffer width)   | 25 ft.  | 10 ft.                              | 50ft.                            | 10 ft.                              | No buffer required |    | 15 ft.                           |
| Evergreen trees (min.) per x lineal ft. of alley, street frontage or shared property line   | 1 per 5 ft.   |                                     |                                  |                                     | n.a.               |    | 1 per 5 ft.                      |
| Evergreen tree spacing  | 2 staggered rows with trees a maximum of 10 ft. on center in each row     |                                     |                                  |                                     | n.a.               |    | same as I01-IL2                  |
| Min. tree height at planting  | 6 ft.   |                                     |                                  |                                     | n.a.               |    | 6 ft.                            |
| Max. tree height at maturity  | no limit  |                                     |                                  |                                     | n.a.               |    | no limit                         |
| Alternative Residential Buffer Standards<br>(Note: Where an alternative residential buffer is permitted, the use or industrial process shall not produce dust, odor, vibration, noise or light exceeding the standards specified in ch. 80 or elsewhere in this code at the nearest residential property line.) |   |                                     |                                  |                                     |                    |    |                                  |
| Min. buffer width   | 12.5 Ft.  | alternative standards not permitted | 25 ft.                           | alternative standards not permitted | No buffer required |    | 10 ft.                           |
| New building construction or addition   | no alternative buffer standards permitted                                 |                                     | see s. 295-405, type "A" landsc. |                                     | n.a.               |    |                                  |
| Light motor vehicle parking   | see s. 295-405, type "A" landsc.  |                                     | see s. 295-405, type "A" landsc. |                                     | n.a.               |    | see s. 295-405, type "A" landsc. |
| Dumpsters and trash collection equip.; Loading docks  | see s. 295-405, type "G" landsc.  |                                     | see s. 295-405, type "G" landsc. |                                     | n.a.               |    | see s. 295-405, Type "G" landsc. |
| Outdoor storage, outdoor salvage, outdoor operational space   | see s. 295-405, type "E" landsc.  |                                     | see s. 295-405, type "E" landsc. |                                     | n.a.               |    | see s. 295-405, Type "E" landsc. |

## 295-805-4-e Zoning

d-2. Alternative Buffer Standards. The width of a residential buffer may be reduced by up to 50% if the buffer meets a higher standard for screening and design, as specified by the alternative buffer standards included in table 295-805-4-d, and if the required buffer is not less than 10 feet wide. While the width of a buffer may be reduced, the number of required evergreen trees shall not be reduced and additional screening materials, such as fences and shrubs, shall be added as specified in table 295-805-4-d.

e. Height Adjustment. e-1. Height Limitation When Adjacent to Residential, Institutional, Parks, or Non-Industrial Planned Development District. The maximum height of an industrial building at the required residential buffer line or, if there is no buffer requirement, at the property line, located adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the industrial building may be increased by one foot for every 2 feet the building is set back from the residential buffer line or the property line, as appropriate.

e-2. Exceptions to Height Limitations. All structures shall comply with the height limitations established in subd. 1, except the following:

e-2-a. Chimneys and flues.

e-2-b. Water towers or tanks other than those located on the roof of a building.

e-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

e-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

e-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

e-2-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

e-2-g. Transmission towers which do not exceed 85 feet in height or have received special use approval from the board.

e-2-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f. Dumpsters And Waste Storage. A dumpster or common waste storage facility visible from a public street or a non-industrially-zoned district shall be screened with type "G" landscaping, as described in s. 295-405.

g. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or a non-industrial district, the loading docks shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

h. Outdoor Storage. h-1. Screening. The objective of the screening standard is to hide exterior storage areas from the view of properties located outside the industrial district or from public streets. Where an outdoor storage area or outdoor salvage operation is visible from a public street or a non-industrial district, the outdoor storage area shall be screened with type "E" or "F" landscaping, as described in s. 295-405.

h-2. Stockpiles. All stockpile heights shall be limited to either the height of the fence enclosure provided or the average height of the landscape plant material, if greater. This limitation may be exceeded by 50% if the stockpile is located on the rear 25% of the site and not within 120 feet of a public street or any zoning district other than an industrial district. In a situation where a building completely screens the stockpile from the street, the 120-foot limitation shall not apply for as long as the building remains in place.

i. Fences. i-1. General. In industrial districts, all types of fences are permitted and may be located anywhere on a lot, including along a property line.



i-2. **Fences Along Streets.** Fences along streets shall not exceed a height of 6 feet, with the following exceptions;

i-2-a. A fence may be erected to a height of 9 feet if it is set back at least 5 feet from the street property line and provided with trees and shrubs in accordance with the type "A" landscaping requirement of s. 295-405.

i-2-b. An ornamental metal fence or a combination ornamental metal fence and masonry wall may be constructed on the street property line provided the wall is no higher than 6 feet, the combined height of the wall and fence does not exceed 9 feet and the portion of the fence structure above 6 feet high is at least 50% open. An ornamental metal fence or a combination ornamental metal fence and masonry wall may be constructed to a height not exceeding 9 feet if it is set back at least 5 feet from the street property line and provided with trees and shrubs in accordance with the type "A" landscaping requirement of s. 295-405.

i-3. **Fences along Side and Rear Lot Lines.** A fence located along a side lot line or a rear lot line shall not exceed a height of 9 feet. A fence within 5 feet of a residential use shall be opaque up to at least 6 feet in height.

i-4. **Orientation of Supporting Members.** The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

i-5. **Public-Right-of-Way.** A fence or retaining wall may extend into the public right-of-way to the extent allowed by a special privilege granted by the common council pursuant to s. 245-12.

i-6. **Barbed Wire.** Barbed wire may be used for fence purposes provided it is located not less than 6 feet above the grade directly below the fence and is not located within a residential buffer or within 15 feet of a street lot line. If visible from a public street, trees and shrubs shall be provided in accordance with the type "A" landscaping requirement of s. 295-405. Razor wire and concertina wire are prohibited in all circumstances.

i-7. **Fences as Part of Required Screening.** Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405.

j. **Vision Triangles.** A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the applicable vision triangle regulations of s. 295-405-3.

k. **Noise.** See ss. 80-60 through 80-75 for noise regulations applicable to industrial zoning districts.

L. **Lighting.** See s. 295-409 for lighting regulations applicable to industrial zoning districts.

**5. SIGNS.** a. **General.** The design standards for signs in industrial districts are set forth in table 295-805-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B". General standards for each of these categories are found in s. 295-407.

b. **Sign Limitation Based on Lineal Footage.** Where table 295-805-5 links the maximum number of area of signs to lineal footage, the lineal footage referred to is the length of the building facade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining facade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, projecting or canopy/hood sign may be located in each facade segment.

c. **Bonus Provision for Type "B" Freestanding Signs.** If a monument-type base meeting the base standard for a type "A" freestanding sign is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-805-5.

d. **Standards for Multiple Freestanding Signs.** Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street unless the signs are at least 150 feet apart or separated by a building which obstructs the view of each sign from the other sign.

## 295-805-5-e Zoning

e. Combination Type A and B Signs. Signs that contain elements of both type A and B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

f. Temporary Signs. The following temporary signs shall be permitted in all industrial zoning districts:

f-1. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

| <b>Zoning District</b> | <b>Max. Sign Area</b> |
|------------------------|-----------------------|
| IO1, IO2, IL1, IL2, IM | 48 sq. ft.            |
| IH                     | 72 sq. ft.            |

f-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

g. Type "A" Roof Signs in the Industrial-Mixed District. g-1. There shall be no maximum display area for a type "A" roof sign located in an industrial-mixed district more than 100 feet from a residential district.

g-2. The maximum display area for a type "A" roof sign located in an industrial-mixed district within 100 feet of a residential district shall be 100 square feet. If this standard is not met, a type "A" roof sign in an industrial-mixed district shall be a special use.

g-3. All type "A" roof signs shall be stationary.

h. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

| Table 295-805-5<br>INDUSTRIAL DISTRICT SIGN STANDARDS |   |                     |                     |                     |                     |
|---|---|---------------------|---------------------|---------------------|---------------------|
|   | Zoning District   |                     |                     |                     |                     |
|   | I01/I02   | IL1/IL2             | IC                  | IM                  | IH                  |
| <b>Freestanding Signs</b>                             | <i>permitted</i>  | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    |
| Maximum number  | 1 per street frontage   | 1 per site *        | 1 per site *        | 1 per site *        | 1 per site *        |
| Type "A" max display area (sq. ft.)                   | 100   | 100                 | 100                 | 100                 | 100                 |
| Type "B" max. display area (sq. ft.)                  | 40  | 50                  | 40                  | 40                  | 50                  |
| Maximum height  | 15  | 15                  | 15                  | 15                  | 15                  |
| <b>Wall signs</b>                                     | <i>permitted</i>  | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    |
| Maximum number  | 1 per 25 lineal ft.   | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. |
| Type "A" max display area (sq. ft.)                   | 75  | 120                 | 50                  | 50                  | 120                 |
| Type "B" max. display area (sq. ft.)                  | 32  | 60                  | 32                  | 32                  | 60                  |
| <b>Projecting Signs</b>                               | <i>permitted</i>  | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    |
| Maximum number  | 1 per 25 lineal ft.   | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. |
| Type "A" max display area (sq. ft.)                   | 50  | 60                  | 50                  | 50                  | 60                  |
| Type "B" max. display area (sq. ft.)                  | 25  | 30                  | 25                  | 25                  | 30                  |
| <b>Awning Signs</b>                                   |   |                     |                     |                     |                     |
| <i>type "A" permitted only</i>                        |   |                     |                     |                     |                     |
| Maximum number  | 1 per 25 lineal ft.   | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. |
| Type "A" max display area (sq. ft.)                   | 20  | 20                  | 20                  | 20                  | 20                  |
| <b>Canopy and Hood Signs</b>                          | <i>permitted</i>  | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    | <i>permitted</i>    |
| Maximum number  | 1 per 25 lineal ft.   | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. | 1 per 25 lineal ft. |
| Type "A" max display area (sq. ft.)                   | 50  | 60                  | 50                  | 50                  | 60                  |
| Type "B" max. display area (sq. ft.)                  | 25  | 30                  | 25                  | 25                  | 30                  |
|   | * Except 2 shall be permitted if the site fronts on 3 streets or has continuous street frontage of at least 240 feet. |                     |                     |                     |                     |

## 295-805-5 -Zoning

|   | Table 295-805-5<br>INDUSTRIAL DISTRICT SIGN STANDARDS                    |   |                            |                            |                |
|---|--|---|----------------------------|----------------------------|----------------|
|   |  | Zoning District   |                            |                            |                |
|   | I01/I02  | IL1/IL2   | IC                         | IM                         | IH             |
| Roof Signs                              | type “A”<br>permitted only   | permitted   | type “A”<br>permitted only | type “A”<br>permitted only | permitted      |
| Maximum number                          | 1 per building   | 1 per building  | 1 per building<br>façade   | 1 per building<br>façade   | 1 per building |
| Type “A” max display area (sq. ft.)     | 100  | no limit  | see s. 295-805-5-g         | see s. 295-805-5-g         | no limit       |
| Type “B” max display area (sq. ft.)     | NA   | 100   | NA                         | NA                         | 100            |
| Off-premise Signs                       | permitted **   | permitted **  | permitted **               | permitted **               | permitted **   |
| Maximum number                          | 1 per site   | 1 per site  | 1 per site                 | 1 per site                 | 1 per site     |
| Maximum display area per sign (sq. ft.) | 672  | 672   | 300                        | 300                        | 672            |
| Minimum distance between signs          |  | 500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs |                            |                            |                |
| Maximum height, Freestanding sign (ft.) | 35   | 35  | 40                         | 40                         | 40             |
| Maximum height, wall sign (ft.)         | 40   | 40  | 60                         | 60                         | 60             |
| Maximum height, roof sign               |  | 25 ft. above roof   |                            |                            |                |
|   | **Subject to special use permit requirement set forth in s. 295-407-7-d. |   |                            |                            |                |

[Pages 889 to 900 are blank]

## SUBCHAPTER 9 SPECIAL DISTRICTS

**295-901. Special District Purposes.** Special districts are intended to identify areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. Special districts are base districts designed to protect or regulate the development of unique areas or to provide more flexible zoning districts which encourage good design and site layout. Special districts contain or provide, by reference, all applicable zoning regulations.

**295-903. Parks District (PK).** **1. PURPOSE.** The parks district is established to accommodate a wide variety of public and quasi-public open spaces and facilities providing recreational and cultural opportunities and supporting services for surrounding neighborhoods. The parks district will be shown on the zoning map with a "PK" designator.

**2. USES.** a. Use Table. Table 295-903-2-a indicates the use classifications for various land uses in the parks district. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-903-2-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

a-2. "L" indicates a limited use. This use is permitted only when the use meets the standards of par. b. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

a-4. "N" indicates a prohibited use.

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| Table 295-903-2-a<br>PARKS DISTRICT USE TABLE |                  |                 |
|---|------------------|-----------------|
| Y=Permitted Use                               | L=Limited Use    | Zoning District |
| S=Special Use                                 | N=Prohibited Use |                 |
| <b>Uses</b>                                   |                  | PK              |
| <b>RESIDENTIAL USES</b>                       |                  |                 |
| Single-family dwelling                        |                  | N               |
| Two-family dwelling                           |                  | N               |
| Multi-family dwelling                         |                  | N               |
| Permanent supportive housing                  |                  | N               |
| Transitional housing                          |                  | N               |
| Attached single-family dwelling               |                  | N               |
| Live-work unit                                |                  | N               |
| Mobile home                                   |                  | N               |
| Watchman/service quarters                     |                  | N               |
| Family day care home                          |                  | N               |
| <b>GROUP RESIDENTIAL USES</b>                 |                  |                 |
| Rooming house                                 |                  | N               |
| Convent, rectory or monastery                 |                  | N               |
| Dormitory                                     |                  | N               |
| Fraternity or sorority                        |                  | N               |
| Adult family home                             |                  | N               |
| <i>Foster Homes</i>                           |                  |                 |
| Foster family home                            |                  | N               |
| Small foster home                             |                  | N               |
| Group home or group foster home               |                  | N               |
| <i>Shelter Care Facilities</i>                |                  |                 |
| Family shelter care facility                  |                  | N               |
| Small group shelter care facility             |                  | N               |
| Large group shelter care facility             |                  | N               |
| Community living arrangement                  |                  | N               |
| <b>EDUCATIONAL USES</b>                       |                  |                 |
| Day care center                               |                  | L               |
| School, elementary or secondary               |                  | Y               |
| College                                       |                  | Y               |
| School, personal instruction                  |                  | S               |
| <b>COMMUNITY-SERVING USES</b>                 |                  |                 |
| Library                                       |                  | Y               |
| Cultural institution                          |                  | L               |
| Community center                              |                  | L               |
| Religious assembly                            |                  | L               |
| Cemetery or other place of interment          |                  | N               |
| Public safety facility                        |                  | Y               |
| Correctional facility                         |                  | N               |
| <b>COMMERCIAL AND OFFICE USES</b>             |                  |                 |
| General office                                |                  | N               |

| Table 295-903-2-a<br>PARKS DISTRICT USE TABLE              |                                   |                 |
|--|-----------------------------------|-----------------|
| Y=Permitted Use<br>S=Special Use                           | L=Limited Use<br>N=Prohibited Use | Zoning District |
| <b>Uses</b>  |                                   | PK              |
| Government office  |                                   | Y               |
| Bank or other financial institution                        |                                   | N               |
| Currency exchange, payday loan agency or title loan agency |                                   | N               |
| Installment loan agency                                    |                                   | N               |
| Cash-for-gold business                                     |                                   | N               |
| Pawn shop  |                                   | N               |
| Retail establishment, general                              |                                   | L               |
| Garden supply or landscaping center                        |                                   | N               |
| Home improvement   |                                   | N               |
| Secondhand store   |                                   | N               |
| Outdoor merchandise sales                                  |                                   | N               |
| Artist studio  |                                   | N               |
| Adult retail establishment                                 |                                   | N               |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE</b>                   |                                   |                 |
| Medical office   |                                   | N               |
| Health clinic  |                                   | N               |
| Hospital   |                                   | N               |
| Medical research laboratory                                |                                   | N               |
| Medical service facility                                   |                                   | N               |
| Social service facility                                    |                                   | N               |
| Emergency residential shelter                              |                                   | N               |
| Nursing home   |                                   | N               |
| <b>GENERAL SERVICE USES</b>                                |                                   |                 |
| Personal service   |                                   | N               |
| Business service   |                                   | N               |
| Catering service   |                                   | N               |
| Funeral home   |                                   | N               |
| Laundromat   |                                   | N               |
| Dry cleaning establishment                                 |                                   | N               |
| Furniture and appliance rental and leasing                 |                                   | N               |
| Household maintenance and repair service                   |                                   | N               |
| Tool/equipment rental facility                             |                                   | N               |
| <i>Animal Services</i>                                     |                                   |                 |
| Animal hospital/clinic                                     |                                   | N               |
| Animal boarding facility                                   |                                   | N               |
| Animal grooming or training facility                       |                                   | N               |
| <b>MOTOR VEHICLE USES</b>                                  |                                   |                 |
| <i>Light Motor Vehicle</i>                                 |                                   |                 |
| Sales facility   |                                   | N               |
| Rental facility  |                                   | N               |

