

**CHAPTER 28**  
**ZONING CODE ORDINANCE**

Chapter 28 Amended by ORD-12-00134  
Adopted 10/16/2012, Effective 1/2/2013

Chapter 28 Repealed and Recreated by ORD-11-00061  
Adopted 3/29/2011, Effective 1/2/2013

Published by the direction of the Common Council of the City of Madison,  
in accordance with Wis. Stats § 66.0103.



## **CHAPTER 28**

### **ZONING CODE**

#### **Section**

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## SUBCHAPTER 28A: INTRODUCTORY PROVISIONS

### 28.001 TITLE.

This ordinance shall be known, cited and referred to as the Madison Zoning Code, or “this ordinance.” For purposes of this Section, the phrase “this ordinance” refers to this Chapter of the Madison General Ordinances (MGO) or any condition imposed pursuant to this Chapter.

### 28.002 INTENT AND PURPOSE.

- (1) This ordinance is adopted for the following purposes:
- (a) To promote land uses and development patterns that are consistent with the city’s comprehensive plan and of adopted neighborhood, corridor or special area plans.
  - (b) To promote and protect the public health, safety and general welfare of the City.
  - (c) To secure safety from fire, flooding, pollution, contamination and other dangers.
  - (d) To maintain and promote safe pedestrian and vehicular circulation.
  - (e) To minimize congestion in the public rights-of-way through the regulation of off-street parking, maneuvering, loading and signage.
  - (f) To ensure the provision of adequate open space for light, air, fire safety and recreation.
  - (g) To protect environmentally sensitive areas.
  - (h) To address and mitigate the effects of climate change.
  - (i) To remove obstacles and provide incentives for energy conservation and renewable energy.
  - (j) To promote and restore the conservation, protection, restoration and enhancement of historic resources.
  - (k) To facilitate the adequate, efficient and cost-effective provision of infrastructure and other public services and facilities.
  - (l) To preserve the natural scenic beauty of the City and to enhance the aesthetic desirability of the environment as well as the design of buildings.
  - (m) To encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
  - (n) To stabilize, protect, and enhance property values.
  - (o) To preserve productive agricultural land and provide opportunities for local food production.
  - (p) To encourage innovative project design in the city, including developments that incorporate mixed uses.
  - (q) To encourage the creation, promotion, sale, and enjoyment of art.
  - (r) To create a sense of place.
  - (s) To encourage pedestrian-oriented development.
  - (t) To promote the orderly development and economic vitality of the City.
  - (u) To provide an adequate variety of housing and commercial building types to satisfy the city’s social and economic goals.

### 28.003 RELATIONSHIP TO COMPREHENSIVE PLAN.

The Madison Comprehensive Plan establishes the goals, objectives and strategies that serve as a basis for this zoning code. All regulations or amendments adopted pursuant to this ordinance shall be generally consistent with the Comprehensive Plan as adopted and revised or updated.

### 28.004 INTERPRETATION.

This ordinance applies to all land and land development within the jurisdictional limits of the City of Madison, Wisconsin.

- (1) This ordinance should be interpreted as a permissive zoning ordinance, which means that the ordinance permits only those principal and accessory uses and structures that are specifically enumerated in the ordinance. In the absence of a variance or special exception, any uses or

- structures not specifically permitted by the ordinance are prohibited. (Cr. by ORD-16-00026, 3-9-16)
- (2) In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals and general welfare.
  - (3) Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.
  - (4) This ordinance is not intended to abrogate any easement, covenant or other private agreement. However, this ordinance applies if it is more restrictive or imposes higher standards or requirements than an easement, covenant or other private agreement.
  - (5) Any use, building, structure, or lot that is lawfully existing at the time of the adoption of this ordinance, or any subsequent amendment(s), may be continued, subject to the provisions in Subchapter 28N, Nonconformities.
  - (6) A building, structure or use that was unlawful when this Chapter was adopted does not become lawful solely by reason of the adoption of this Chapter. To the extent that the unlawful building, structure or use conflicts with this Chapter, the building, structure or use remains unlawful under this Chapter.
  - (7) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Wis. Admin. Code ch. NR 116 or NR 117, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 116 or NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(Sec. 28.004(1) - (6) Renum. by ORD-16-00026, 3-9-16)

## **28.005 ZONING OF ANNEXED LAND.**

- (1) Pursuant to Wis. Stat. § 66.0217(8), all property annexed to the City of Madison and previously not zoned under this ordinance shall be hereby declared to be in a temporary zoning district until otherwise changed by amendment. Prior to the issuance of any permits for new construction, a permanent zoning district classification must be obtained pursuant to Sec. 28.182 of this ordinance. The following requirements also apply to annexed land:
  - (a) The Dane County floodplain zoning provisions in effect on the date lands are annexed to the City of Madison shall remain in effect and shall be enforced for all annexed lands until the City adopts and enforces an ordinance that meets the requirements of NR 116, Wis. Adm. Code and the National Flood Insurance Program. County floodplain provisions are incorporated by reference for the purpose of administering this subdivision and are on file in the office of the Zoning Administrator.
  - (b) All lands annexed to the City of Madison after May 7, 1982 that prior to annexation were subject to the Dane County Shoreland Zoning Ordinance shall be subject to the following regulations, which supersede any conflicting sections of Chapter 28, MGO:
    1. No building shall be constructed closer than fifty (50) feet from the ordinary high-water mark, except as provided in par. 2.
    2. Construction or placement of a principal building within the shoreland setback area established under par. 1. is allowed if all of the following apply:
      - a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
      - b. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or

- thirty-five (35) feet from the ordinary high-water mark, whichever distance is greater.
3. A person who owns shoreland property that contains vegetation is required to maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five (35) feet inland from the ordinary high-water mark of the navigable water, except as provided in sub. 3.a.
    - a. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
  4. A person who is required to maintain or establish a vegetative buffer zone under sub. 3. may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than thirty (30) feet wide for every one hundred (100) feet of shoreline frontage and that extends no more than thirty-five (35) feet inland from the ordinary high-water mark.
  5. For the purposes of this section, "Principal building" means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.
  6. This ordinance does not apply to lands adjacent to an artificially constructed drainage ditch, pond or stormwater retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.

## **28.006 SCOPE OF REGULATIONS.**

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located. (See Transition Rules below.)

- (1) All new building sites shall meet the requirements of this ordinance unless, prior to the effective date of this ordinance a building permit was issued and is still valid; and provided construction is begun within ninety (90) days of such effective date and diligently prosecuted to completion, said building may be:
  - (a) Completed in accordance with the approved plans on the basis of which the building permit has been issued, and,
  - (b) May upon completion be occupied as approved in the building permit by the use for which it was originally designated.
- (2) Where the Zoning Administrator has issued a zoning approval pursuant to the provisions of this ordinance, the approval shall become null and void unless work thereon is substantially underway within six (6) months of the date of issuance of such approval.
- (3) The following changes to an existing use shall not require the entire site to be brought into compliance:
  - (a) Adding pedestrian and/or accessibility accommodations required by building code provisions.
  - (b) Providing new/additional bicycle parking.
  - (c) Providing new/additional refuse enclosure areas.
  - (d) Resurfacing/reconstruction, maintenance of parking facilities where there is no change to layout, circulation or entrances.
  - (e) Replacing dead/undesirable, or non-functioning landscaping with new or different trees or shrubs.
  - (f) Elimination of parking stall to add landscaping, when administratively approved.
  - (g) Phased developments in Planned Multi-use sites.
  - (h) Site changes resulting from eminent domain actions.
  - (i) Storage locker (personal). (Cr. by ORD-16-00109, 12-14-16)

**28.007 SEVERABILITY.**

- (1) In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

**28.008 TRANSITION RULES.**

This section addresses the applicability of new substantive standards enacted by this ordinance to activities, actions, and other matters that are pending or occurring as of the effective date of this ordinance.

- (1) Any application that has been filed with the Department of Planning and Community and Economic Development or Building Inspection Division and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall be regulated by the terms and conditions of the ordinances and codes that were in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this ordinance.
- (2) Except as noted otherwise, any application for a zoning map amendment that was filed, and has been determined to be fully complete by the City, prior to the effective date of this ordinance, shall continue through the process to completion pursuant to the terms and conditions of the ordinances and codes that were in place at the time of filing.
- (3) Planned development districts in force at the time of adoption of this ordinance shall continue to be controlled under the standards of the existing planned development district unless rezoned by Common Council. However, processes for approving or amending adopted final development plans, plats, certified survey maps, or site plans, shall follow the procedures of this ordinance.
- (4) Zoning districts, use lists and definitions applicable to previously approved documents, including rezonings, planned development districts, easements, deed restrictions and similar agreements, shall remain in force but shall be interpreted by the Zoning Administrator for consistency with the rules, definitions and other provisions of this ordinance.
- (5) Any application before the Zoning Board of Appeals or any application that has been filed with the Department of Planning and Community and Economic Development or Inspections Division and is fully completed, prior to the effective date of this ordinance, shall continue the process pursuant to the terms and conditions of the ordinance that were in place at the time of filing.

**28.009 REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE.**

All ordinances or parts of ordinances in conflict with this zoning ordinance, or inconsistent with the provisions of this chapter, are hereby repealed to the extent necessary to give this chapter full force and effect. This chapter shall become effective on the date the Zoning Map becomes effective.

## SUBCHAPTER 28B: ZONING DISTRICTS AND MAP

### **28.021 ESTABLISHMENT OF ZONING DISTRICTS.**

In order to carry out the purposes and provisions of this ordinance, the following zoning districts are hereby established:

(1) Residential Districts.\*

- (a) SR-C1 Suburban Residential - Consistent District 1
- (b) SR-C2 Suburban Residential - Consistent District 2
- (c) SR-C3 Suburban Residential - Consistent District 3
- (d) SR-V1 Suburban Residential - Varied District 1
- (e) SR-V2 Suburban Residential - Varied District 2
- (f) TR-C1 Traditional Residential - Consistent District 1
- (g) TR-C2 Traditional Residential - Consistent District 2
- (h) TR-C3 Traditional Residential - Consistent District 3
- (i) TR-C4 Traditional Residential - Consistent District 4
- (j) TR-V1 Traditional Residential - Varied District 1
- (k) TR-V2 Traditional Residential - Varied District 2
- (l) TR-U1 Traditional Residential - Urban District 1
- (m) TR-U2 Traditional Residential - Urban District 2
- (n) TR-R Traditional Residential - Rustic District
- (o) TR-P Traditional Residential - Planned District

\* When other Chapters of the Madison General Ordinances refer to residential districts, the Downtown Residential Districts, DR1 and DR2, shall be included.

(Am. by ORD-13-00007, 1-15-13)

(2) Mixed-Use and Commercial Districts.

- (a) LMX Limited Mixed-Use.
- (b) NMX Neighborhood Mixed-Use District
- (c) TSS Traditional Shopping Street District
- (d) MXC Mixed-Use Center District
- (e) CC-T Commercial Corridor - Transitional District
- (f) CC Commercial Center District

(3) Employment Districts.

- (a) TE Traditional Employment District
- (b) SE Suburban Employment District
- (c) SEC Suburban Employment Center District

(d) ECEmployment Campus District

- (e) IL Industrial - Limited District
- (f) IG Industrial - General District

(4) Downtown and Urban Districts.

- (a) DC Downtown Core
- (b) UOR Urban Office Residential
- (c) UMX Urban Mixed-Use
- (d) DR1 Downtown Residential 1
- (e) DR2 Downtown Residential 2

(5) Special Districts.

- (a) A Agricultural District
- (b) UA Urban Agricultural District
- (c) CN Conservancy District
- (d) PR Parks and Recreation
- (e) AP Airport District
- (f) CI Campus Institutional District
- (g) PD Planned Development District
- (h) PMHP Planned Mobile Home Park District

(6) Overlay Districts.