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| Table 295-903-2-a<br>PARKS DISTRICT USE TABLE  |                  |                 |
|--|------------------|-----------------|
| Y=Permitted Use                                | L=Limited Use    | Zoning District |
| S=Special Use                                  | N=Prohibited Use |                 |
| <b>Uses</b>                                    |                  | PK              |
| Repair facility                                |                  | N               |
| Body shop                                      |                  | N               |
| Outdoor storage                                |                  | N               |
| Wholesale facility                             |                  | N               |
| <i>Heavy Motor Vehicle</i>                     |                  |                 |
| Sales facility                                 |                  | N               |
| Rental facility                                |                  | N               |
| Repair facility                                |                  | N               |
| Body shop                                      |                  | N               |
| Outdoor storage                                |                  | N               |
| <i>General Motor Vehicle</i>                   |                  |                 |
| Filling station                                |                  | N               |
| Car wash                                       |                  | N               |
| Drive-through facility                         |                  | N               |
| <i>Parking</i>                                 |                  |                 |
| Parking lot, principal use                     |                  | S               |
| Parking lot, accessory use                     |                  | Y               |
| Parking structure, principal use               |                  | S               |
| Parking structure, accessory use               |                  | S               |
| Heavy motor vehicle parking lot, principal use |                  | N               |
| Heavy motor vehicle parking lot, accessory use |                  | N               |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>     |                  |                 |
| Bed and breakfast                              |                  | N               |
| Hotel, commercial                              |                  | N               |
| Hotel, residential                             |                  | N               |
| Tavern   |                  | N               |
| Brewpub  |                  | N               |
| Assembly Hall                                  |                  | L               |
| Restaurant, sit-down                           |                  | L               |
| Restaurant, fast-food/carry-out                |                  | L               |
| <b>ENTERTAINMENT AND RECREATION USES</b>       |                  |                 |
| Park or playground                             |                  | Y               |
| Festival grounds                               |                  | N               |
| Recreation facility, indoor                    |                  | Y               |
| Recreation facility, outdoor                   |                  | Y               |
| Health club                                    |                  | N               |
| Sports facility                                |                  | S               |
| Gaming facility                                |                  | N               |
| Theater  |                  | L               |
| Convention and exposition center               |                  | S               |
| Marina   |                  | L               |
| <b>Uses</b>                                    |                  | PK              |



| Table 295-903-2-a<br>PARKS DISTRICT USE TABLE               |                  |                 |
|---|------------------|-----------------|
| Y=Permitted Use   | L=Limited Use    | Zoning District |
| S=Special Use   | N=Prohibited Use |                 |
| Outdoor racing facility                                     |                  | N               |
| <b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>          |                  |                 |
| Recycling collection facility                               |                  | N               |
| Mixed-waste processing facility                             |                  | N               |
| Material reclamation facility                               |                  | N               |
| Salvage operation, indoor                                   |                  | N               |
| Salvage operation, outdoor                                  |                  | N               |
| Wholesale and distribution facility, indoor                 |                  | N               |
| Wholesale and distribution facility, outdoor                |                  | N               |
| <i>Storage Facilities</i>                                   |                  |                 |
| Indoor  |                  | N               |
| Self-service  |                  | N               |
| Outdoor   |                  | N               |
| Hazardous materials   |                  | N               |
| <b>TRANSPORTATION USES</b>                                  |                  |                 |
| Ambulance service   |                  | N               |
| Ground transportation service                               |                  | N               |
| Passenger terminal  |                  | L               |
| Helicopter landing facility                                 |                  | N               |
| Airport   |                  | N               |
| Ship terminal or docking facility                           |                  | N               |
| Truck freight terminal                                      |                  | N               |
| Railroad switching, classification yard or freight terminal |                  | N               |
| <b>INDUSTRIAL USES</b>                                      |                  |                 |
| Alcohol beverage facility, micro                            |                  | N               |
| Alcohol beverage facility, large                            |                  | N               |
| Food processing   |                  | N               |
| Manufacturing, light  |                  | N               |
| Manufacturing, heavy  |                  | N               |
| Manufacturing, intense                                      |                  | N               |
| Research and development                                    |                  | N               |
| Processing or recycling of mined materials                  |                  | N               |
| Contractor's shop   |                  | N               |
| Contractor's yard   |                  | N               |
| <b>AGRICULTURAL USES</b>                                    |                  |                 |
| Plant nursery or greenhouse                                 |                  | L               |
| Raising of livestock  |                  | L               |
| Community garden  |                  | Y               |
| Commercial farming enterprise                               |                  | S               |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                      |                  |                 |
| Broadcasting or recording studio                            |                  | N               |
| Transmission tower  |                  | L               |
| Water treatment plant                                       |                  | Y               |

## 295-903-2-b Zoning

| Table 295-903-2-a<br>PARKS DISTRICT USE TABLE |                  |                 |
|---|------------------|-----------------|
| Y=Permitted Use                               | L=Limited Use    | Zoning District |
| S=Special Use                                 | N=Prohibited Use |                 |
| <b>Uses</b>                                   |                  | PK              |
| Sewerage treatment plant                      |                  | N               |
| Power generation plant                        |                  | N               |
| Small wind energy system                      |                  | Y               |
| Solar farm                                    |                  | Y               |
| Substation/distribution equipment, indoor     |                  | S               |
| Substation/distribution equipment outdoor     |                  | L               |
| <b>TEMPORARY USES</b>                         |                  |                 |
| Seasonal market                               |                  | L               |
| Temporary real estate sales office            |                  | N               |
| Concrete/batch plant, temporary               |                  | L               |
| Live entertainment special event              |                  | L               |

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-1-d. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-2. Cultural Institution, Community Center, Religious Assembly, Assembly Hall, Theater, Passenger Terminal, Plant Nursery or Greenhouse. The facility shall be located in a structure owned by a governmental entity.

b-3. General Retail Establishment or Fast-Food/Carry-Out Restaurant. b-3-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-3-b. The establishment shall be located in a structure owned by a governmental entity.

b-3-c. The establishment shall be ancillary to park and recreational uses.

b-3-d. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This provision shall not apply to convenience stores and fast-food/carry-out restaurants open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-4. Sit-down Restaurant. b-4-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-4-b. The establishment shall be located in a structure owned by a governmental entity.

b-4-c. The establishment shall be ancillary to park and recreational uses.

b-5. Marina. Indoor sales or storage shall not be permitted.

b-6. Raising of Livestock. The use is limited to aquaculture or the raising of chickens or bees, as permitted under ch. 78.

b-7. Transmission Tower. b-7-a. The tower shall comply with the applicable provisions of s. 295-413.

b-7-b. The tower shall not exceed 60 feet in height.

b-8. Substation/Distribution Equipment, Outdoor. b-7-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-8-b. No structures associated with the use shall be located within 25 feet of a property line.

b-9. Seasonal Market. b-9-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-9-b. If flowers, plants or Wisconsin-grown farm constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-9-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-9-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

b-9-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-9-f. The site shall be restored to its previous condition following termination of the market operation.

b-10. Temporary Concrete/Batch Plant. b-10-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

b-10-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

b-10-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

b-10-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

b-10-e. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

b-10-f. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

b-11. Live Entertainment Special Event. b-11-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-11-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

b-11-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

**3. DESIGN STANDARDS.** a. Purpose. The objective of the design standards of this subsection is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this section include setbacks, screening/buffering and noise limitations.

b. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

c. Accessory Building Standards. All accessory buildings shall have setbacks of at least 25 feet from all property lines. However, a ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

d. Site Standards. d-1. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

d-2. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type "G" landscaping, as described in s. 295-405.

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d-3. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

d-4. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

d-5. Signs. d-5-a. Standards. Table 295-903-3-d-5 contains the regulations for on-premise and off-premise signs in the parks district. General regulations applicable to all signs can be found in s. 295-407.

d-5-b. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as is possibly practicable or be separated by a building.

d-5-c. Combination Type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

d-5-d. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the parks district provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the parks district provided it does not exceed 6 square feet.

d-5-e. Additional Regulations. See s. 295-407 for additional regulations for on-premise signs.

e. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

| Table 295-903-3-d-5<br>PARKS DISTRICT SIGN STANDARDS |  |
|--|--|
|  | PK   |
| <i>Freestanding Signs (permitted)</i>                |  |
| Maximum number                                       | 1 per street frontage  |
| Type "A" max display area (sq. ft.)                  | 32   |
| Type "B" max. display area (sq. ft.)                 | 15; 22.5 if set on or in a base constructed of masonry materials |
| Maximum height                                       | 6  |
| <i>Wall Signs permitted</i>                          |  |
| Maximum number                                       | 1 per principal building   |
| Type "A" max. display area (sq. ft.)                 | 60   |
| Type "B" max. display area (sq. ft.)                 | 32   |
| <i>Projecting Signs (permitted)</i>                  |  |
| Maximum number                                       | 1 per principal building   |
| Type "A" max display area (sq. ft.)                  | 50   |
| Type "B" max. display area (sq. ft.)                 | 25   |
| <i>Awning Signs (permitted)</i>                      |  |
| Maximum number                                       | 1 per principal building   |
| Type "A" max display area (sq. ft.)                  | 10   |
| <i>Canopy and Hood Signs (permitted)</i>             |  |
| Maximum number                                       | 1 per principal building   |
| Type "A" max display area (sq. ft.)                  | 50   |
| Type "B" max. display area (sq. ft.)                 | 25   |
| <i>Roof Signs (not permitted)</i>                    |  |
| <i>Off-premise Signs (not permitted)</i>             |  |

**295-905. Institutional District (TL). 1. PURPOSE.** The institutional district is established to accommodate largely institutional and institutional/residential uses, along with supporting uses, that occupy multiple buildings, often in a campus-like setting. The institutional district shall be shown on the zoning map with a "TL" designator.

**2. USES.** a. Use Table. Table 295-905-2-a indicates the use classifications for various land uses in the institutional district. The uses in this table are defined in s. 295-205. The following are the use classifications indicated in Table 295-905-2-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

a-2. "L" indicates a limited use. This use is permitted only when the use meets the standards of par. b. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

a-4. "N" indicates a prohibited use.

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| Table 295-905-2-a<br>INSTITUTIONAL DISTRICT USE TABLE |                                   |                 |
|---|-----------------------------------|-----------------|
| Y=Permitted Use<br>S=Special Use                      | L=Limited Use<br>N=Prohibited Use | Zoning District |
| <b>Uses</b>   |                                   | TL              |
| <b>RESIDENTIAL USES</b>                               |                                   |                 |
| Single-family dwelling                                |                                   | N               |
| Two-family dwelling                                   |                                   | N               |
| Multi-family dwelling                                 |                                   | N               |
| Permanent supportive housing                          |                                   | N               |
| Transitional housing                                  |                                   | S               |
| Attached single-family dwelling                       |                                   | N               |
| Live-work unit  |                                   | N               |
| Mobile home   |                                   | N               |
| Watchman/service quarters                             |                                   | Y               |
| Family day care home                                  |                                   | N               |
| <b>GROUP RESIDENTIAL USES</b>                         |                                   |                 |
| Rooming house   |                                   | S               |
| Convent, rectory or monastery                         |                                   | Y               |
| Dormitory   |                                   | Y               |
| Fraternity or sorority                                |                                   | S               |
| Adult family home                                     |                                   | N               |
| <i>Foster Homes</i>                                   |                                   |                 |
| Foster family home                                    |                                   | N               |
| Small foster home                                     |                                   | N               |
| Group home or group foster home                       |                                   | L               |
| <i>Shelter Care Facilities</i>                        |                                   |                 |
| Family shelter care facility                          |                                   | N               |
| Small shelter care facility                           |                                   | L               |
| Large shelter care facility                           |                                   | S               |
| Community living arrangement                          |                                   | L               |
| <b>EDUCATIONAL USES</b>                               |                                   |                 |
| Day care center                                       |                                   | L               |
| School, elementary or secondary                       |                                   | Y               |
| College   |                                   | Y               |
| School, specialty instruction                         |                                   | Y               |
| <b>COMMUNITY-SERVING USES</b>                         |                                   |                 |
| Library   |                                   | Y               |
| Cultural institution                                  |                                   | Y               |

| Table 295-905-2-a<br>INSTITUTIONAL DISTRICT USE TABLE      |                  |                 |
|--|------------------|-----------------|
| Y=Permitted Use  | L=Limited Use    | Zoning District |
| S=Special Use  | N=Prohibited Use |                 |
| <b>Uses</b>  |                  | TL              |
| Community center   |                  | S               |
| Religious assembly   |                  | Y               |
| Cemetery or other place of interment                       |                  | Y               |
| Public safety facility                                     |                  | Y               |
| Correctional facility                                      |                  | S               |
| <b>COMMERCIAL AND OFFICE USES</b>                          |                  |                 |
| General office   |                  | Y               |
| Government office  |                  | Y               |
| Bank or other financial institution                        |                  | L               |
| Currency exchange, payday loan agency or title loan agency |                  | S               |
| Installment loan agency                                    |                  | S               |
| Cash-for-gold business                                     |                  | S               |
| Pawn shop  |                  | S               |
| Retail establishment, general                              |                  | L               |
| Garden supply or landscaping center                        |                  | N               |
| Home improvement center                                    |                  | N               |
| Secondhand store   |                  | N               |
| Outdoor merchandise sales                                  |                  | N               |
| Artist studio  |                  | Y               |
| Adult retail establishment                                 |                  | N               |
| <b>HEALTH CARE AND SOCIAL ASSISTANCE</b>                   |                  |                 |
| Medical office   |                  | Y               |
| Health clinic  |                  | S               |
| Hospital   |                  | S               |
| Medical research laboratory                                |                  | Y               |
| Medical service facility                                   |                  | S               |
| Social service facility                                    |                  | S               |
| Emergency residential shelter                              |                  | S               |
| Nursing home   |                  | Y               |
| <b>GENERAL SERVICE USES</b>                                |                  |                 |
| Personal service   |                  | L               |
| Business service   |                  | L               |
| Catering service   |                  | S               |
| Funeral home   |                  | Y               |
| Laundromat   |                  | S               |
| Dry cleaning establishment                                 |                  | S               |
| Furniture and appliance rental and leasing                 |                  | N               |
| Household maintenance and repair service                   |                  | N               |
| Tool/equipment rental facility                             |                  | N               |
| <b>Animal Services</b>                                     |                  |                 |
| Animal hospital/clinic                                     |                  | N               |

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| Table 295-905-2-a<br>INSTITUTIONAL DISTRICT USE TABLE |                  |                 |
|---|------------------|-----------------|
| Y=Permitted Use                                       | L=Limited Use    | Zoning District |
| S=Special Use   | N=Prohibited Use |                 |
| <b>Uses</b>   |                  | TL              |
| Animal boarding facility                              |                  | N               |
| Animal grooming or training facility                  |                  | N               |
| <b>MOTOR VEHICLE USES</b>                             |                  |                 |
| <i>Light Motor Vehicle</i>                            |                  |                 |
| Sales facility  |                  | N               |
| Rental facility                                       |                  | N               |
| Repair facility                                       |                  | N               |
| Body shop   |                  | N               |
| Outdoor storage                                       |                  | N               |
| Wholesale facility                                    |                  | N               |
| <i>Heavy Motor Vehicle</i>                            |                  |                 |
| Sales facility  |                  | N               |
| Rental facility                                       |                  | N               |
| Repair facility                                       |                  | N               |
| Body shop   |                  | N               |
| Outdoor storage                                       |                  | N               |
| <i>General Motor Vehicle</i>                          |                  |                 |
| Filling station                                       |                  | N               |
| Car wash  |                  | N               |
| Drive-through facility                                |                  | L               |
| <i>Parking</i>  |                  |                 |
| Parking lot, principal use                            |                  | S               |
| Parking lot, accessory use                            |                  | Y               |
| Parking structure, principal use                      |                  | S               |
| Parking structure, accessory use                      |                  | S               |
| Heavy motor vehicle parking lot, principal use        |                  | N               |
| Heavy motor vehicle parking lot, accessory use        |                  | N               |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>            |                  |                 |
| Bed and breakfast                                     |                  | S               |
| Hotel, commercial                                     |                  | N               |
| Hotel, residential                                    |                  | N               |
| Tavern  |                  | N               |
| Brewpub   |                  | N               |
| Assembly hall   |                  | L               |
| Restaurant, sit-down                                  |                  | S               |
| Restaurant, fast-food/carry-out                       |                  | L               |
| <b>ENTERTAINMENT AND RECREATION USES</b>              |                  |                 |
| Park or playground                                    |                  | Y               |
| Festival grounds                                      |                  | Y               |
| Recreation facility, indoor                           |                  | S               |



| Table 295-905-2-a<br>INSTITUTIONAL DISTRICT USE TABLE       |                                   |                 |
|---|-----------------------------------|-----------------|
| Y=Permitted Use<br>S=Special Use                            | L=Limited Use<br>N=Prohibited Use | Zoning District |
| <b>Uses</b>   |                                   | TL              |
| Recreation facility, outdoor                                |                                   | S               |
| Health club   |                                   | Y               |
| Sports facility   |                                   | S               |
| Gaming facility   |                                   | N               |
| Theater   |                                   | N               |
| Convention and exposition center                            |                                   | S               |
| Marina  |                                   | Y               |
| Outdoor racing facility                                     |                                   | N               |
| <b>STORAGE, RECYCLING AND WHOLE SALE TRADE USES</b>         |                                   |                 |
| Recycling collection facility                               |                                   | S               |
| Mixed-waste processing facility                             |                                   | N               |
| Material reclamation facility                               |                                   | N               |
| Salvage operation, indoor                                   |                                   | N               |
| Salvage operation, outdoor                                  |                                   | N               |
| Wholesale and distribution facility, indoor                 |                                   | N               |
| Wholesale and distribution facility, outdoor                |                                   | N               |
| <i>Storage Facilities</i>                                   |                                   |                 |
| Indoor  |                                   | N               |
| Self-service  |                                   | N               |
| Outdoor   |                                   | N               |
| Hazardous materials   |                                   | N               |
| <b>TRANSPORTATION USES</b>                                  |                                   |                 |
| Ambulance service   |                                   | Y               |
| Ground transportation service                               |                                   | N               |
| Passenger terminal  |                                   | Y               |
| Helicopter landing facility                                 |                                   | S               |
| Airport   |                                   | N               |
| Ship terminal or docking facility                           |                                   | N               |
| Truck freight terminal                                      |                                   | N               |
| Railroad switching, classification yard or freight terminal |                                   | N               |
| <b>INDUSTRIAL USES</b>                                      |                                   |                 |
| Alcohol beverage facility, micro                            |                                   | N               |
| Alcohol beverage facility, large                            |                                   | N               |
| Food processing   |                                   | N               |
| Manufacturing, light  |                                   | N               |
| Manufacturing, heavy  |                                   | N               |
| Manufacturing, intense                                      |                                   | N               |
| Research and development                                    |                                   | S               |
| Processing or recycling of mined materials                  |                                   | N               |
| Contractor's shop   |                                   | N               |
| Contractor's yard   |                                   | N               |
| <b>AGRICULTURAL USES</b>                                    |                                   |                 |

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| Table 295-905-2-a<br>INSTITUTIONAL DISTRICT USE TABLE |                                   |                 |
|---|-----------------------------------|-----------------|
| Y=Permitted Use<br>S=Special Use                      | L=Limited Use<br>N=Prohibited Use | Zoning District |
| <b>Uses</b>   |                                   | TL              |
| Plant nursery or greenhouse                           |                                   | S               |
| Raising of livestock                                  |                                   | Y               |
| Community garden                                      |                                   | Y               |
| Commercial farming enterprise                         |                                   | Y               |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                |                                   |                 |
| Broadcasting or recording studio                      |                                   | Y               |
| Transmission tower                                    |                                   | L               |
| Water treatment plant                                 |                                   | Y               |
| Sewerage treatment plant                              |                                   | Y               |
| Power generation plant                                |                                   | S               |
| Small wind energy system                              |                                   | Y               |
| Solar farm  |                                   | Y               |
| Substation/distribution equipment, indoor             |                                   | Y               |
| Substation/distribution equipment, outdoor            |                                   | L               |
| <b>TEMPORARY USES</b>                                 |                                   |                 |
| Seasonal market                                       |                                   | L               |
| Temporary real estate sales office                    |                                   | L               |
| Concrete/batch plant, temporary                       |                                   | L               |
| Live entertainment special event                      |                                   | L               |

b. Limited Use Standards. b-1. Group Home or Group Foster Home. b-1-a. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, community living arrangement or another group home or group foster home.

b-1-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home or group foster home.

b-1-c. Prior to initial licensure of the group home or group foster home by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home or group foster home, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4), Wis. Stats., with the local government representative being the local common council member or the council member's designee.

b-2. Small Group Shelter Care Facility. b-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of an adult family home, community living arrangement, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

b-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

b-3. Community Living Arrangement. b-3-a. All residents of the community living arrangement, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home, group home, group foster home or another community living arrangement.

b-3-b. Not more than 15 clients shall reside on the premises.

b-3-c. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a community living arrangement.

b-3-d. Prior to initial licensure of the community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

b-4. Day Care Center. b-4-a. The use is located in a building containing an elementary or secondary school, college, library, cultural institution or religious assembly as a principal use.

b-4-b. The use shall not operate between the hours of 12 a.m. and 5 a.m.

b-4-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-4-d. For any day care center other than an adult day care center, if the day care center is located in a building containing an elementary or secondary school, college, library, cultural institution or religious assembly as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-5. Bank or Other Financial Institution; Retail Establishment, General; Personal Service; Business Service. The use shall be located in a building containing at least one other principal use classified as a permitted use in this district.

b-6. Drive-Through Facility. b-6-a. A queuing lane of at least 200 feet shall be provided on the premises. This limitation shall not apply to an automatic teller machine.

b-6-b. The drive-through shall not be operated between the hours of 10 p.m. and 7 a.m. This limitation shall not apply to an automatic teller machine or drive-through facility associated with a convenience store, personal service, sit-down restaurant or fast food/carry-out restaurant which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

b-6-c. The facility shall not be located within 150 feet of a residential use.

b-6-d. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.

b-6-e. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.

b-7. Assembly Hall. b-7-a. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

b-7-b. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

b-7-c. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

b-8. Restaurant, Fast-Food/Carry-Out. b-8-a. The use shall be located in a building containing at least one other principal use classified as a permanent use in this district.

b-8-b. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

b-9. Transmission Tower. b-9-a. The tower shall comply with the applicable provisions of s. 295-413.

b-9-b. The tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

b-10. Utility Substation/Distribution Equipment, Outdoor. b-10-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-10-b. No structure associated with the use shall be located within 25 feet of a street lot line.

b-11. Seasonal Market. b-11-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

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b-11-b. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-11-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-11-d. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

b-11-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-11-f. The site shall be restored to its previous condition following termination of the market operation.

b-12. Temporary Real Estate Sales Office. b-12-a. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

b-12-b. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch.

5.

b-12-c. Customer-accessible restrooms shall be provided.

b-12-d. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

b-13. Temporary Concrete/Batch Plant. b-13-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

b-13-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department of neighborhood services.

b-13-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

b-13-d. The plant shall not operate between the hours of 9 p.m. and 7 a.m. b-12-e. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

b-14. Live Entertainment Special Event. b-13-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-13-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

c. Additional Special Use Standards. No special use permit for a currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

c-1. No other currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

c-2. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

**3. DESIGN STANDARDS.** a. Purposes. The purposes of the design standards of this section are to:

a-1. Maintain Compatibility with Neighborhood Context. One objective of these design standards is to ensure that buildings in institutional districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

a-2. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

a-3. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the “Principles of Urban Design” adopted by the city plan commission as part of the city’s comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Development and alteration of institutional facilities should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow a certain degree of land use diversity within the zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

b. Principal Building Standards. b-1. General. Table 295-905-3-b contains the design requirements for principal buildings in the institutional district.

b-2. Height Limitation When Adjacent to Residential District. The maximum height of an institutional building at the minimum required setback located adjacent to or across a street or alley from a residential or a non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the institutional building may be increased by one foot for every 2 feet the building is set back from the required setback line.

| <b>Table 295-905-3-b</b><br><b>PRINCIPAL BUILDING DESIGN STANDARDS</b>  |   |
|---|---|
| Type of use:  | Refer to design standards in residential or commercial subch. for this district |
| Institutional (educational uses, community- serving uses and hospitals) | RM6 (s.295-505-2)   |
| Commercial or other non-institutional                                   | LB2 (s.295-605-2)   |
| Residential   | RM6 (s.295-505-2)   |

c. Accessory Structure Standards. Accessory structures in the institutional district shall comply with the design standards of s. 295-505-3.

d. Site Standards. d-1. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

d-2. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type “G” landscaping, as described in s. 295-405.

d-3. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type “G” landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

d-4. Fences. Fences shall comply with the fence regulations for residential districts, as specified in s. 295-505-4-f.

d-5. Signs. d-5-a. General. Table 295-905-3-d-5 contains the regulations for on-premise and off-premise signs in the institutional district. General regulations applicable to all signs can be found in s. 295-407.

d-5-b. Sign Limitation Based on Lineal Footage. Where table 295-905-3-d-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building façade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining façade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, projecting or canopy/hood sign may be located in each facade segment.

d-5-c. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as is possibly practicable or be separated by a building.

| Table 295-905-3-d-5<br>INSTITUTIONAL DISTRICT SIGN STANDARDS |  |
|--|--|
|  | TL   |
| <i>Freestanding Signs (permitted)</i>                        |  |
| Maximum number   | 1 per street frontage per building                             |
| Type "A" max. display area (sq. ft.)                         | 100  |
| Type "B" max. display area (sq. ft.)                         | 40; 60 if set on or in a base constructed of masonry materials |
| Maximum height (ft.)   | 14   |
| <i>Wall Signs (permitted)</i>                                |  |
| Maximum number   | 1 per 25 lineal ft.  |
| Type "A" max. display area (sq. ft.)                         | 75   |
| Type "B" max. display area (sq. ft.)                         | 32   |
| <i>Projecting Signs (permitted)</i>                          |  |
| Maximum number   | 1 per 25 lineal ft.  |
| Type "A" max. display area (sq. ft.)                         | 50   |
| Type "B max. display area (sq. ft.)                          | 25   |
| <i>Awning Signs (permitted)</i>                              |  |
| Maximum number   | 1 per 25 lineal ft.  |
| Type "A" max. display area (sq. ft.)                         | 50   |
| <i>Canopy and Hood Signs (permitted)</i>                     |  |
| Maximum number   | 1 per 25 lineal ft.  |
| Type "A" max. display area (sq. ft.)                         | 50   |
| Type "B max. display area (sq. ft.)                          | 25   |
| <i>Roof Signs (type "A" permitted only)</i>                  |  |
| Maximum number   | 1 per building   |
| Type "A" max. display area (sq. ft.)                         | 100  |
| Type "B max. display area (sq. ft.)                          | NA   |
| <i>Off-premise Signs (not permitted)</i>                     |  |

d-5-d. Combination Type A and B signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

d-5-e. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the institutional district provided it does not exceed 48 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the institutional district provided it does not exceed 36 square feet.

d-5-f. Additional Regulations. See s. 295-407 for additional regulations for on-premise signs.

e. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

**295-907. Planned Development District (PD/DPD). 1. PURPOSES.** The planned development district is intended to:

- a. Allow flexibility in land development.
- b. Promote creativity, variety and environmental sensitivity.
- c. Encourage development compatible with its surroundings and consistent with the city's comprehensive plan.

**2. PROCEDURES.** a. General. A planned development district may be established through either a one-phase or a 2-phase process. If actual development of the project is to proceed in stages over an extended period of time, the applicant shall first submit a general plan covering the entire tract. Separate detailed plans shall then be submitted for each stage of development and shall follow the development concept established by the general plan. If development of the project is not to be done in stages, a general plan is optional and a single detailed plan may be submitted in lieu thereof.

b. Application Requirements; General Plan. The following items shall be submitted to the city plan commission as part of an application for approval of a general planned development:

b-1. A "General Plan Project Description and Owners Statement of Intent" containing a written description of the overall development concept and a statement as to how the plan provides for or complies with each of the district standards enumerated under sub. 3 where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract where applicable:

- b-1-a. Gross land area.
- b-1-b. Maximum amount of land covered by principal buildings.
- b-1-c. Maximum amount of land devoted to parking, drives and parking structures.
- b-1-d. Minimum amount of land devoted to landscaped open space.
- b-1-e. Maximum proposed dwelling unit density, if residential, and/or total square footage devoted to non-residential uses.
- b-1-f. Proposed number of buildings.
- b-1-g. Maximum number of dwelling units per building.
- b-1-h. Bedrooms per unit.
- b-1-i. Motor vehicle and bicycle parking spaces provided, whether surface or in structures, and ratio per unit if residential, or per thousand square feet of building area if non-residential.

b-2. A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access and significant community facilities in the surrounding area.

b-3. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed general plan tract. Existing conditions, including wetlands, areas of severe topographic changes, buildings, trees and shrub groupings, with an indication of whether they are to be retained, removed or altered, shall also be shown.

b-4. A site plan showing the general location of proposed structures and a description of their intended use and approximate height, open spaces, setback dimensions and buffers adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems, parking areas, loading facilities and the location, type and size of all proposed signs.

b-5. A general narrative description of sign standards, including number, type and size of signs.

b-6. General landscaping standards for all buffers and parking lots.

b-7. Pictures of the site and surrounding context. These pictures may be submitted as photographs, scanned images or in a digital format, but shall not exceed 8.5 inches by 11 inches.

b-8. Eight sets of collated plans, 11 inches by 17 inches in size, along with written narrative.

b-9. One oversize set of plans, at least 24 inches by 36 inches.

b-10. The affidavit required by s. 295-313.

b-11. An electronic version of the complete submittal, including both plans and written narrative.

c. Application Requirements; Detailed Plan. The following items shall be submitted to the city plan commission as part of an application for approval of a detailed plan development:

c-1. A "Detailed Plan Project Description and Owners Statement of Intent" containing a written description of the overall development and a statement as to how the plan provides for or complies with each of the district standards enumerated under sub. 3 where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract where applicable:

- c-1-a. Gross land area.
- c-1-b. Land covered by principal buildings.