- (a) WP Wellhead Protection Overlay Districts
- (b) W Wetland Overlay District
- (c) TOD Transit Oriented Development Overlay District
- (d) NC Neighborhood Conservation Overlay Districts
- (e) F1 Floodway District.
- (f) F2 Flood Fringe District
- (g) F3 General Floodplain District
- (h) F4 Flood Storage District

**28.022 INCORPORATION OF ZONING DISTRICT MAPS.**

The location and boundaries of the zoning districts are hereby established as shown on maps entitled "Zoning District Maps" on file in the office of the Zoning Administrator, including the official Wetland Zoning Maps titled "Wisconsin Wetland Inventory Maps." The zoning district maps, together with all information shown thereon and all amendments thereto, shall be as much a part of this ordinance as if fully set forth and described herein.

(1) Location of District Boundaries.

The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:

- (a) A boundary shown as following, or approximately following, a street, alley or railroad shall be construed as following the centerline of such feature.
- (b) A boundary line shown as following, or approximately following, a lot line, section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.
- (c) Streets or alleys which are shown on the zoning district maps and which were previously vacated, or which may be vacated in the future, shall be construed to be in the same zoning district as the lots, pieces or parcels abutting both sides of the street or alley involved. If the lots, pieces or parcels abutting each side of the street or alley were located in different zoning districts before the said street or alley was vacated, the center line of such vacated street or alley shall be the boundary line of the respective zoning districts.
- (d) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.

(2) Wetland Maps.

- (a) The Wetland Zoning Overlay District includes all wetlands greater than two (2) acres shown on the Wisconsin Wetland Inventory Maps that have been adopted and made a part of this ordinance.
- (b) Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the southern district office of the Department of Natural Resources for a final determination of navigability or ordinary high water mark.
- (c) When an apparent discrepancy exists between the Wetland District boundary shown on the official Wetland Zoning Maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the southern district office of the Department of Natural Resources to determine if the Wetland District boundary as mapped, is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall be responsible for initiating a wetland map amendment within a reasonable period.

(3) Floodplain Maps.

- (a) Incorporation of Floodplain Maps. The location and boundaries of the Floodway, Flood Fringe, and General Floodplain Districts are hereby established as shown on the Flood Insurance Rate Maps prepared by the Federal Insurance Administration of the U. S. Federal Emergency Management Agency, together with other supplemental maps, including the revised Flood Insurance Rate Maps, provided by the Federal Emergency Management Agency, and shown on map panels:

Effective 01/02/2009:

55025C0267G, 55025C0379G, 55025C0383G, 55025C0389G,  
55025C0390G, 55025C0393G, 55025C0394G, 55025C0401G,  
55025C0403G, 55025C0404G, 55025C0407G, 55025C0408G,  
55025C0409G, 55025C0413G, 55025C0416G, 55025C0417G,  
55025C0418G, 55025C0419G, 55025C0428G, 55025C0433G,  
55025C0436G, 55025C0437G, 55025C0438G, 55025C0439G,  
55025C0441G, 55025C0442G, 55025C0557G, 55025C0576G

Effective 09/17/2014:

55025C0242H, 55025C0243H, 55025C0244H, 55025C0261H,  
55025C0262H, 55025C0263H, 55025C0264H, 55025C0266H,  
55025C0268H, 55025C0269H, 55025C0288H, 55025C0426H,  
55025C0427H, 55025C0429H, 55025C0431H, 55025C0432H,  
55025C0434H, 55025C0443H, 55025C0444H, 55025C0451H,  
55025C0453H, 55025C0461H, 55025C0463H

- (b) The above-mentioned maps with all information shown thereon, together with the accompanying Federal Insurance Administration's Flood Insurance Study for the City of Madison, Wisconsin, Numbers 55025CV001D, 55025CV002D, 55025CV003D, and 55025CV004D, effective June 16, 2016, in which are indicated floodway data and flood profiles, and all amendments thereto to such floodplain maps shall be as much a part of this ordinance as if fully set forth and described herein. (Am. by ORD-16-00062, 6-29-16)
- (c) Maps based on other studies, including Dane County Flood Storage Maps prepared and approved by the Department of Natural Resources, Panel numbers 3, 18, and 20, effective September 17, 2014, and Letter of Map Revision, Case #16-05-6112P dated March 10, 2017, #16-05-3204P dated October 27, 2016, #16-05-1781P dated June 14, 2016, and #12-05-5696P dated March 15, 2013. (Am. by ORD-16-00062, 6-29-16; ORD-17-00007, 1-26-17)
- (d) Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA) through the Letter of Map Change process before it is effective. No changes to regional elevations (FRE) on non-FEMA maps shall be effective until approved by the Department of Natural Resources. If more than one map or revision is referenced, the most restrictive information shall apply.

(Sec. 28.022(3) Am. by ORD-14-00146, 9-12-14)

(4) Locating Floodplain Boundaries.

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved by the Zoning Administrator using the criteria in subdivisions (a) or (b) below. If a significant difference exists, the map shall be amended using the procedures established for zoning map amendments in Sec. 28.182. The Zoning Administrator can 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 Zoning Administrator is responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the location of the district boundary line shall be settled according to the appeals procedure in Sec. 28.205(5) of this ordinance and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision amended using the procedures established for zoning map amendments in Sec. 28.182.

- (a) Where flood profiles exist, the map scale and the profile elevations shall determine the district boundary line. Where a discrepancy exists between the map and actual field conditions, the regional or base flood elevations shall govern. The Zoning Administrator has authority to grant or deny a land use permit on the basis of a district boundary derived from the regional flood elevations, whether or not a map amendment is required.
- (b) Where flood profiles do not exist, the location of the district boundary line shall be determined by the map scale. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by the City, the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency, the Zoning Administrator shall have the authority to grant or deny a land use permit.