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- c-1-c. Land devoted to parking, drives and parking structures.
- c-1-d. Land devoted to landscaped open space.
- c-1-e. Proposed dwelling unit density, if residential, and/or total square footage devoted to non-residential uses.
- c-1-f. Proposed number of buildings.
- c-1-g. Dwelling units per building.
- c-1-h. Bedrooms per unit.
- c-1-i. Motor vehicle and bicycle parking spaces provided, whether surface or in structures, and ratio per unit if residential, or per thousand square feet of building area if non-residential.
- c-2. A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access, and significant community facilities in the surrounding area.
- c-3. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed detailed plan tract. Existing conditions, including buildings, trees of 5 inches in diameter at 4 feet in height, shrub groupings, wetlands and other site features are also to be shown with an indication of whether they are to be retained, removed or altered.
- c-4. A site plan showing the location of proposed structures and a description of their intended use and height, all open spaces, setback dimensions, buffers, pedestrian and vehicular circulation systems, parking lots, structures and garages, with the number of spaces in each, loading facilities, refuse collection facilities and all exterior lighting facilities.
- c-5. A site grading plan indicating existing and proposed topography at 2-foot contour intervals and showing how positive runoff of surface waters will be achieved and the means by which ultimate disposal of the development's surface waters will be accomplished in conformance with ch. 120.
- c-6. A utility plan showing the proposed location of storm and sanitary sewers, water mains and laterals, parking and roadway storm inlets and elevations.
- c-7. A landscape plan showing the location, number, size and type of all landscape and screening elements. Plant material shall be of a quality consistent with the standards of the American Association of Nurserymen (ANSI 260.1). All planted material shall be maintained on a continuous basis, including tree and plant replacement.
- c-8. Elevations of each side of the exterior of any new building or structure being proposed, including materials, colors and window specifications. If the project is a rehabilitation of or an addition to an existing building, both existing and proposed elevations shall be provided if any exterior modification is proposed.
- c-9. Plans showing the location, size and type of any existing and proposed signs. Detailed information about all proposed freestanding and wall signs, including the materials, proposed message and exact dimensions of each sign face, shall be provided.
- c-10. Pictures of the site and surrounding context. These pictures may be submitted as photographs, printed scanned images or in a digital format, but shall not exceed 8.5 inches by 11 inches.
- c-11. A statement that the detailed planned development zoning designation shall be null and void within a specified period from the effective date of the ordinance amending the zoning map to create the detailed planned development, said time period not to exceed 5 years, and that the zoning of the property shall be changed to a specific zoning district at that time, said district to be identified in the statement, unless one of the following is true:
  - c-11-a. The project for which the planned development district was created has been completed and all building permits have been closed.
  - c-11-b. For at least one planned building on the site, the foundation has been completed and construction of the building is at grade or above.
- c-12. A statement that the time period specified pursuant to subd. 11 may be extended only by an ordinance amending the detailed planned development, pursuant to s. 295-307.
- c-13. Thirteen sets of collated plans, 11 inches by 17 inches in size, along with written narrative. These items shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.
- c-14. Two oversize sets of plans, at least 24 inches by 36 inches, shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.
- c-15. The affidavit required by s. 295-313.
- d. Creation. Creation of a planned development district shall be by amendment to the zoning map, pursuant to s. 295-307.



e. **Plan Commission Review.** The commission shall hold a public hearing and review the ordinance to create a planned development within 30 days of receipt of the application, its introduction to the common council and the submission of all required documents, plans and maps unless an extension is requested by the applicant. The commission shall base its recommendation upon:

- e-1. Consistency with the comprehensive plan.
- e-2. Consistency with the purposes of this chapter.
- e-3. Conformance with the standards set forth in sub. 3.
- e-4. Findings and recommendations of the commissioners of city development and public works.
- e-5. All verbal and written comments received by the commission.

f. **Plan Commission Report.** After making a decision to recommend approval or denial, the commission shall forward a report of its decision to the common council.

g. **Council Action.** If the common council passes the ordinance to create the planned development district, the standards and provisions of the plan shall constitute the zoning regulations for that planned development district. The official zoning map of the city shall be amended to show the district zoned general planned development or detailed planned development, as appropriate. The common council shall act on the application within 90 days of receiving the report from the commission unless the applicant agrees to a time extension. Failure of the common council to act within the 90-day period or the agreed-upon extended time shall constitute denial of the application.

h. **Zoning Map Designators.** Each general planned development district shall be shown on the zoning map with a "PD" designator and an appropriate number. Each detailed planned development district shall be shown on the zoning map with a "DPD" designator and an appropriate number.

i. **Minor Modifications.** The common council may by resolution approve modifications to approved detailed plans which are consistent with the spirit and intent of the general planned development or a previously approved detailed planned development provided the common council finds that the modification will not:

- i-1. Change the general character of the planned development.
- i-2. Cause a substantial relocation of principal or accessory structures.
- i-3. Cause a substantial relocation or reduction of parking, loading or recreation areas.
- i-4. Cause a substantial relocation of traffic facilities.
- i-5. Increase the land coverage of buildings and parking areas.
- i-6. Increase the gross floor area of buildings or the number of dwelling units.
- i-7. Reduce the amount of approved open space, landscaping or screening.

j. **Limitation on Permit Issuance.** Within any planned development district, no building permits may be issued and no site work may be commenced until a detailed plan has been approved by the common council and a copy of the ordinance has been certified by the city clerk. Existing buildings located in a general planned development may receive building permits if the permits are for building modifications which do not include the addition of more usable floor area or the establishment of uses not permitted by the plan. Exterior site improvements in an approved general plan may receive building permits if the improvements have been shown in detail on the approved general plan and the "Project Description and Owner's Statement of Intent" indicates that early building permits would be sought for such improvements.

**3. STANDARDS.** Every planned development shall meet the following standards:

a. **Uses.** All permitted uses and related operating standards or restrictions shall be specified in the detailed plan.

b. **Design Standards.** Conceptual design elements and standards shall be provided in the general plan. Specific design elements and standards shall be specified in the detailed plan.

c. **Density.** Residential densities shall be consistent with those prescribed in the comprehensive plan.

d. **Space Between Structures.** Spaces between structures shall not be less than required by the building code.

e. **Setbacks.** A planned development exceeding 5 acres in size shall provide a setback of at least 25 feet around the perimeter of the site, unless a smaller setback is approved by the common council because adjacent buildings have setbacks that are less than 25 feet. Setback areas shall be landscaped and used only for recreation, direct access to the development, utility rights-of-way, sidewalks, ponds, water detention basins and drainage channels.

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f. Screening. Residential uses shall be screened from existing or proposed business or industrial uses on or adjacent to the site. Screening shall consist of decorative walls, fences, berms, hedges, shrubs, trees or combinations thereof appropriate to the surrounding neighborhood.

g. Open Spaces. All open spaces designated on a planned development plan shall be landscaped and maintained so as not to create a nuisance or hazardous conditions. The location and development of recreation facilities shall be coordinated with the overall development of the project.

h. Circulation, Parking and Loading. Traffic circulation facilities shall be planned and installed consistent with the comprehensive plan. Adequate access for pedestrians and public and private vehicles shall be provided. Parking and loading facilities shall be located near the uses they support and shall be adequately screened and landscaped in a manner which meets or exceeds the requirements of this chapter. Private streets shall be constructed to comparable public street standards. Bicycle parking shall be in compliance with the requirements of s. 295-403 unless specifically altered by the detailed plan submittal.

i. Landscaping. All required vegetation shall be of a quality consistent with the standards of the American association of nurserymen (ANSI 260.1). All required vegetation shall be maintained on an ongoing basis, including seasonal tree and plant replacement.

j. Lighting. See s. 295-409 for lighting regulations applicable to planned development districts.

k. Utilities. All utility lines shall be installed underground. Transformers and substations shall be installed within buildings or otherwise screened from view. This requirement may be waived by the common council upon finding that utilities on adjacent properties are located above-ground.

L. Signs. The following signs are permitted in planned development districts:

L-1. One project identification sign located at or near each entrance to the tract or premises. Such a sign may be freestanding or attached to a structure, and shall not exceed 32 square feet.

L-2. Signs not exceeding 18 square feet each that identify nonresidential tenants or individual buildings.

L-3. Signs specified in a master sign program and approved as part of the planned development.

L-4. Either of the following types of temporary signs:

L-4-a. A sign pertaining to the construction of a building or the sale or lease of vacant land, provided it does not exceed 48 square feet.

L-4-b. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate, provided it does not exceed 36 square feet.

L-5. Signs listed in s. 295-407-4.

m. Sign Illumination. Signs allowed under par. L may be illuminated. If illuminated, the source of illumination shall not be visible or intermittent.

n. Additional Sign Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

**295-909. Redevelopment District (RED). 1. PURPOSE.** The redevelopment district is established to provide a zoning context that may be applied to areas of the city where the common council has adopted a development plan, as defined by s. 66.1301(3)(g), Wis. Stats., or a redevelopment plan, as defined by s. 66.1331(3)(Lm), Wis. Stats., and the plan includes specific regulations for the use, development and design of properties and structures within its boundaries. The redevelopment district shall be shown on the zoning map with a "RED" designator.

**2. USES.** Permitted, limited, special, conditional and prohibited uses for property in a redevelopment district shall be as indicated in the redevelopment plan for that district.

**3. DESIGN STANDARDS.** The principal building design standards, accessory building design standards and site design standards for property in a redevelopment district shall be as indicated in the redevelopment plan for that district.

**4. OTHER REGULATIONS.** All regulations of this chapter other than use regulations and design standards shall apply in a redevelopment district.

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## SUBCHAPTER 10 OVERLAY ZONES

**295-1001. Overlay Zone Purposes.** Overlay zones are intended to identify areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. Overlay zone designations are intended to protect these areas from incompatible development or to establish development standards which will ensure that new developments will not adversely affect surrounding areas. Overlay zones may add new standards over and above those of any base or underlying zoning district except a planned development district. They may also alter the standards of any base zoning district except a planned development district.

**295-1003. Neighborhood Conservation Overlay Zone (NC).** 1. **PURPOSE.** The neighborhood conservation overlay zone is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. A neighborhood conservation overlay zone takes effect through adoption of a neighborhood conservation plan and a set of guidelines that will facilitate maintenance and protection of the neighborhood character and the development of vacant or underused lots. Incompatible mixes of uses will be reduced or prohibited by adding limitations to the list of permitted, limited and special uses of the base district.

2. **PROCEDURES.** a. Preparation of a Neighborhood Conservation Plan. Prior to the city plan commission's consideration of a proposed neighborhood conservation overlay zone, a neighborhood conservation plan shall be completed by neighborhood property owners, the commissioner or both neighborhood property owners and the commissioner, and shall include the following:

a-1. A statement of purpose and an explanation of how the criteria of par. b are met.

a-2. An ordinance and map indicating the boundaries of all lots in the proposed neighborhood conservation overlay zone and the base zoning districts contained within the proposed overlay zone.

a-3. A neighborhood conservation plan consisting of a map and such other textual and graphic material as may be necessary to indicate land uses, building types and features, site development requirements, signing, circulation, off-street parking and modifications to base district standards.

b. Plan Criteria. The neighborhood conservation plan shall demonstrate that the neighborhood conservation overlay zone meets one or more of the following criteria:

b-1. Distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material.

b-2. Distinctive features or articles associated with the streetscape, such as light fixtures and devices, signs, benches, curb markers, kiosks and bollards.

b-3. Distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creekbeds, parks and gardens.

b-4. Distinctive land uses or land use patterns, such as mixed or unique uses or activities, not permitted by base district without modification.

c. Creation. Creation of a neighborhood conservation overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and shall include common council approval of a neighborhood conservation plan at the same time the map amendment is adopted. The plan shall establish standards and conditions for development consistent with the purposes of the plan and may include changes in land use controls and development standards.

d. Zoning Map Designator. Each neighborhood conservation overlay zone shall be shown on the zoning map by an "NC" designator and an appropriate number.

e. Limitation on Permit Issuance. No building or grading permit for a project within a neighborhood conservation overlay zone shall be issued by the commissioner of neighborhood services unless the use, alteration or construction meets the standards set forth in, or prepared pursuant to, sub. 3.

f. Amendment of Zone Boundaries. Amendment of the boundaries of a neighborhood conservation overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

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g. Appeals. An appeal of denial of a permit based on failure to meet performance criteria or development or design standards of a neighborhood conservation overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

h. Deviations. An application requesting a deviation from a performance or design standard of a neighborhood conservation overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission according to the procedures and criteria of s. 295-311-9.

**3. STANDARDS.** a. Size. Each neighborhood conservation overlay zone shall include a minimum contiguous area of 2 acres, including intervening streets and alleys, and shall contain at least 3 separate parcels.

b. Uses. Provisions for specific uses included in any base zoning district except a planned development district may be modified by the neighborhood conservation plan to accommodate unique or mixed uses serving the neighborhood or to restrict uses which adversely affect the neighborhood.

c. Performance Criteria. Performance criteria for permitted, limited or special uses may be modified by the neighborhood conservation plan.

d. Development and Design Standards. Development and design standards may be created to enhance the neighborhood's identity and character.

**295-1005. Interim Study Overlay Zone (IS).** **1. PURPOSE.** The interim study overlay zone is intended to allow discretionary review of development proposals in areas where changes in zoning provisions are contemplated or under study. This zone will allow new developments to proceed through a review process that will insure that the development is compatible with the city's comprehensive plan rather than establishing a moratorium during a time when new or modified zoning provisions are being put into place.

**2. PROCEDURES.** a. Creation. Creation of an interim study overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and may occur only in a location for which an area-specific comprehensive plan element has been adopted by the city plan commission.

b. Study Plan. Prior to approving the establishment of an interim study overlay zone, the city plan commission and the common council shall approve, by resolution, a study plan that identifies regulatory problems and states land use and development issues to be resolved for the area proposed for reclassification.

c. Zoning Map Designator. Each interim study overlay zone shall be shown on the zoning map with an "IS" designator and an appropriate number.

d. Special Use Permit Required. Upon the establishment of an interim study overlay zone, all uses listed in the existing or proposed district as permitted, limited or special uses shall be special uses for which approval of special use permits by the board of zoning appeals is required. In addition to the findings required for special uses, the board shall find that a proposed use will not conflict with or exacerbate the land use and development issues identified by the study plan approved for the area at the time the interim study overlay zone was created.

e. Time Limits. An ordinance establishing an interim study overlay zone shall contain a provision terminating the interim study overlay zone designation at a specified time, but not more than 2 years from its effective date. An ordinance establishing an interim study overlay zone may be amended, reenacted, or superseded by a zoning map amendment adopted as prescribed by s. 295-307.

f. Resubmittal of Development Proposals. Notwithstanding the provisions of s. 295-307, a special use permit application that has been denied, or approved subject to conditions unacceptable to the applicant, may be resubmitted on or after the effective date of a zoning map amendment superseding an interim study overlay zone designation.

g. Amendment of Zone Boundaries. Amendment of the boundaries of an interim study overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

**295-1007. Development Incentive Overlay Zone (DIZ) 1. PURPOSES.** The specific purposes of the development incentive overlay zone are to:

- a. Provide opportunities to create new development projects which are more compatible with existing development on adjacent sites.
- b. Create a pedestrian-friendly environment in both design and scale.
- c. Encourage creativity, variety and excellence in project design and layout.
- d. Utilize a development review and approval process that meets these purposes without causing undue delays.

**2. PROCEDURES.** a. Creation. Creation of a development incentive overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Performance Standards. Upon receipt of an application for creation of a development incentive overlay zone, the commissioner shall prepare performance standards for review and approval by the common council at the same time the map amendment is adopted.

c. Zoning Map Designator. Each development incentive overlay zone shall be shown on the zoning map by a "DIZ" designator and an appropriate number.

e. Limitation on Permit Issuance. No building or grading permit for a project within a development incentive overlay zone shall be issued by the commissioner of neighborhood services until development plan approval has been granted or specified conditions have been met. The development of single-family or 2-family dwellings shall be exempt from this requirement.

f. Amendment of Zone Boundaries. Amendment of the boundaries of a development incentive overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council, signed by owners of 50% or more of the area of all land included in the zone and accompanied by the affidavit required by s. 295-313. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

g. Appeals. An appeal of denial of a permit based on failure to meet the performance standards of a development incentive overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

h. Deviations. An application requesting a deviation from a performance or design standard of a development incentive overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission according to the procedures and criteria of s. 295-311-9.

**3. STANDARDS.** a. Performance Standards. The commissioner shall prepare performance standards applicable to each development incentive overlay zone. Such performance standards may include, but shall not be limited to, design requirements, signage, fencing and landscaping, buffers, open space, pedestrian and vehicular access, and building height, bulk, placement, materials, façade treatment and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the performance standards do not specify new standards, those of the underlying district shall be maintained. The commissioner shall also include, within the performance standards, modifications to the lists of permitted, limited, and special uses in the underlying zoning district. Such modifications may include a list of all uses which will be permitted and which will be prohibited.

b. Required Findings. Prior to the approval or conditional approval of any site work within a development incentive overlay zone, the city plan commission shall find that the development plan:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the performance standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

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**295-1009. Site Plan Review Overlay Zone (SP).** 1. **PURPOSE.** This overlay zone adds design and building placement standards over and above those required by the base district. These standards are intended to provide improved buffers, pedestrian and vehicular access, and neighborhood compatibility and transition.

2. **PROCEDURES.** a. **Creation.** Creation of a site plan review overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. **Design Standards.** Upon receipt of an application for creation of a site plan review overlay zone, the commissioner shall prepare design standards for review and approval by the common council at the same time the map amendment is adopted.

c. **Zoning Map Designator.** Each site plan review overlay zone shall be shown on the zoning map by a "SP" designator and an appropriate number.

d. **Development Plan Review.** Once the site plan review overlay zone has been established, plans for all site work within the zone shall be submitted to the city plan commission for its approval. The approved design standards shall be used by the commission in its review of development plans within the zone.

e. **Amendment of Zone Boundaries.** Amendment of the boundaries of a site plan review overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

f. **Appeals.** An appeal of denial of a permit based on failure to meet the design standards of a site plan review overlay zone shall be submitted, along with the fee listed in s. 200-33, to the commission and considered according to the procedures and findings of s. 295-311-7. An appeal relating to application of the regulations of the base or underlying zoning district that were not amended by the overlay zone shall be submitted to the board in accordance with s. 295-311.

g. **Deviations.** An application requesting a deviation from a performance or design standard of a site plan review overlay zone shall be submitted, along with the required fee specified in s. 200-33, to the commission secretary and considered by the commission according to the procedures and criteria of s. 295-311-9.

3. **STANDARDS.** a. **Design Standards.** The commissioner shall prepare design standards applicable to each site plan review overlay zone. Such design standards may include, but shall not be limited to: signage; fencing and landscaping; buffers; open space; pedestrian and vehicular access; building height, bulk, placement, façade treatment, materials and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the design standards do not specify new standards, those of the underlying district shall be followed.

b. **Required Findings.** Prior to the approval or conditional approval of any site work within a site plan review overlay zone, the city plan commission shall find that the development plan for such site work:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the design standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

**295-1015. Lakefront Overlay Zone (LF).** 1. **PURPOSE.** The lakefront overlay zone is established to accommodate a wide variety of public and quasi-public facilities providing recreational and cultural opportunities and supporting services that require lakefront sites.

2. **PROCEDURES.** a. **Creation.** Creation of a lakefront overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. **Zoning Map Designator.** The lakefront overlay zone shall be shown on the zoning map with an "LF" designator.

c. **Amendment of Zone Boundaries.** Amendment of the boundaries of a lakefront overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

3. **STANDARDS.** a. **Use Table.** Table 295-1015-3-a indicates the use classifications for various land uses in the lakefront overlay zone. These use classifications replace the classifications of the underlying zoning district. Any use not listed in the table is a prohibited use in the lakefront overlay zone. The following are the use classifications indicated in Table 295-1015-3-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

a-2. "L" indicates a limited use. This use is permitted only when the use meets the standards of subdiv. a-2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

295-1015-3-a Zoning

| Table 295-1015-3-a<br>LAKEFRONT OVERLAY ZONE USE TABLE |               |               |                 |
|--|---------------|---------------|-----------------|
| Y=Permitted Use  | L=Limited Use | S=Special Use | Zoning District |
| Uses   |               |               | LF              |
| <b>EDUCATIONAL USES</b>                                |               |               |                 |
| Day care center  |               |               | L               |
| <b>COMMUNITY-SERVING USES</b>                          |               |               |                 |
| Library  |               |               | Y               |
| Cultural institution                                   |               |               | Y               |
| Community center                                       |               |               | L               |
| <b>COMMERCIAL AND OFFICE USES</b>                      |               |               |                 |
| General Office   |               |               | S               |
| Government office                                      |               |               | Y               |
| Retail establishment, general                          |               |               | L               |
| <b>MOTOR VEHICLE USES</b>                              |               |               |                 |
| Parking lot, principal use                             |               |               | S               |
| Parking lot, accessory use                             |               |               | Y               |
| Parking structure, principal use                       |               |               | S               |
| Parking structure, accessory use                       |               |               | S               |
| <b>ACCOMMODATION AND FOOD SERVICE USES</b>             |               |               |                 |
| Bed and breakfast                                      |               |               | S               |
| Tavern   |               |               | S               |
| Assembly hall  |               |               | L               |
| Restaurant, sit-down                                   |               |               | L               |
| Restaurant, fast-food/carry-out                        |               |               | L               |
| <b>ENTERTAINMENT AND RECREATION USES</b>               |               |               |                 |
| Park or playground                                     |               |               | Y               |
| Festival grounds                                       |               |               | Y               |
| Recreation facility, indoor                            |               |               | S               |
| Recreation facility, outdoor                           |               |               | S               |
| Theater  |               |               | S               |
| Marina   |               |               | L               |
| <b>TRANSPORTATION USES</b>                             |               |               |                 |
| Passenger terminal                                     |               |               | Y               |
| Helicopter landing facility                            |               |               | S               |
| Ship terminal or docking facility                      |               |               | S               |
| <b>UTILITY AND PUBLIC SERVICE USES</b>                 |               |               |                 |
| Transmission tower                                     |               |               | L               |
| Water treatment plant                                  |               |               | Y               |
| Small wind energy system                               |               |               | Y               |
| Solar farm   |               |               | S               |
| Substation/distribution equipment, indoor              |               |               | S               |
| Substation/distribution equipment, outdoor             |               |               | L               |
| <b>TEMPORARY USES</b>                                  |               |               |                 |
| Seasonal market  |               |               | L               |
| Live entertainment special event                       |               |               | L               |



b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing a library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1-c. For any day care center other than an adult day care center, the facility shall not be located within 500 feet of an adult retail establishment.

b-1-d. For any day care center other than an adult day care center, if the day care center is located in a building containing a library or cultural institution as a principal use, the facility shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. This standard shall not apply to a day care center in operation on February 3, 2007.

b-2. Community Center or Assembly Hall. The facility shall be owned and operated by a governmental agency or entity.

b-3. General Retail Establishment, Sit-down Restaurant or Fast-food/Carry-out Restaurant.

b-3-a. The area devoted to the use shall not exceed 1,000 square feet.

b-3-b. The use shall be located in a structure owned by a governmental agency or entity.

b-3-c. The use shall be ancillary to park and recreational uses.

b-4. Marina. Indoor sales or storage of boats shall not be permitted.

b-5. Transmission Tower. b-5-a. The tower shall comply with the applicable provisions of s. 295-413.

b-5-b. The tower shall not exceed the height limit of the underlying zoning district.

b-6. Substation/distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-7. Seasonal Market. b-7-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-7-b. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-7-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-7-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

b-7-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-7-f. The site shall be restored to its previous condition following termination of the market operation.

b-8. Live Entertainment Special Event. b-8-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-8-b. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

b-8-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

c. Design Standards. c-1. Purpose. The objective of the design standards of this paragraph is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this paragraph include the provision of setbacks and the use of screening/buffering techniques to limit the visibility of certain activities.

c-2. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

### 295-1015-3-c-3 Zoning

c-3. Accessory Building Standards. Accessory buildings shall have setbacks of at least 25 feet from all property lines. However, a ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines

c-4. Site Standards. c-4-a. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

c-4-b. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type "G" landscaping, as described in s. 295-405.

c-4-c. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

c-4-d. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

c-4-e. Signs, Generally. Table 295-1015-3-c-4-e contains the regulations for on-premise and off-premise signs in the lakefront overlay zone. General regulations applicable to all signs can be found in s. 295-407.

c-4-f. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the lakefront overlay zone provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the lakefront overlay zone provided it does not exceed 6 square feet.

c-4-g. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as possibly practicable or be separated by a building.

c-4-h. Combination type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

c-5. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

| <b>Table 295-1015-3-c-4-e<br/>SIGN REGULATIONS FOR THE LAKEFRONT OVERLAY ZONE</b> |   |
|---|---|
|   | LF  |
| <i>Freestanding Signs (only monument signs permitted)</i>                         |   |
| Maximum number  | no limit  |
| Type "A" max. display area (sq. ft.)  | 40; special use permit required for larger than 40 sq. ft.                                  |
| Type "B" max. display area (sq. ft.)  | special use permit required for sign up to 32 sq. ft.; prohibited if larger than 32 sq. ft. |
| Maximum height  | 14 ft.  |
| <i>Wall Signs (permitted)</i>   |   |
| Maximum number  | no limit  |
| Type "A" max. display area (sq. ft.)  | no limit  |
| Type "B" max. display area (sq. ft.)  | 50  |
| <i>Projecting Signs (permitted)</i>   |   |
| Maximum number  | no limit  |
| Type "A" max. display area (sq. ft.)  | no limit  |
| Type "B" max. display area (sq. ft.)  | 24  |
| <i>Awning Signs (type "A" permitted only)</i>                                     |   |
| Maximum number  | no limit  |
| Type "A" max. display area (sq. ft.)  | no limit  |
| <i>Hood Signs (permitted)</i>   |   |
| Maximum number  | no limit  |
| Type "A" max. display area (sq. ft.)  | no limit  |
| Type "B" max. display area (sq. ft.)  | 24  |
| <i>Canopy Signs (permitted)</i>   |   |
| Maximum number  | no limit  |
| Type "A" max. display area (sq. ft.)  | no limit  |
| Type "B" max. display area (sq. ft.)  | 24  |
| <i>Roof Signs (permitted)</i>   |   |
| Type "A" max. display area (sq. ft.)  | no limit  |
| Type "B" max. display area (sq. ft.)  | 50  |
| <i>Off-premise Signs (not permitted)</i>  |   |

## 295-1017 Zoning

**295-1017. Master Sign Program Overlay Zone (MSP).** 1. PURPOSE. This overlay zone allows the use of different sign regulations in place of or in addition to the sign regulations of the base zoning district for the purpose of allowing overall flexibility in the application of sign regulations for larger, multi-tenant sites that may front on more than one street or have large street frontages, yet encouraging consistency of sign design within the overlay zone.

2. PROCEDURES. a. Creation. Creation of a master sign program overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each master sign program overlay zone shall be shown on the zoning map by an "MSP" designator and an appropriate number.

c. Minimum Site Size. The minimum site size for application of the master sign program overlay zone shall be 1.5 acres.

d. Limitation on Permit Issuance. Permits may be issued for signs in an area covered by an approved master sign program only if such signs conform to the standards of the program.

e. Standards. Along with the application for creation of a master sign program overlay zone, the applicant shall submit a master sign program for review and approval by the common council at the same time the map amendment is adopted. The master sign program shall include the following:

e-1. A site plan, drawn to scale, delineating the area proposed for inclusion within the master sign program and the general location of all proposed signs.

e-2. Scale drawings or sketches indicating the location and characteristics of all existing signs.

e-3. Scale drawings or sketches indicating exterior surface details of all buildings on the site on which wall signs, directory signs, freestanding signs or projecting signs are proposed.

e-4. A graphic and written program specifying sign standards, including color, size, construction details, illumination and placement.

e-5. A statement of the reasons for any requested deviations from the standards or regulations of the base zoning district.

f. Allowable Deviations. A master sign program may include more than one freestanding sign per site or other deviations from the standards of this section, such as but not limited to the maximum size or height of individual signs, provided the master sign program meets the intent of the provisions of this section.

g. Required Findings. No master sign program shall be approved unless the commission finds all of the following to be true:

g-1. The design quality of the site and surrounding area will be greater with the master sign program than with application of the regulations and standards of this chapter.

g-2. The proposed signs are compatible with the style or character of other existing or proposed improvements on the site and with one another.

g-3. The proposed sign program will accommodate the signage needs of both current and future occupants of the site.

g-4. The site contains at least 1.5 acres, has multiple tenants and either fronts on more than one street or has a large street frontage.

g-5. The proposed master sign program meets the intent of the sign standards of the base zoning district.

h. Conditions of Approval. In approving a master sign program, the commission may impose, upon the applicant and the site to which the program would apply, any reasonable conditions necessary to carry out the intent of this subsection while still providing each sign user with opportunities for effective identification and communication.

i. Amendment of Zone Boundaries. Amendment of the boundaries of a master sign program overlay zone shall only be initiated by a motion of the common council or by a petition submitted to the common council and signed by owners of 50% or more of the area of all land included in the zone. Following passage of the common council motion or the department's receipt of a petition, the proposed boundary amendment shall be considered by the plan commission and common council in accordance with the zoning map amendment procedure in s. 295-307-3.

**[Pages 941 to 950 are blank]**

## SUBCHAPTER 11 FLOODPLAIN OVERLAY ZONES

**295-1101. Statutory Authorization.** This subchapter is adopted pursuant to the authorization in s. 62.23, Wis. Stats., and the requirements of s. 87.30, Wis. Stats.

**295-1103. Finding of Fact.** The common council finds that uncontrolled development and use of the floodplains and rivers of the city would impair the public health, safety, convenience, general welfare and tax base.

**295-1105. Purposes.** This subchapter is intended to regulate floodplain development to:

1. Protect life, health and property.
2. Minimize expenditures of public funds for flood control projects.
3. Minimize rescue and relief efforts undertaken at the expense of taxpayers.
4. Minimize business interruptions and other economic disruptions.
5. Minimize damage to public facilities in the floodplain.
6. Minimize the occurrence of future flood blight areas in the floodplain.
7. Discourage the victimization of unwary land and home buyers.
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners.
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**295-1107. Definitions.** In this subchapter:

1. **ACCESSORY STRUCTURE OR USE** means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
3. **AH ZONE.** See AREA OF SHALLOW FLOODING.
5. **ALTERATION** means an enhancement, upgrading or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning or other systems within a structure.
7. **AO ZONE.** See AREA OF SHALLOW FLOODING.
9. **AREA OF SHALLOW FLOODING** means a designated AO, AH, AR/AO, AR/AH or VO zone on a flood insurance rate map with a one percent or greater annual chance of flooding to an average depth of one to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
11. **A-ZONE** means an area shown on the official floodplain zoning map that would be inundated by the regional flood. Such area may be a numbered or unnumbered A-Zone. An A-Zone may or may not be reflective of flood profiles, depending on the availability of data for a given area.
13. **BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year, as published by the federal emergency management agency as part of a flood insurance study and depicted on a flood insurance rate map.
15. **BASEMENT** means any enclosed area of a building having its floor sub-grade (below ground level) on all sides.
17. **BUILDING.** See STRUCTURE.
19. **BULKHEAD LINE** means a geographic line along a reach of navigable water that has been adopted by city ordinance and approved by the Wisconsin department of natural resources pursuant to s. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this subchapter.
21. **CAMPGROUND** means any parcel of land which is designed, maintained, intended or used for providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
23. **CAMPING UNIT** means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

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**25.** CERTIFICATE OF COMPLIANCE means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this subchapter.