(Am. by ORD-14-00146, 9-12-14)

(5) Incorporation of Flood Storage Maps. The location and boundaries of the Flood Storage Districts are hereby established as shown on Panels 2, 4, and 5 of the Dane County Flood Storage Maps, dated January 2, 2009, and Panel 19 of the Dane County Flood Storage Maps, dated June 16, 2016. (Am. by ORD-16-00062, 6-29-16)

## SUBCHAPTER 28C: RESIDENTIAL DISTRICTS

### **28.031 GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS.**

(1) **Setback Averaging, Front Setback.**

Where at least fifty percent (50%) of the front footage of any block is built up with principal structures, the minimum front yard setback for new structures shall be the average setback of the existing principal structures on the block face or the normal setback requirement in the district whichever is less, but no less than ten (10) feet. Setback averaging on lakefront lots is as specified in Sec. 28.138. For the purpose of calculating the average setback:

- (a) If the setback of an existing structure is greater than the required setback, the required setback shall be used.
- (b) Setback averaging uses only front yard setbacks; side yards and reverse corner side yards on corner lots shall not be included.
- (c) Projection into setbacks shall not be included.
- (d) Setback reductions approved by variance or special exception shall not be included.
- (e) If a block face is at least seventy-five percent (75%) built, a vacant lot on the block face shall not be included.

(2) **Sidewall Offset.**

A maximum of forty (40) feet of a principal building's side wall may be placed at the minimum sidewall setback. In order to avoid the monotonous appearance of long unbroken building facades from streets or abutting properties, any portion of a building side wall located within eighteen (18) feet of the side lot line that exceeds forty (40) feet in depth shall be set back an additional two (2) inches from the side lot line for every foot over forty (40) feet in depth. This requirement applies to all new construction with the following exceptions:

- (a) Within the TR-P, TR-C3 and TR-C4 districts, alley-loaded residential buildings are exempt from this requirement as it applies to building side walls within interior side yards.
- (b) Any residential building provided that windows, doors, or other architectural features are provided to articulate the appearance of the façade. (Cr. by ORD-13-00128, 7-26-13; ORD-14-00036, 3-6-14)

(Am. by ORD-13-00007, 1-15-13; ORD-14-00137, 8-13-14)

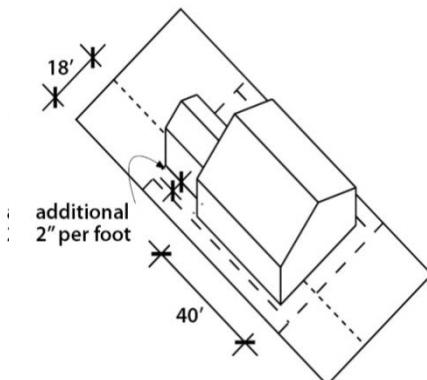


Figure C1: Sidewall Offset

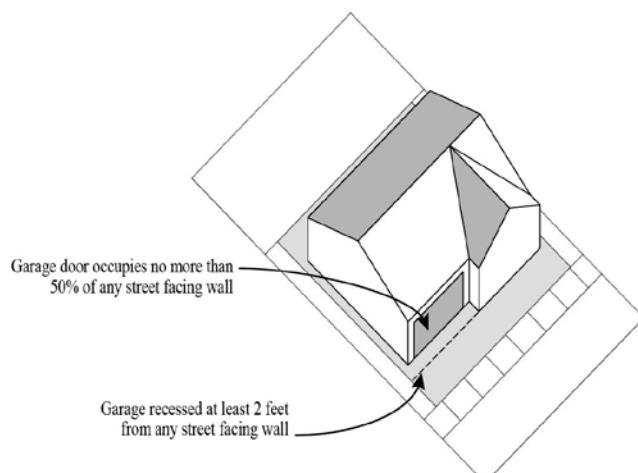


Figure C2: Attached Garage Setback

- (3) Attached Garage Setback. In new buildings constructed after the effective date of this code, in order to avoid the monotonous and pedestrian-unfriendly appearance of facades dominated by garage doors, any street-facing wall that contains an attached garage door may occupy no more than fifty percent (50%) of the width of that building facade, measured at grade. That portion of the façade that contains the garage door must be recessed at least two (2) feet behind the remainder of the facade. The Plan Commission may reduce or eliminate this requirement as part of the conditional use process in the case of lakefront lots where physical constraints make compliance infeasible.
- (4) Parking Location: Residential Buildings. For new, Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, or additions that exceed the original building's floor area by more than one hundred percent (100%), parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building within the side yard, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. (Am. by ORD-15-00033, 4-8-15)
- (5) Parking Location: Nonresidential Buildings. For new nonresidential buildings in residential districts or additions that exceed the original building's floor area by more than one hundred percent (100%), that are constructed after the effective date of this zoning code, surface parking shall not be permitted between the front facade of the building and the abutting street. (Am. by ORD-15-00033, 4-8-15)
- (6) When other chapters of the Madison General Ordinances refer to residential districts, the Downtown Residential Districts, DR1 and DR2, shall be included. (Cr. by ORD-13-00007, 1-15-13)

## 28.032 RESIDENTIAL DISTRICT USES.

- (1) Table 28C-1 lists all permitted and conditional uses in the residential districts.
- (a) "P" means permitted in the districts where designated.
  - (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
  - (c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
  - (d) "Y" means there are specific requirements in Subchapter 28J associated with a use.
  - (e) "SR-C1" means Suburban Residential-Consistent 1 District.
  - (f) "SR-C2" means Suburban Residential-Consistent 2 District.
  - (g) "SR-C3" means Suburban Residential-Consistent 3 District.
  - (h) "SR-V1" means Suburban Residential-Varied 1 District.
  - (i) "SR-V2" means Suburban Residential-Varied 2 District.
  - (j) "TR-C1" means Traditional Residential-Consistent 1 District.
  - (k) "TR-C2" means Traditional Residential-Consistent 2 District.
  - (l) "TR-C3" means Traditional Residential-Consistent 3 District.
  - (m) "TR-C4" means Traditional Residential-Consistent 4 District.
  - (n) "TR-V1" means Traditional Residential-Varied 1 District.
  - (o) "TR-V2" means Traditional Residential-Varied 2 District.
  - (p) "TR-U1" means Traditional Residential Urban 1 District.
  - (q) "TR-U2" means Traditional Residential Urban 2 District.
  - (r) "TR-R" means Traditional Residential-Rural District.
  - (s) "TR-P" means Traditional Residential-Planned District.

Table 28C-1

	Residential Districts															
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
<b>Residential – Family Living</b>																
Addition of dwelling unit to single family home								C								
Multi-family dwelling (4 dwelling units)				P	P					P	P	P	P		P	
Multi-family dwelling (5-8 dwelling units)			C	P						C	P	P			P	
Multi-family dwelling (> 8 dwelling units)				C						C	C	C			P	
Residential building complex				C						C	C	C			C	Y
Single-family attached dwelling (3-8 dwelling units)			C	P						C	P	P			P	
Single-family attached dwelling (> 8 dwelling units)				C						C	C				P	
Single-family detached dwellings	P	P	P	P	P	P	P	P	P	P	P	P	C	P	P	
Three-family dwelling - three-unit				P	P				P	P	P	P	P		P	
Two-family dwelling - twin			P	P	P				P	P	C	P	C		P	Y
Two-family dwelling – two unit			P	P	P				P	P	C	P	C		P	
<b>Residential – Group Living</b>																
Adult family home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Assisted living-facility, congregate care facility, skilled nursing facility				C	C					C	C	C	C			Y
Cohousing community	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	Y
Community living arrangement (up to 8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Community living arrangement (9-15 residents)	C	C	C	P	P	C	C	C	P	P	P	P	P	C	P	Y
Community living arrangement (>15 residents)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Daytime shelter													C	C		Y
Hostel													C	C		
Housing cooperative			P/ C	P/ C	P/ C					P/ C	P/ C	P/ C	P/ C			Y
Lodging house, fraternity or sorority													C	C		Y
Mission house													C	C		Y
Peer run respite facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
<b>Civic and Institutional</b>																
Cemetery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Colleges and universities													C	C		
Community Event	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	Y
Day care center in school or place of worship	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	
Day care center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Dormitory					C								C	C		Y
Library, museum	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

<b>Residential Districts</b>																
	<b>SR-C1</b>	<b>SR-C2</b>	<b>SR-C3</b>	<b>SR-V1</b>	<b>SR-V2</b>	<b>TR-C1</b>	<b>TR-C2</b>	<b>TR-C3</b>	<b>TR-C4</b>	<b>TR-V1</b>	<b>TR-V2</b>	<b>TR-U1</b>	<b>TR-U2</b>	<b>TR-R</b>	<b>TR-P</b>	<b>Supplemental Regulations</b>
Place of worship	P/ C	P/ C	P/ C	Y												
Public safety or service facilities	P P	P P	P P													
Reuse of public schools, municipal buildings, or places of worship	P/ C	P/ C	P/ C	Y												
Schools, public and private	C C	C C	C C	Y												
Not-for-profit schools of theater arts for children						P										
<b>Retail, Service, Recreation and Other Uses</b>																
Bed and breakfast establishments	C C	C C	C C	Y												
Bicycle-sharing facility	P P	P P	P P	Y												
Building or structure with floor area exceeding 10,000 sq. ft. in floor area	C C	C C	C C	Y												
Counseling and community services					C					C						
Farmers markets	C C	C C	C C	Y												
Golf course	C C	C C	C C	Y												
Limited retail use of landmark site or building	C C	C C	C C	Y												
Mobile grocery store	P P	P P	P P	Y												
Offices for human service programs	C C	C C	C C	Y												
Outdoor recreation	C C	C C	C C	Y												
Parking facility, non-accessory	C C	C C	C C													
Recreational, community, and neighborhood centers	C C	C C	C C													
Tourist rooming house	P P	P P	P P	Y												
<b>Utility Uses</b>																
Class 2 Collocations	P P	P P	P P													
Electric power production and/or heating and cooling plant	C C	C C	C C													
Electric substations	C C	C C	C C	Y												
Gas regulator stations, mixing and gate stations	C C	C C	C C	Y												
Radio Broadcast Service Facility	P P	P P	P P													
Railroad right-of-way	C C	C C	C C													
Sewerage system lift stations	P P	P P	P P	Y												
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P P	P P	P P													
Water pumping stations, water reservoirs	C C	C C	C C													
<b>Agriculture</b>																
Community garden	P P	P P	P P													
Market garden	C C	C C	C C	Y												

	<b>Residential Districts</b>															<b>Supplemental Regulations</b>
	<b>SR-C1</b>	<b>SR-C2</b>	<b>SR-C3</b>	<b>SR-V1</b>	<b>SR-V2</b>	<b>TR-C1</b>	<b>TR-C2</b>	<b>TR-C3</b>	<b>TR-C4</b>	<b>TR-V1</b>	<b>TR-V2</b>	<b>TR-U1</b>	<b>TR-U2</b>	<b>TR-R</b>	<b>TR-P</b>	
<b>Accessory Uses and Structures</b>																
Accessory building or structure	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	Y
Accessory dwelling unit	Conditional Use in All Districts															
Accessory mission house	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Caretaker's dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Composting	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Convent, monastery or similar residential group	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	Y
Day care home, family	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	Y
Dependency living arrangement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Emergency electric generator	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Home occupation	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	Y
Keeping of chickens	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Lease of off-street parking facility accessory to a nonresidential use to non-users of principal use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Lease of off-street parking facility accessory to residential use to non-tenants	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Management office, restaurant, limited retail, recreation facilities within multi-family building					C						C	C	C			Y
Outdoor cooking operation	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	Y
Outdoor recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Portable shelter mission	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Portable storage units	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Real estate sales office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Solar energy systems	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Surface parking lot exceeding minimum required parking	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y
Temporary outdoor events	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	P/ C	Y
Wind energy systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Y
Yard sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00134, 8-14-13; ORD-13-00177 & ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00028, 2-18-14; ORD-14-00115, 7-11-14; ORD-15-00008 & ORD-15-0015, 1-28-15; ORD-15-00079 & ORD-15-00081, 8-12-15; ORD-16-00049, 5-25-16; ORD-16-00069, 8-13-16; ORD-16-00092, 11-9-16)