**27.** CHANNEL means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**29.** COMMISSIONER means the commissioner of neighborhood services or a designated representative.

**31.** CRAWLWAY OR CRAWL SPACE means an enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for access to plumbing and electrical utilities.

**33.** DECK means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

**35.** DEVELOPMENT means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**37.** DRY-LAND ACCESS means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

**39.** ENCROACHMENT means any fill, structure, equipment, use or development in the floodway.

**41.** FLOOD INSURANCE RATE MAP means a map on which the federal insurance administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the federal emergency management agency.

**43.** FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- a. The overflow or rise of inland waters.
- b. The rapid accumulation or runoff of surface waters from any source.
- c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan.
- d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

**45.** FLOOD FREQUENCY means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring on the average once in a specified number of years or as a percentage chance of occurring in any given year.

**47.** FLOOD FRINGE means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

**49.** FLOOD HAZARD BOUNDARY MAP means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the national flood insurance program until superseded by a flood insurance study and a flood insurance rate map.

**51.** FLOOD INSURANCE STUDY means a technical engineering examination, evaluation and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations, and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance rate maps that accompany the flood insurance study form the basis for both the regulatory and the insurance aspects of the national flood insurance program.

**53.** FLOODPLAIN means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

**55.** FLOODPLAIN ISLAND means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

**57.** FLOODPLAIN MANAGEMENT means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

- 59.** FLOOD PROFILE means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- 61.** FLOODPROOFING means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- 63.** FLOOD PROTECTION ELEVATION means an elevation of 2 feet of freeboard above the water surface profile elevation designated for the regional flood. See also FREEBOARD.
- 65.** FLOOD STORAGE means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- 67.** FLOODWAY means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- 69.** FREEBOARD means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- 71.** HABITABLE STRUCTURE means any structure or portion thereof used or designed for human habitation.
- 73.** HIGH FLOOD DAMAGE POTENTIAL means the potential that damage could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- 75.** HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 77.** HISTORIC STRUCTURE means any structure that is one or more of the following:
- a. Listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register.
  - b. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.
  - c. Designated as an historic structure by the common council pursuant to the provisions of s 320-21.
- 79.** INCREASE IN REGIONAL FLOOD HEIGHT means a calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- 81.** LAND USE means any nonstructural use made of unimproved or improved real estate. See also DEVELOPMENT
- 83.** LOWEST ADJACENT GRADE means the elevation of the lowest ground surface that touches any of the exterior walls of a building.
- 85.** LOWEST FLOOR means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- 87.** MAINTENANCE means the act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or equipment.
- 89.** MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. This term includes a mobile home but does not include a mobile recreational vehicle.
- 91.** MANUFACTURED HOME PARK OR SUBDIVISION means a parcel, or contiguous parcels, of land divided into 2 or more manufactured home lots for rent or sale.
- 93.** MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING means a parcel of land, divided into 2 or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance [city clerk to insert date]. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

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**95.** MANUFACTURED HOME PARK, EXPANSION TO EXISTING means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

**97.** MOBILE RECREATIONAL VEHICLE means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and designed primarily for use not as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. This term does not include a manufactured home that was towed or carried onto a parcel of land but does not remain capable of being towed or carried, including parked model homes.

**99.** MODEL, CORRECTED EFFECTIVE means a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model or incorporates more detailed topographic information than that used in the current effective model.

**101.** MODEL, DUPLICATE EFFECTIVE means a copy of the hydraulic analysis used in the effective flood insurance study and referred to as the effective model.

**103.** MODEL, EFFECTIVE means the hydraulic engineering model that was used to produce the current effective flood insurance study.

**105.** MODEL, EXISTING (PRE-PROJECT) means a modification of the duplicate effective model or corrected effective model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the corrected effective model or duplicate effective model.

**107.** MODEL, REVISED (POST-PROJECT) means a modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.

**109.** NORTH AMERICAN VERTICAL DATUM or NAVD means elevations referenced to mean sea level datum, 1988 adjustment.

**111.** NATIONAL GEODETIC VERTICAL DATUM or NGVD means elevations referenced to mean sea level datum, 1929 adjustment.

**113.** NEW CONSTRUCTION means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the city and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

**115.** NONCONFORMING STRUCTURE means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this subchapter for the area of the floodplain which it occupies.

**117.** NONCONFORMING USE means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this subchapter for the area of the floodplain which it occupies.

**119.** OBSTRUCTION TO FLOW means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

**121.** OFFICIAL FLOODPLAIN ZONING MAP means that map, adopted and made part of this code, as described in s. 295-1117-5, which has been approved by the Wisconsin department of natural resources and the federal emergency management agency.

**123.** OPEN SPACE USE means a use having a relatively low flood damage potential and not involving structures.

**125.** ORDINARY HIGHWATER MARK means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

**127.** PERSON means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.



**129. PRIVATE SEWAGE SYSTEM** means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin department of safety and professional services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel from the structure.

**131. PUBLIC UTILITIES** means those utilities using underground or overhead transmission, distribution or collection lines or systems, including but not limited to electric, telephone, water, sanitary sewer and storm sewer utilities.

**133. REASONABLY SAFE FROM FLOODING** means base flood waters will not inundate the land or damage structures to be removed from the floodplain, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**135. REGIONAL FLOOD** means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the flood insurance rate map, the regional flood elevation is equivalent to the base flood elevation.

**137. SHORELANDS** means lands within the following distances from the ordinary high-water mark of navigable waters: 1,500 feet from a lake, pond, estuary or flowage; and 500 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**139. START OF CONSTRUCTION** means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling. Nor does it include the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms, or the installation of accessory buildings on the property. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**141. STRUCTURE** means any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

**143. SUBDIVISION** has the meaning given in s. 236.02(12), Wis. Stats.

**145. SUBSTANTIAL DAMAGE** means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

**147. SUBSTANTIAL IMPROVEMENT** means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the commissioner of neighborhood services and that are the minimum necessary to assure safe living conditions. Nor does it include any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**149. VIOLATION** means the failure of a structure or other development to be fully compliant with the provisions of this subchapter. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**151. WATERSHED** means the entire region contributing runoff or surface water to a watercourse or body of water.

**153. WATER SURFACE PROFILE** means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

**155. WELL** means an excavation opening in the ground, made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.

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**157.** WETLANDS means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**159.** WETLAND ALTERATION means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

**295-1109. Areas to Be Regulated.** This subchapter regulates all areas that would be covered by the base flood or regional flood, as shown on the flood insurance rate map or other maps approved by the Wisconsin department of natural resources. Base flood elevations shall be derived from flood profiles in the flood insurance study and are shown as AE, A1-30 and AH Zones on the flood insurance rate map. Other regulatory zones are displayed as A and AO Zones. Regional flood elevations may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply. Any development or use within the areas regulated by this subchapter shall be in compliance with the provisions of this subchapter and other applicable local, state and federal regulations.

**295-1111. Annexed Areas.** The floodplain zoning provisions assigned to land being annexed to the city of Milwaukee in effect on the date of annexation shall remain in effect and shall be enforced by the city for all annexed areas until the city adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code, as amended, and 44 CFR 59-72, national flood insurance program. These annexed lands are described on the city's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the offices of the department. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

**295-1113. Abrogation And Greater Restrictions.** The provisions of this subchapter are not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this subchapter imposes greater restrictions, the provisions of this subchapter shall prevail.

**295-1115. Interpretation.** In their interpretation and application, the provisions of this subchapter are the minimum requirements liberally construed in favor of the city and are not a limitation or repeal of any other powers granted by the Wisconsin statutes. If a provision of this subchapter, required by ch. NR 116, Wis. Adm. Code, as amended, is unclear, the provision shall be interpreted in light of the standards in effect on December 30, 2005, or in effect on the date of the most recent amendment to this subchapter.

**295-1117. Procedures. 1. CREATION OR REVISION.** Creation of, or revisions to, floodplain overlay zone boundaries or regulations shall be by amendment to the zoning map or zoning code text, pursuant to s. 295-307. Such an amendment shall not be final until approved by both the Wisconsin department of natural resources and the federal emergency management agency. In the case of a floodplain overlay zone boundary change, the federal emergency management agency will determine if an official letter of map amendment or a letter of map amendment based on fill will be required. These letters are waivers of federal insurance requirements and do not fulfill minimum requirements for removing land from the floodplain. To remove land from a floodplain, the requirements of s. 295-1141 shall be met.

**2. AMENDMENT.** Actions which require an amendment of a floodplain overlay zone boundary or submittal of a letter of map change include, but are not limited to, the following:

- a. Any fill or floodway encroachment that obstructs flow, causing any increase in the regional flood height.
- b. Any change to the floodplain boundaries or watercourse alterations on the flood insurance rate map.
- c. Any change to any other officially-adopted floodplain maps provided in sub. 5.
- d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- e. Correction of discrepancies between the water surface profiles and floodplain maps.
- f. Any upgrade to the text of this section required by s. NR 116.05, Wis. Adm. Code, as amended, otherwise required by law or for changes by the city.
- g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe based on a base flood elevation from a flood insurance rate map. Prior approval of the federal emergency management agency shall be required for such relocations or changes.

**3. OTHER APPROVALS.** a. No amendment shall become effective until it is reviewed and approved by the Wisconsin department of natural resources.

b. Any person petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the common council.

**4. ZONING MAP DESIGNATORS.** Each floodplain overlay zone shall be shown on the zoning map by an "FW" designator indicating a floodway overlay zone, an "FF" designator indicating a flood fringe overlay zone, an "FSD" designator indicating a flood storage overlay zone or a "GF" designator indicating a general floodplain overlay zone.

**5. OFFICIAL MAPS AND REVISIONS.** a. Official Maps Adopted. The boundaries of all floodplain overlay zones are designated as A, AE, AH, AO or A1-30 on the following maps based on the flood insurance study:

a-1. Milwaukee county flood insurance study, dated September 26, 2008, volume numbers 55079CV001A, 55079CV002A, 55079CV003A, 55079CV004A and 55079CV005A.

a-2. Milwaukee County flood insurance rate map panel numbers 55079CIND0A, 55079C0008E, 55079C0012E, 55079C0014E, 55079C0016E, 55079C0017E, 55079C0018E, 55079C0019E, 55079C0036E, 55079C0037E, 55079C0038E, 55079C0052E, 55079C0056E, 55079C0058E, 55079C0066E, 55079C0067E, 55079C0068E, 55079C0069E, 55079C0076E, 55079C0077E, 55079C0081E, 55079C0082E, 55079C0084E, 55079C0086E, 55079C0087E, 55079C0089E, 55079C0091E, 55079C0092E, 55079C0093E, 55079C0094E, 55079C0103E, 55079C0111E, 55079C0131E, 55079C0132E, 55079C0151E, 55079C0152E, 55079C0153E, 55079C0154E, 55079C0156E, 55079C0157E, 55079C0158E, 55079C0159E, 55079C0162E, 55079C0166E, 55079C0167E and 55079C0176E dated September 26, 2008, with corresponding profiles that are based on the flood insurance study.

a-3. Waukesha County flood insurance rate map panel numbers 55133C0114G and 55133C0227G dated November 5, 2014, with corresponding profiles that are based on the flood insurance study dated November 5, 2014, volume numbers 55133CV001C, 55133CV002C and 55133CV003C.

a-4. Washington county flood insurance rate map panel number 55131C0379D, dated November 20, 2013, with corresponding profiles that are based on the flood insurance study dated October 16, 2015, volume numbers 55131CV001B, 55131CV002B and 55131CV003B.

b. Revision of Maps. Any change to the base flood elevations or any change to the boundaries of the floodplain or floodway in the flood insurance study or on the flood insurance rate map shall be reviewed and approved by the Wisconsin department of natural resources and the federal emergency management agency through the letter-of- map- revision process in s. 295-1143 before it is effective. No changes to regional flood elevations on non-federal emergency management agency maps shall be effective until approved by the department of natural resources.

c. Maps Based on Other Studies. Any map referenced in this paragraph shall be approved by the Wisconsin department of natural resources and be more restrictive than the map based on the flood insurance study at the site of the proposed development. The city adopts the following:

c-1. The Northridge Lakes dam floodplains map (dam failure floodplain boundary) dated October 28, 2010, prepared by R. A. Smith National.

c-2. The Northridge Lakes dam failure analysis prepared by R.A. Smith National dated July 2, 2010 and approved by the department of natural resources on November 2, 2010.

c-3. Conditional letter of map revision (CLOMR) case no. 15-05-1919R, issued date April 21, 2016.

d. Location of Maps. The maps listed in pars. a and c are on file in the office of the commissioner.

e. More Than One Map or Revision. Whenever more than one map or revision is referenced, the most restrictive information shall apply.

**6. LOCATING FLOODPLAIN BOUNDARIES.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in pars. a and b. If a significant difference exists, the map shall be amended according to s. 295-307. The commissioner may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The commissioner shall document actual pre-development field conditions and the basis upon which the district boundary was determined, and initiate any map amendments required under this subsection. Disputes between the commissioner and an applicant over a district boundary line shall be settled according to s. 295-1149-4 and the following criteria:

a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies. Where the flood profiles are based on established base flood elevations from a flood insurance rate map, the approval of the federal emergency management agency pursuant to sub. 2-g shall be required for any map amendment.

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b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Wisconsin department of natural resources.

7. **VARIANCES.** Pursuant to s. 295-1149-2-c-1, the board of zoning appeals shall take no action on any application for a variance in a floodplain overlay zone for 30 days following the date of receipt of the application or until the Wisconsin department of natural resources has made its recommendation, whichever is sooner.

**295-1119. Standards Applicable to All Floodplain Overlay Zones.** 1. No floodplain development shall result in either of the following:

a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height.

b. Cause any increase in the regional flood height due to floodplain storage area lost.

2. The commissioner shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted flood insurance rate map or other adopted map, unless the provisions of sub. 3 are met.

3. Obstructions, or any increases to base flood elevations shown on the officially adopted flood insurance rate map or other adopted map, may only be permitted if amendments are made to this subchapter, the official floodplain zoning map, floodway lines and water surface profiles, in accordance with s. 295-1117. Any such alterations shall be reviewed and approved by the federal emergency management agency and the Wisconsin department of natural resources.

4. Development shall not adversely affect channels, floodways or banks of any tributaries of the city's watercourses, or land outside of the floodplain.

5. No river or stream shall be altered or relocated until a floodplain overlay zone zoning map amendment is approved by the common council in accord with s. 295-307.

6. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the commissioner has notified, in writing, all adjacent municipalities and the regional offices of the Wisconsin department of natural resources and the federal emergency management agency, and has required the applicant to secure all necessary state and federal permits. The standards of sub. 1 shall be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than 6 months after the date of the watercourse alteration or relocation, and pursuant to s. 295-1143, the commissioner shall, on behalf of the city, apply for a letter of map revision from the federal emergency management agency. Any such alterations shall be reviewed and approved by the federal insurance management agency and the Wisconsin department of natural resources through the letter-of-map-revision process.

**295-1121. Standards For Development In The Floodway Overlay Zone (FW).** 1. **PERMITTED USES.**

The following open space uses are permitted uses in the floodway overlay zone and the floodway areas of the other floodplain overlay zones if they are not prohibited by any other provision of this code, meet the standards of subs. 2 to 6, and all permits or certificates have been issued according to ss. 295-1129 and 295-1131:

a. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

b. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of sub. 5.

d. Uses or structures accessory to open space uses or classified as historic structures, that comply with subs. 2 to 6.

e. Extraction of sand, gravel or other materials, subject to sub. 5.

f. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, river crossings of transmission lines and pipelines that are in compliance with chs. 30 and 31, Wis. Stats., as amended.

g. Public utilities, streets and bridges that are in compliance with sub. 5.

h. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking and similar uses, provided the applicant can demonstrate that the water-carrying and storage capacity of the floodplain will not decrease as a result of the earth-grading activities.