**28.033 RESIDENTIAL DISTRICT BUILDING FORMS.**

<b>Building Form</b>	<b>SR-C1</b>	<b>SR-C2</b>	<b>SR-C3</b>	<b>SR-V1</b>	<b>SR-V2</b>	<b>TR-C1</b>	<b>TR-C2</b>	<b>TR-C3</b>	<b>TR-C4</b>	<b>TR-V1</b>	<b>TR-V2</b>	<b>TR-U1</b>	<b>TR-U2</b>	<b>TR-R</b>	<b>TR-P</b>
Single-Family Detached Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Civic/Institutional Building	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Two-Family, Two-Unit			✓	✓	✓			✓	✓	✓	✓	✓	✓		✓
Two-Family – Twin			✓	✓	✓			✓	✓	✓	✓	✓	✓		✓
Three-Unit Building				✓	✓			✓	✓	✓					
Single-Family Attached				✓	✓					✓	✓	✓	✓		✓
Small Multi-Family Building					✓	✓					✓	✓	✓		✓
Large Multi-family Building						✓					✓	✓	✓		✓
Courtyard Multi-Family Building						✓					✓	✓	✓		✓
Podium Building											✓	✓			✓

(Am. by ORD-14-00028, 2-18-14)

**28.034 SUBURBAN RESIDENTIAL - CONSISTENT DISTRICTS.**(1) Statement of Purpose.

The SR-C Districts are established to stabilize and protect the essential characteristics of low- to moderate-density residential areas typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life cycle housing. The districts are also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (b) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (d) Facilitate the preservation, development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (e) In new development, use of the SR-C1 District, in conjunction with other residential districts, should be limited to insuring a mix of housing types, or for reasons related to topography, stormwater management, or other environmental considerations.

**28.035 SR-C1 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-C1 District</b>		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	8,000	8,000
Lot Width	60	60
Front Yard Setback	30	30
Side Yard Setback	One-story: 6/Two-story: 7	One-story: 6
Reversed Corner Side Yard Setback	15	30
Rear Yard Setback	Lesser of 30% lot depth or 35 See (a) below	Equal to building height but at least 35 See (a) below
Maximum height	2 stories/35	35
Maximum lot coverage	50%	60%
Maximum building coverage	n/a	50%
Usable open space (sq. ft. per d.u.)	1,300	n/a

(a) Rear Yard Setback.

If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

**28.036 SR-C2 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-C2 District</b>		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	6,000	6,000
Lot Width	50	50
Front Yard Setback	30	30
Side Yard Setback	One-story: 6/ Two-story: 7	One-story: 6/Two-story : 7
Reversed Corner Side Yard Setback	15	30
Rear Yard Setback	Lesser of 30% lot depth or 35 See (a) below	Equal to building height but at least 35 See (a) below
Maximum height	2 stories/35	35
Maximum lot coverage	50%	60%
Maximum building coverage	n/a	50%
Usable open space (sq. ft. per d.u.)	1,000	n/a

- (a) Rear Yard Setback. If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

**28.037 SR-C3 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-C3 District</b>				
	Single-family detached	Two-family Two unit	Two-family - Twin	Nonresidential
Lot Area (sq. ft.)	6,000	8,000	8,000	6,000
Lot Width	50	50	50	50
Front Yard Setback	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6 (one side only)	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	15	15	15	25
Rear Yard Setback	Lesser or 30% lot depth or 35 See (b) below	Lesser or 30% lot depth or 35 See (b) below	Lesser or 30% lot depth or 35 See (b) below	Equal to building height but at least 35 See (b) below
Maximum height	2 stories/35	2 stories/35	2 stories/35	35
Maximum lot coverage	60%	60%	60%	60%
Maximum building coverage	n/a	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	750	750	750	n/a

(Am. by ORD-13-00007, 1-15-13; ORD-14-00133, 8-13-14)

(a) Dispersion of Dwellings. No two-family twin dwelling shall be constructed or converted within three hundred (300) feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use.

(b) Rear Yard Setback. If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

**28.038 SUBURBAN RESIDENTIAL - VARIED DISTRICTS.**(1) Statement of Purpose.

The SR-V Districts are established to stabilize and protect the essential characteristics of residential areas of varying densities and housing types, typically located in the outlying parts of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (b) Maintain and improve the viability of existing housing of all types, while encouraging the updating of older housing in a context-sensitive manner.
- (c) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (d) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28.039 SR-V1 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-V1 District: Permitted Uses</b>				
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-four unit
Lot Area (sq. ft.)	6,000	8,000	8,000	8,000
Lot Width	50	50	50	60
Front Yard Setback	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6	6/15 total
Reversed Corner Side Yard Setback	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30			
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40
Maximum lot coverage	60%	60%	60%	60%
Usable open space (sq. ft. per d.u.)	750	750	750	500

<b>SR-V1 District: Conditional and Nonresidential Uses</b>			
	Single-family attached (8 units max.)	Multi-family (8 units max.)	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (one side only)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

- (a) Dispersion of Dwellings: No two-family twin dwelling, three-unit, or multi-family dwelling shall be constructed within three hundred (300) feet of any other two-family twin dwelling, three-unit dwelling or multi-family dwelling(s), as measured from the perimeter of each zoning lot, except by conditional use.

**28.040 SR-V2 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>SR-V2 District: Permitted Uses</b>						
	Single-family detached	Two-family Two unit	Two-family - Twin	Three unit	Single-family attached (8 units max.)	Multi-family
Lot Area (sq. ft.)	6,000	6,000	4,000 (2 lots)	8,000	2,000/d.u.	2,000/d.u.
Lot Width	50	50	25/d.u.	60	20/d.u.	60
Front Yard Setback	25	25	25	25	25	25
Side Yard Setback	One-story: 5 Two-story: 6	Two-story: 6	One-story: 5 Two-story: 6	6	10 (end units)	10
Reversed Corner Side Yard Setback	12	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30				
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	3 stories/40
Maximum lot coverage	60%	60%	60%	60%	60%	60%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500	500

<b>SR-V2 District: Conditional and Nonresidential Uses</b>			
	Single-family attached	Multi-family	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	25	25	25
Side Yard Setback	6 (end units)	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	25
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 30	Equal to building height but at least 30
Maximum height	3 stories/40	4 stories/52	35
Maximum lot coverage	60%	60%	60%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

## **28.041 TRADITIONAL RESIDENTIAL - CONSISTENT DISTRICTS.**

(1) Statement of Purpose.

The TR-C Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of the residential areas typically located on the Isthmus, near East and near West portions of the City, and to promote and encourage a suitable environment for family life while accommodating a full range of life-cycle housing. The districts are also intended to:

- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28.042 TR-C1 DISTRICT.**

- (1) Permitted and Conditional Uses.  
See Table 28C-1 for a complete list of allowed uses within the residential districts.
- (2) Dimensional Requirements, Permitted and Conditional Uses.  
Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C1 District</b>		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	6,000	6,000
Lot Width	50	50
Front Yard Setback	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	One-story: 6 Two-story: 7	10
Reversed Corner Side Yard Setback	15	15
Rear Yard Setback	Lesser of 30% lot depth or 35 See (a) below	Equal to building height but at least 35 See (a) below
Maximum height	2 stories/35	35
Maximum lot coverage	50%	65%
Usable open space (sq. ft. per d.u.)	1,000	n/a
Maximum building coverage	n/a	50%

(Am. by ORD-15-00099, 9-11-15)

- (a) Rear Yard Setback. If the existing principal structure and any additions to it, covers twenty percent (20%) or less of the lot area, the rear yard setback may be reduced by twenty-five percent (25%).

**28.043 TR-C2 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C2 District</b>		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	4,000	4,800
Lot Width	40	40
Front Yard Setback	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	10
Reversed Corner Side Yard Setback	12	20
Rear Yard	Lesser of 30% lot depth or 30	Equal to building height but at least 30
Maximum height	2 stories/35	35
Maximum lot coverage	65%	65%
Usable open space (sq. ft. per d.u.)	750	n/a
Maximum building coverage	n/a	50%

(Am. by ORD-15-00099, 9-11-15)

- (a) Side Yard Setback. Lots with single-family detached dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

**28.044 TR-C3 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C3 District</b>		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	3,000	4,000
Lot Width	30	40
Front Yard Setback	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	5 Lot width < 50: 10% lot width	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	8 (10 for garage)	15
Rear Yard	20 alley-accessed: 2 See (b) below	Equal to building height but at least 20
Maximum height	2 stories/35	35
Maximum lot coverage	75%	75%
Maximum building coverage	n/a	65%
Usable open space (sq. ft. per d.u.)	500	n/a

(Am. by ORD-15-00099, 9-11-15)

- (a) Side Yard Setback. Lots with residential buildings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.
- (b) Rear Yard Setback. Only a one-story, alley-accessed attached garage projection for garage purposes may have a minimum rear yard setback of two (2) feet.

**28.045 TR-C4 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-C4 District</b>					
	Single-family detached	Two-family Two unit	Two-family Twin	Three-unit	Nonresidential
Lot Area (sq. ft.)	4,000	4,000	4,000	6,000	4,800
Lot Width	40	40	40	40	40
Front Yard Setback	20	20	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	Two-story: 6 See (a) below	Two-story: 6 See (a) below	6 See (a) below	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	12	12	20
Rear Yard	Lesser of 30% lot depth or 30	Equal to building height but at least 30			
Maximum height	2 stories/35	2 stories/35	2 stories/35	2 stories/35	35
Maximum lot coverage	65%	65%	65%	65%	65%
Maximum building coverage	n/a	n/a	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	750	750	750	750	n/a

(Am. by ORD-14-00028, 2-18-14; ORD-15-00099, 9-11-15)

- (a) Side Yard Setback. Lots with residential buildings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a side yard setback of ten percent (10%) of the lot width. (Am. by ORD-13-00007, 1-15-13)
- (b) Dispersion of Dwellings. No two-family twin dwelling shall be constructed or converted within three hundred (300) feet of a zoning lot containing another two-family twin building, as measured from the perimeter of each zoning lot, unless approved by conditional use. (Cr. by ORD-14-00028, 2-18-14)

**28.046 TRADITIONAL RESIDENTIAL - VARIED DISTRICTS.**(1) **Statement of Purpose.**

The TR-V Districts are established to stabilize, protect and encourage throughout the City the essential characteristics of mature residential areas and to accommodate a full range of life-cycle housing while encouraging a suitable environment for family life. The districts are also intended to:

- (a) Promote the preservation, development and redevelopment of traditional residential neighborhoods in a manner consistent with their distinct form and residential character.
- (b) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
- (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
- (d) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
- (e) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28.047 TR-V1 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-V1 District: Permitted Uses</b>					
	Single-family detached	Two-family Two unit	Two-family - Twin	Three unit	Four-unit
Lot Area (sq. ft.)	3,000	4,000	6,000.	6,000	8,000
Lot Width	30	40	50	50	50
Front Yard Setback	20	20	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 Lot width < 50: 10% of lot width	Two-story: 6 See (b) below	One-story: 5 Two-story: 6 (one side only) See (b) below	One-story: 5 Two-story or more: 6 See (b) below	One-story: 5 Two-story or more: 6 See (b) below
Reversed Corner Side Yard Setback	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40
Maximum lot coverage	70%	70%	70%	70%	70%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500

(Am. by ORD-15-00099, 9-11-15)

- (a) Dispersion Requirement. No two-family-twin dwelling three-unit dwelling, or multi-family dwelling shall be constructed within 300 feet of any other two-family-twin dwelling, three-unit dwelling or multi-family dwelling, as measured from the perimeter of each zoning lot, except by conditional use.

- (b) **Side Yard Setback.** Lots with two-family, three-unit and four-unit dwellings that are existing on the effective date of this ordinance and have a lot width less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.