**2. GENERAL DEVELOPMENT STANDARDS.** a. Any development in the floodway shall comply with s. 295-1119 and have a low flood damage potential.

b. Applicants shall provide either of the following data to determine the effects of the proposal according to s. 295-1119:

b-1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow.

b-2. An analysis calculating the effects of the proposal on regional flood height.

c. The commissioner shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream based on the data submitted pursuant to par. b.

d. Parking and loading areas may be at elevations lower than the flood protection elevation. However, no such areas in general use by the public may be inundated to a depth greater than 2 feet or subject to flood velocities greater than 2 feet per second. Such areas may be located at lower elevations if an adequate warning system exists to protect life and property.

**3. STRUCTURES.** A structure accessory to a permanent open space use or functionally dependent on a waterfront location may be allowed by permit if the commissioner finds that the structure will comply with all of the following criteria:

a. The structure will not be designed for human habitation, will not have a high flood damage potential and will be constructed to minimize flood damage.

b. The structure will be anchored to resist flotation, collapse and lateral movement.

c. The portions of the structure located below the regional flood elevation will be constructed of flood-resistant materials.

d. The structure will be designed to allow for the automatic entry of flood waters.

e. Mechanical and utility equipment will be elevated to or above, or floodproofed to or above, the flood protection elevation.

f. The structure will not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

g. Use of the structure will be limited to parking or limited storage.

h. The structure will have a minimum of 2 openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, with the bottom of each opening being no higher than one foot above grade. The openings shall be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

**4. PUBLIC UTILITIES, STREETS AND BRIDGES.** Public utilities, streets and bridges may be allowed by permit if the commissioner finds that both of the following conditions will be met:

a. Adequate floodproofing measures will be provided to the flood protection elevation.

b. The facilities will be constructed in compliance with the development standards of s. 295-1119.

**5. FILLS OR DEPOSITION OF MATERIALS.** Fills or deposition of materials may be allowed by permit if the commissioner finds that the work to be performed will meet all of the following conditions.

a. The work will be in compliance with the provisions of s. 295-1119.

b. No material will be deposited in navigable waters unless a permit has been issued by the Wisconsin department of natural resources pursuant to ch. 30, Wis. Stats., as amended, a permit has been issued pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344, if applicable, and all other requirements have been met.

c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading.

d. The fill is not classified as a solid or hazardous material.

**6. PROHIBITED USES.** All uses not listed in sub. 1 are prohibited uses in the floodway overlay zone, including but not limited to:

a. Storage of materials that are buoyant, flammable, explosive or injurious to property, water quality or human, animal, plant, fish or other aquatic life.

b. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Wisconsin department of natural resources-approved campgrounds that meet applicable city code provisions and ch. SPS 383, Wis. Adm. Code, as amended.

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- c. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet applicable city code provisions and the requirements of chs. NR 811 and NR 812, Wis. Adm. Code, as amended.
- d. Any solid or hazardous waste disposal sites.
- e. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code, as amended.
- f. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.
- g. Parking areas for new or used motor vehicle sales or storage
- h. Habitable structures, structures with high flood damage potential, those not associated with permanent open-space uses, and uses not in harmony with or detrimental to uses permitted in the adjoining districts.

**295-1123. Standards for Development in the Flood Fringe Overlay Zone (FF). 1. PERMITTED USES.** Any structure, land use or development is permitted in the flood fringe overlay zone if it meets the standards of s. 295-1119 and this section, is not prohibited elsewhere in this code, and all permits or certificates specified in ss. 295-1129 and 295-1131 have been issued.

**2. RESIDENTIAL USE REGULATIONS.** Any structure, including a manufactured home, which is to be newly constructed or moved into a flood fringe overlay zone shall meet or exceed the following standards:

- a. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of par. b can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Wisconsin department of natural resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines make compliance impractical and the board grants a variance.
- b. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway shall be permitted below the regional flood elevation.
- c. Contiguous dry-land access shall be provided from the structure to land outside of the floodplain, except as provided in par. d.
- d. In a development where existing street or sewer line elevations make compliance with par. c impractical, the commissioner may permit new development and substantial improvements where roads are below the regional flood elevation if the commissioner finds either of the following to be true:
  - d-1. The commissioner has received written assurance from the police and fire departments that rescue and relief will be provided to the structure by wheeled vehicles during a regional flood event.
  - d-2. The city has an emergency evacuation plan approved by the Wisconsin department of natural resources.
- e. The floodplain overlay zone boundary shall be amended pursuant to s. 295-1117-2 to provide for removal of the land on which the habitable structure is located in accordance with s. 295-1141.

**3. ACCESSORY STRUCTURES.** An accessory structure shall be constructed on fill with its lowest floor at or above the regional flood elevation.

**4. COMMERCIAL AND INSTITUTIONAL USES.** Any commercial or institutional structure which is erected, altered or moved into a flood fringe overlay zone shall meet the requirements of sub. 2. Subject to the requirements of subs. 6 and 15, storage yards, surface parking lots and similar uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

**5. MANUFACTURING AND INDUSTRIAL USES.** Any manufacturing or industrial structure which is erected, altered or moved into a flood fringe overlay zone shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing measures in s. 295-1133. Subject to the requirements of subs. 6 and 15, storage yards, surface parking lots and similar uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

**6. STORAGE OF MATERIALS.** Materials that are buoyant, flammable, explosive or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 295-1133. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

**7. PUBLIC UTILITIES, STREETS AND BRIDGES.** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or

repair of such facilities shall only be permitted if they are designed to comply with s. 295-1133. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

**8. SEWAGE SYSTEMS.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, in accordance with s. 295-1133, to the flood protection elevation and comply with all applicable city code provisions and the provisions of ch. SPS 383, Wis. Adm. Code, as amended.

**9. WELLS.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, in accordance with s. 295-1133, to the flood protection elevation and shall comply with the provisions of chs. NR 811 and NR 812, Wis. Adm. Code, as amended.

**10. SOLID WASTE DISPOSAL SITES.** Disposal of solid or hazardous waste is prohibited in flood fringe overlay zones.

**11. DEPOSITION OF MATERIALS.** Any deposited material shall meet all applicable provisions of this subchapter.

**12. MANUFACTURED HOMES.** a. **Emergency Preparedness.** The owner or operator of any manufactured home park or subdivision in a flood fringe overlay zone shall provide adequate surface drainage to minimize flood damage, and shall prepare and submit to the fire chief an evacuation plan indicating vehicular access and escape routes.

b. **Existing Manufactured Home Parks.** In an existing manufactured home park, all new homes, replacement homes on existing pads and substantially improved homes shall meet both of the following requirements:

b-1. The home shall have the lowest floor level elevated to the flood protection elevation.

b-2. The home shall be anchored so it does not float, collapse or move laterally during a flood.

c. **Homes Outside Existing Parks.** Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement or substantially improved manufactured homes shall meet the residential development standards of sub. 2.

**13. MOBILE RECREATIONAL VEHICLES.** Any mobile recreational vehicle that is on-site in a flood fringe overlay zone for 180 or more consecutive days and is not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in sub. 12-b. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.

**14. GRADING ACTIVITIES.** Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yards, parking and similar uses shall be permitted in the flood fringe overlay zone, provided the applicant can demonstrate that the water-carrying and storage capacity of the floodplain will not decrease as a result of the earth-grading activities.

**15. PARKING AND LOADING AREAS.** a. Parking and loading areas may be at elevations lower than the flood protection elevation. However, no such areas in general use by the public may be inundated to a depth greater than 2 feet or subject to flood velocities greater than 2 feet per second. Such areas may be located at lower elevations if an adequate warning system exists to protect life and property.

b. Parking areas for new or used motor vehicle sales or storage shall be prohibited.

**16. EXISTING STRUCTURES.** Any existing structure in the flood fringe overlay zone shall comply with the applicable requirements of s. 295-1135.

**295-1125. Standards for Development in the Flood Storage Overlay Zone (FSD).** **1. DESCRIPTION.** The flood storage overlay zone delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The overlay zone protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

**2. APPLICABILITY.** The provisions of this subsection apply to all areas within the flood storage overlay zone, as shown on the official zoning map.

**3. PERMITTED USES.** Any use or development which occurs in a flood storage overlay zone shall meet the applicable requirements of s. 295-1123.

**4. STANDARDS.** a. Development in a flood storage overlay zone shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.

b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation will be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost.

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Excavation below the groundwater table is not considered to provide an equal volume of storage. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage overlay zone on this waterway is rezoned to the flood fringe overlay zone. This shall include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, in accordance with the provisions of s. 295-1143.

**5. REMOVAL FROM OVERLAY ZONE.** No area may be removed from the flood storage overlay zone unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

### **295-1127. Standards for Development in the General Floodplain Overlay Zone (GF). 1. APPLICABILITY.**

The provisions of this section shall apply to all floodplains mapped as A, AO or AH zones.

**2. PERMITTED USES.** Pursuant to sub. 4, it shall be determined whether the proposed use is located within the floodway or the flood fringe. Those uses permitted in the floodway and flood fringe overlay zones shall be permitted within the general floodplain overlay zone subject to the standards of sub. 3 and provided that all permits or certificates required under ss. 295-1129 and 295-1131 have been issued.

**3. STANDARDS.** a. The standards of s. 295-1121 shall apply to development in floodway areas. The standards of s. 295-1123 shall apply to development in flood fringe areas.

b. In AO and AH Zones, the structure's lowest floor shall meet one of the following, whichever is higher:

b-1. At or above flood protection elevation.

b-2. Two feet above the highest adjacent grade around the structure.

b-3. The depth as shown on the flood insurance rate map.

c. In AO and AH Zones, the applicant shall provide plans showing adequate drainage paths to guide floodwaters around structures.

**4. DETERMINING FLOODWAY AND FLOOD FRINGE LIMITS.** Upon receiving an application for development within the general floodplain overlay zone, the commissioner shall:

a. Require the applicant to submit 2 copies of an aerial photograph of a plan which shows the proposed development with respect to the general floodplain overlay zone limits, stream channel and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures, and the flood zone as shown on the flood insurance rate map.

b. Require the applicant to furnish either or both of the following information deemed necessary by the Wisconsin department of natural resources to evaluate the effects of the proposal upon flood height, flood flows and regional flood elevation, and to determine floodway boundaries:

b-1. A surface-view plan showing elevations or contours of the ground, pertinent structure, fill or storage elevations, the size, location and layout of all proposed and existing structures on the site, the location and elevations of streets, water supply and sanitary facilities, soil types, and other pertinent information.

b-2. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

b-3. A hydrologic and hydraulic study as specified in s. 295-1129-4.

**295-1129. Permits Required. 1. GENERAL REQUIREMENTS.** It shall be unlawful to use any structure or land, or to erect, alter, relocate, extend or substantially improve any structure or sewer or water facilities, prior to the issuance of a permit. If an amendment to the official zoning map is required, no permit shall be issued by any city official until a letter of map revision is issued by the federal emergency management agency for the proposed change. Furthermore, it shall be the responsibility of the permit applicant to secure all necessary permits required by local, state or federal agencies, including but not limited to:

a. Any permit, certificate or license, including any floodplain fill permit, in accordance with ch. 200.

b. Development which requires a permit from the Wisconsin department of natural resources under chs. 30 and 31, Wis. Stats., as amended, such as docks, piers, wharves, bridges, culverts, dams and navigational aids. Such development may be allowed if the necessary permits are obtained and amendments to this subchapter are made according to s. 295-1117.

c. Wetland fill permits, in accordance with s. 404 of the federal water pollution control act.

**2. PERMIT APPLICATION; GENERAL INFORMATION.** Information on the application for a permit required under this subchapter shall include:

a. The name and address of the applicant, property owner and contractor.

b. A legal description of the property, along with a description of the proposed use and whether the project will involve new construction, alteration, relocation, extension or substantial improvement of a structure.



**3. SITE DEVELOPMENT PLAN.** A site plan drawn to scale shall be submitted along with the permit application. The site plan shall contain:

- a. The location, dimensions, area and elevation of the lot.
- b. The location of the ordinary highwater mark of any abutting navigable waterways.
- c. The location of any structures, with distances measured from the lot lines and street center lines.
- d. The location of any existing or proposed on-site sewage system or private water supply system.
- e. The location and elevation of existing and future access roads.
- f. The location of floodplain and floodway limits as determined from the official floodplain zoning maps.
- g. The elevation of the lowest floor of any proposed building and any fill, using national geodetic vertical datum.
- h. Data sufficient to determine the regional flood elevation, in national geodetic vertical datum, at the location of the development and to determine whether the requirements of s. 295-1121 or 295-1123, as applicable, are met.
- i. Data sufficient to determine whether the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge in violation of s. 295-1119. This may include any of the information described in s. 295-1121-2-b.

**4. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT.** a. Supervision and Review. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Wisconsin department of natural resources.

b. Zone A Floodplains; Hydrology. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code.

c. Zone A Floodplains; Hydraulic Modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, and the following:

c-1. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (e.g., dams, bridges and culverts) to determine adequate starting WSEL for the study.

c-2. Channel sections shall be surveyed.

c-3. A minimum 4-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

c-4. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.

c-5. The most current version of HEC-RAS shall be used.

c-6. A survey of bridge and culvert openings and the top of road is required at each structure.

c-7. Additional cross-sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

c-8. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

c-9. The model shall extend past the upstream limit of the difference in the existing and proposed flood profiles to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 foot.

d. Zone A Floodplains; Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation. If any part of the proposed development is in the floodway, it shall be added to the base model to show the difference between existing and proposed conditions. The study shall ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

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e. Zone AE Floodplains; Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code.

f. Zone AE Floodplains; Hydraulic Modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, and the following:

f-1. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous flood insurance study model upstream and downstream of the revised reach. If data from the effective model are available, models shall be generated that duplicate the flood insurance study profiles and the elevations shown in the floodway data table in the flood insurance study report to within 0.1 foot.

f-2. Corrected Effective Model. The corrected effective model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for department of natural resources review.

f-3. Existing (Pre-Project Conditions) Model. The existing (pre-project conditions) model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project conditions) model or to establish more up-to-date models on which to base the revised (post-project conditions) model.

f-4. Revised (Post-Project Conditions) Model. The revised (post-project conditions) model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

f-5. Supporting Information. All changes to the duplicate effective model and subsequent models shall be supported by certified topographic information, bridge plans, construction plans and survey notes.

f-6. Changes to Models. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross-sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.

g. Zone AE Floodplains; Mapping. Maps and associated engineering data that meet the following conditions or include the following items shall be submitted to the department of natural resources for review:

g-1. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated flood insurance rate maps or flood boundary floodway maps, construction plans and bridge plans.

g-2. Certified topographic map of suitable scale and contour interval, as well as a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the flood insurance rate map may be more easily revised.

g-3. An annotated flood insurance rate map panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

g-4. If an annotated flood insurance rate map or flood boundary floodway map and digital mapping data are used, all supporting documentation or metadata shall be included with the data submission along with the universal transverse Mercator projection and state plane coordinate system in accordance with federal emergency management agency mapping specifications.

g-5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

g-6. All cross-sections from the effective model shall be labeled in accordance with the effective map. A cross-section lookup table shall be included to relate to the model input numbering scheme.

g-7. Both the current and proposed floodways shall be shown on the map.

g-8. The stream centerline or profile baseline used to measure stream distances in the model shall be visible on the map.

5. EXPIRATION; RENEWAL; LAPSE OF PERMITS. All permits issued under the authority of this subchapter shall expire not more than 180 days after issuance and may be renewed for up to 180 additional days for good and sufficient cause in accordance with the provisions of s. 200-30.2. Permits shall lapse and be void in accordance with the provisions of s. 200-30.

**295-1131. Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the commissioner, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this subchapter.

2. Application for such certificate shall be concurrent with the application for a permit.
3. If applicable code provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed.
4. The applicant shall submit a certification signed by a registered professional engineer, registered architect or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer, registered architect or registered architect that the requirements of s. 295-1133 are met.

**295-1133. Floodproofing.** 1. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits:

- a. A plan certified by a registered professional engineer or architect that the floodproofing measures taken will protect the structure or development to the flood protection elevation.
  - b. A federal emergency management agency floodproofing certificate.
2. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan that meets either of the following:
- a. The plan is certified by a registered professional engineer or architect.
  - b. The plan meets or exceeds the following standards:
    - b-1. A minimum of 2 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding have been provided.
    - b-2. The bottom of all openings shall be no higher than one foot above grade.
    - b-3. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
3. Floodproofing measures shall be designed, as appropriate, to:
- a. Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors.
  - b. Protect structures to the flood protection elevation.
  - c. Anchor structures to foundations to resist flotation and lateral movement.
  - d. Eliminate infiltration of floodwaters.
  - e. Minimize or eliminate discharges into floodwaters.

**295-1135. Nonconformities.** 1. GENERAL. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this subchapter may continue subject to the following conditions:

- a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section and all other relevant provisions of this subchapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.
- b. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure does not constitute an extension, modification or addition. The roof of the structure may extend over a portion of the deck to provide safe ingress and egress to the principal structure.
- c. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this subchapter.
- d. The commissioner shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
- e. No structural modification or addition to any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.
- f. Except as provided in par. g, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it shall not be replaced, reconstructed or rebuilt unless the use

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and the structure meet the current code requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

g. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements are met in pars. k and L and all required permits have been granted prior to the start of construction.

h. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with s. 295-1121-2, flood-resistant materials are used, and construction practices and floodproofing methods that comply with s. 295-1133 are used. Repair or rehabilitation of a historic structure shall be exempt from the standards of par. k if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

i. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this code. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2.

j. If on a per-event basis the total value of the work being done under pars. e and i equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this code. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2.

k. Residential structures shall:

k-1. Have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls shall meet the requirements of s. 295-1133-3.

k-2. Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

k-3. Be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

k-4. In A Zones, obtain, review and use any flood data available from a federal, state or other source.

k-5. In AO Zones with no elevations specified, have the lowest floor, including basement, meet the standards in s. 295-1127-3-b.

k-6. In AO Zones, have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

L. Non-residential structures shall:

L-1. Meet the requirements of subds. k-1, 2, 5 and 6.

L-2. Have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, meet the standards in s. 295-1133.

L-3. In AO Zones with no elevations specified, have the lowest floor, including basement, meet the standards in s. 295-1127-3-b.

**2. FLOODWAY OVERLAY ZONE.** a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway overlay zone, unless such modification or addition meets all of the following criteria:

a-1. The modification or addition has been granted a permit or variance which meets all code requirements.

a-2. The modification or addition meets the requirements of sub. 1.

a-3. The modification or addition will not increase the obstruction to flood flows or regional flood height.

a-4. The modification or addition will be floodproofed, pursuant to s. 295-1133, by means other than the use of fill, to the flood protection elevation.

b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing

on-site sewage disposal system in a floodway overlay zone shall meet the applicable requirements of this code, including s. 295-1133, and ch. SPS 383, Wis. Adm. Code, as amended.

c. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing well in a floodway overlay zone shall meet the applicable requirements of this code, including s. 295-1133, and chs. NR 811 and NR 812, Wis. Adm. Code, as amended.

d. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

d-1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of 2 openings shall be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening shall not be more than 12 inches above the adjacent grade.

d-2. The parts of the foundation located below the flood protection elevation shall be constructed of flood-resistant materials.

d-3. Mechanical and utility equipment shall be elevated or floodproofed to or above the flood protection elevation.

d-4. The use shall be limited to parking, building access or limited storage.

**3. FLOOD FRINGE OVERLAY ZONE.** a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the city and meets the requirements of s. 295-1123, except where par. b is applicable.

b. Where compliance with the provisions of par. a would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board, using the procedures established in s. 295-1149-1, may grant a variance from the provisions of par. a for modifications or additions, using the criteria listed in this paragraph. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if all of the following conditions are met:

b-1. No floor is located below the regional flood elevation for residential or commercial structures.

b-2. Human lives are not endangered.

b-3. Public facilities, such as water or sewer, will not be installed.

b-4. Flood depths will not exceed 2 feet.

b-5. Flood velocities will not exceed 2 feet per second.

b-6. The structure will not be used for storage of materials as described in s. 295-1123-6.

c. Any new private sewage disposal system, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of this code, including s. 295-1133, and ch. SPS 383, Wis. Adm. Code, as amended.

d. Any new well, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this code, including s. 295-1133, and ch. NR 811 and NR 812, Wis. Adm. Code, as amended.

**4. FLOOD STORAGE OVERLAY ZONE.** No modifications or additions shall be allowed to any nonconforming structure in a flood storage overlay zone unless the standards in s. 295-1125-4 are met.

**295-1137. Administration.** The commissioner is authorized to administer the provisions of this subchapter and shall have the following duties and powers:

**1.** Advise applicants of the provisions of this subchapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

**2.** Issue permits, inspect properties for compliance with provisions of this subchapter and issue certificates of compliance where appropriate.

**3.** Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

**4.** Keep records of all official actions, such as:

a. All permits issued, inspections made, and work approved.

b. Documentation of certified lowest floor and regional flood elevations.

c. Records of water surface profiles, floodplain zoning maps and ordinances, and nonconforming uses and structures, including changes, appeals, variances and amendments.

d. All substantial damage assessment reports for floodplain structures.

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- e. Floodproofing certificates.
- f. A list of all nonconforming structures and uses.
- 5. Submit the following items to the Wisconsin department of natural resources regional office:
  - a. At least 10 days prior to any public hearing on a proposed floodplain zoning map or text amendment or a variance or special use permit request in a floodplain overlay zone, a copy of the notice of the public hearing.
  - b. Within 10 days of the decision, a copy of any board decision on a variance request or an appeal for a map or text interpretation.
  - c. Within 10 days of passage and publication of any ordinance amending the text of this subchapter or amending the zoning map in a manner adding, deleting or modifying a floodplain overlay zone, a copy of the ordinance amending the text or map.
  - d. Copies of case-by-case analyses and other required information, including an annual summary of floodplain zoning actions taken.
  - e. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- 6. Investigate, prepare reports, and report violations of this section, and to remedy the violations in accordance with the provisions of s. 295-309. Copies of the reports and documentation of the enforcement actions shall be sent to the commissioner of city development and the Wisconsin department of natural resources regional office.
- 7. Submit copies of amendments as well as biennial reports of those amendments, to the federal emergency management agency regional office.
- 8. Provide information to the public as follows:
  - a. The commissioner shall place marks on structures to show the depth of inundation during the regional flood.
  - b. The commissioner shall ensure that all floodplain maps, engineering data and regulations shall be available to the public and widely distributed.
  - c. The commissioner shall, upon request, provide floodplain zoning district information to persons preparing real estate transfer documents.

**295-1139. Government Agencies Regulated.** Unless specifically exempted by law, the city of Milwaukee, the county of Milwaukee, the Milwaukee board of school directors, the housing authority and the redevelopment authority shall comply with all applicable provisions of this subchapter and obtain all necessary permits. State agencies shall be required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin department of transportation shall be exempt when s. 30.2022, Wis. Stats., applies.

**295-1141. Removal of Lands from Floodplain.** 1. Compliance with the provisions of this subchapter shall not be grounds for removing land from the floodplain unless:

- a. Such land is filled at least 2 feet above the regional or base flood elevation.
  - b. The fill is contiguous to land outside the floodplain.
  - c. The map is amended pursuant to s. 295-1117-2.
2. Satisfaction of the requirements of sub. 1 does not eliminate the requirement for mandatory purchase of flood insurance. The property owner shall contact the federal emergency management agency to request a letter of map change.

**295-1143. Amendments.** 1. GENERAL. Obstructions or increases may only be permitted if amendments are made to this subchapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 295-1117.

2. AE ZONES. In an AE Zone with a mapped floodway, no obstruction or increase shall be permitted unless the applicant receives a conditional letter of map revision from the federal emergency management agency and amendments are made to this subchapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 295-1117. Any such alterations shall be reviewed and approved by the federal emergency management agency and the department of natural resources.

3. A ZONES. In an A Zone, an increase equal to or greater than one foot may only be permitted if the applicant receives a conditional letter of map revision from the federal emergency management agency

and amendments are made to this subchapter, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 295-1117.

**295-1145. Warning and Disclaimer of Liability.** The flood protection standards in this subchapter are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. The provisions of this subsection do not imply or guarantee that nonfloodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor do the provisions of this subchapter create liability on the part of, or a cause of action against, the city or any officer or employee thereof for any flood damage that may result from reliance on those provisions.

**295-1147. Shoreland-Wetland Overlay Zone (WL). 1. PURPOSES.** The shoreland-wetland overlay zone, which includes all wetlands in the city that are 2 acres or more in area, as defined by the "FINAL" Wisconsin Wetland Inventory Maps dated March 29, 1989, is intended to:

- a. Maintain the storm and flood water storage capacity of wetlands.
- b. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- c. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat.
- d. Prohibit certain uses detrimental to shoreland-wetland areas.
- e. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth-moving activities.

**2. PROCEDURES.** a. Creation. Creation of a shoreland-wetland overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each shoreland-wetland overlay zone shall be shown on the zoning map by a "WL" designator and an appropriate number.

**3. STANDARDS.** a. Permitted Uses. In a shoreland-wetland overlay zone, the following are permitted uses, provided that no wetland alteration occurs:

- a-1. Hiking.
- a-2. Fishing.
- a-3. Swimming.
- a-4. Boating.
- b. Special Uses. The following are special uses in the shoreland-wetland overlay zone:
  - b-1. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
  - b-2. Silviculture, including the planting, thinning and harvesting of timber, and limited temporary water level stabilization measures as necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
  - b-3. Raising of minnows or other wetland or aquatic animals.
  - b-4. Maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.
  - b-5. Construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.
  - b-6. Installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zone provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland specified in sub. 1.
  - b-7. Maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
  - b-8. Construction and maintenance of roads as necessary to provide continuity in the city's street system, essential utility and emergency services, or access to uses listed under this subsection, provided that:
    - b-8-a. The road cannot, as a practical matter, be located outside the wetland.
    - b-8-b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.
    - b-8-c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
    - b-8-d. Road construction activities are carried out only in the immediate area of the roadbed.

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b-8-e. Any wetland alteration shall be only that necessary to accommodate construction or maintenance of the road.

b-9. Construction and maintenance of a nonresidential building provided that:

b-9-a. The building cannot, as a practical matter, be located outside the wetland.

b-9-b. The building does not exceed 500 square feet in floor area. b-9-c. Only limited filling and excavating necessary to provide structural support for the building shall be allowed.

b-10. Establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

b-10-a. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures shall be allowed.

b-10-b. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

b-11. Construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines, provided that:

b-11-a. These utility facilities and lines cannot, as a practical matter, be located outside the wetland.

b-11-b. Only limited filling or excavating necessary for construction or maintenance shall be allowed.

b-11-c. Construction or maintenance shall be performed in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland specified in sub. 1.

c. Use of Boathouses and Houseboats. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters is prohibited.

d. Exemptions. d-1. Filled Wetlands Exempted. Wetlands filled prior to June 16, 1992, in a manner that affects their wetland characteristics to the extent that the area can no longer be defined as wetlands shall not be subject to the provisions of this section.

d-2. Wetlands Landward Of A Bulkhead Line Exempted. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under s. 30.11, Wis. Stats., and the Milwaukee harbor as defined in s. 118-80, shall not be subject to the provisions of this section.

**295-1149. Board of Zoning Appeals Procedures. 1. ADDITIONAL STANDARDS FOR FLOODPLAIN OVERLAY ZONES.** a. In addition to the criteria in s. 295-311-3-d, no variance for development or use of property in a floodplain overlay zone shall be granted by the board of zoning appeals unless the board finds that:

a-1. The variance will not cause any increase in the regional flood elevation.

a-2. The lot upon which the development or use would occur is less than one-half acre and is contiguous to one or more lots containing existing structures constructed below the regional flood elevation.

a-3. The applicant has demonstrated good and sufficient cause for granting the variance.

a-4. The variance is the minimum relief necessary to allow the proposed development or use.

a-5. The variance will not cause increased risks to public safety or nuisances.

a-6. The variance will not increase costs for rescue and relief efforts.

b. Whenever the board grants a variance for development or use of property in a floodplain overlay zone, the board shall notify the applicant in writing that the variance may increase risks to life and property and that flood insurance premiums may increase up to \$25 per \$100 of coverage. A copy of this notice shall be maintained with the variance record.

**2. ADDITIONAL PROCEDURES RELATING TO FLOODPLAIN AND SHORELAND-WETLAND OVERLAY ZONES.** a. Certified Floodproofing Measures. No permit or variance for development in a floodplain overlay zone shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the proposed floodproofing measures will protect the structure or development to the flood protection elevation.

b. Hearing Notifications. Notice of a hearing relating to a request for a variance or a special use permit in a floodplain or shoreland-wetland overlay zone shall be published in a newspaper of general circulation at least once each week for 2 consecutive weeks. No hearing may be held until at least 7 days following the last publication. Notices shall specify the date, time, place and subject of the hearing, and shall also be mailed to the parties of interest.



c. Notice to Department of Natural Resources. c-1. Copies of applications for variances and special use permits in floodplain and shoreland-wetland overlay zones shall, upon receipt by the board, be transmitted to the Wisconsin department of natural resources. No final board action may be taken on any application for 30 days or until the Wisconsin department of natural resources has made its recommendation, whichever is sooner.

c-2. Copies of decisions rendered by the board for variances and special use permits in floodplain and shoreland-wetland overlay zones shall be transmitted to the Wisconsin department of natural resources within 10 days of the effective dates of such actions.

d. Conditions of Approval. The board may attach such conditions as deemed necessary to further the intent and purposes of such districts. The conditions may include specifications for: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the board may require the applicant to furnish other pertinent information which is necessary to determine if the proposed use is consistent with the intent and purposes of such districts.

**3. APPEAL RELATING TO INCREASE IN REGIONAL FLOOD ELEVATION.** For an appeal of an administrative decision relating to an increase in the regional flood elevation, the board shall uphold the commissioner's decision if the board agrees with the data showing an increase in flood elevation. An increase may only be allowed after the flood profile and map have been amended and all appropriate legal arrangements with adversely affected property owners have been made, in accordance with s. 295-1143. The board may grant the appeal if it agrees that the data properly demonstrate that the project does not cause an increase in flood elevation, provided no other reasons for denial exist.

**4. FLOODPLAIN BOUNDARY DISPUTES.** The following procedures shall be used by the board in hearing and deciding disputes concerning floodplain district boundaries:

a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

b. In all cases, the person contesting the boundary location shall be given reasonable opportunity to present arguments and technical evidence to the board.

c. If the boundary is incorrectly mapped, the board shall direct the commissioner to initiate a map amendment in accordance with the procedures of s. 295-307.

**295-1151. Enforcement and Penalties.** The commissioner shall enforce the provisions of this subchapter. The commissioner shall, on his or her own initiative or on complaint or referral, proceed to the remedy of violations in accordance with the provisions of s. 295-309. Any person, firm or corporation that owns, controls or manages any premises on which has been placed or there exists anything in violation of this subchapter, assists in the commission of any violation of this subchapter, builds contrary to the plans or specifications submitted to and approved by the commissioner or omits, neglects or refuses to do any act required by this subchapter shall be subject to the penalties of s. 295-309-6, as appropriate.

"For legislative history of this chapter, contact the Legislative Reference Bureau."

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