<b>TR-V1: Nonresidential (permitted or conditional)</b>	
	Nonresidential
Lot Area (sq. ft.)	6,000
Lot Width	50
Front Yard Setback	20
Side Yard Setback	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	20
Rear Yard	Equal to building height but at least 30
Maximum Height	35
Maximum Lot Coverage	65%
Maximum Building Coverage	50%

**28.048 TR-V2 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-V2 District: Permitted Uses</b>					
	Single-family detached	Two-family Two unit	Two-family - Twin	Three-unit	Four-unit
Lot Area (sq. ft.)	3,000	4,000	6,000	6,000	8,000
Lot Width	30	40	40	50	50
Front Yard Setback	20	20	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 Lot width < 50: 10% of lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6 (one side only) See (a) below	One-story: 5 Two-story: 6 See (a) below	One-story: 5 Two-story or more: 6 See (a) below
Reversed Corner Side Yard Setback	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40
Maximum lot coverage	70%	70%	70%	70%	70%
Usable open space (sq. ft. per d.u.)	500	500	500	500	500

(Am. by ORD-15-00099, 9-11-15)

- (a) Side Yard Setback. Lots with two-, three-, or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side-yard setback of ten percent (10%) of the lot width.

<b>TR-V2 District: Conditional and Nonresidential Uses</b>			
	Single-family attached (8 units max.)	Multi-family	Nonresidential
Lot Area (sq. ft.)	2,000/d.u.	2,000/d.u.	6,000
Lot Width	20/d.u.	60	50
Front Yard Setback	20	20	20
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	Two-story: 6	10	One-story: 6 Two-story or more: 7
Reversed Corner Side Yard Setback	12	12	20
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40	40
Maximum lot coverage	70%	70%	65%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	500	500	n/a

(Am. by ORD-15-00099, 9-11-15)

## **28.049 TRADITIONAL RESIDENTIAL - URBAN DISTRICTS.**

### **(1) Statement of Purpose.**

- The TR-U Districts are established to stabilize and protect and encourage the essential characteristics of high-density residential areas and to accommodate a full range of life-cycle housing. The districts are also intended to:
- (a) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of building placement, facade width, height and proportions, garage and driveway placement, landscaping, and similar design features.
  - (b) Promote the preservation of historic buildings and districts within or close to concentrations of high-density housing.
  - (c) Maintain and improve the viability of existing housing of all types, while providing for updating of older housing in a context-sensitive manner.
  - (d) Encourage restoration of single-family dwellings previously converted to multi-family units back to single- or two-family dwellings.
  - (e) Maintain or increase compatibility between residential and other allowed uses, and between different housing types, where permitted, by maintaining consistent building orientation and parking placement and screening.
  - (f) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.

**28.050 TR-U1 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

**TR-U1 District: Permitted Uses**

	Single-family detached	Two-family Two unit	Two-family - Twin	Three-four unit	Single-family attached (max. 8 units)	Multi-family (5 - 8 units)
Lot Area (sq. ft.)	3,000	4,000	4,000	4,000	1,000/d.u.	1,000/d.u. + 300 per bedroom >2
Lot Width	30	40	40	50	20/d.u.	50
Front Yard Setback	15	15	15	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 Lot width < 50: 10% of lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6	6 See (a) below	8 (end units)	10
Reversed Corner Side Yard Setback	12	12	12	12	12	12
Rear Yard	Lesser of 25% lot depth or 30	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20
Maximum height	2 stories/35	2 stories/35	2 stories/35	3 stories/40	3 stories/40	3 stories/40
Maximum lot coverage	75%	75%	75%	75%	75%	75%
Usable open space (sq. ft. per d.u.)	320 See (b) below	320 See (b) below	320 See (b) below	320 See (b) below	320 See (b) below	320 See (b) below

(Am. by ORD-15-00099, 9-11-15)

(a) Side Yard Setback. Lots with two-family two-unit, three-unit or four-unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet, shall have a minimum side yard setback of ten percent (10%) of the lot width.

(b) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

<b>TR-U1 District: Conditional and Nonresidential Uses</b>			
	Single-family attached (> 8 units)	Multi-family (> 8 units)	Nonresidential
Lot Area (sq. ft.)	1,000/d.u.	1,000/d.u. + 300 per bedroom >2	6,000
Lot Width	20/d.u.	50	50
Front Yard Setback	15 or avg.	15 or avg.	15 or avg.
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	8 (end units)	10	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	15
Rear Yard	Lesser of 25% lot depth or 25	Lesser of 25% lot depth or 25	Equal to building height but at least 30
Maximum height	3 stories/40 See (c) below	5 stories/65 See (c) below	40
Maximum lot coverage	75%	75%	70%
Maximum building coverage	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	320 See (d) below	320 See (d) below	n/a See (d) below

Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

(Am. by ORD-15-00099, 9-11-15)

- (c) Heights exceeding the maximum may be allowed with conditional use approval.
- (d) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

**28.051 TR-U2 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(2) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-U2 District: Permitted Uses</b>			
	Three-four unit	Single-family attached (max. 8 units)	Multi-family (5 - 8 units)
Lot Area (sq. ft.)	4,000	800/d.u.	500/d.u. + 250 per bedroom >2
Lot Width	50	20/d.u.	50
Front Yard Setback	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	One-story: 5 Two-story: 6 See (a) below	8 (end units)	10
Reversed Corner Side Yard Setback	12	12	12
Rear Yard	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20
Maximum height	3 stories/40	3 stories/40	4 stories/52
Maximum lot coverage	75%	75%	75%
Usable open space (sq. ft. per d.u.)	140	140	140

(Am. by ORD-13-00122, 7-10-13; ORD-15-00099, 9-11-15)

- (a) Side Yard Setback. Lots with three or four unit dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side yard setback of ten percent (10%) of the lot width.
- (b) Usable Open Space. Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Section 28.140.

<b>TR-U2 District: Conditional and Nonresidential Uses</b>						
	Single-family attached (> 8 units)	Single-family detached	Two-family Two unit	Two-family - Twin	Multi-family (>8 units)	Nonresidential
Lot Area (sq. ft.)	800/d.u.	3,000	4,000	4,000	500/d.u. + 250 per bedroom >2	6,000
Lot Width	20/d.u.	30	40	40	50	50
Front Yard Setback	15	15	15	15	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	n/a
Side Yard Setback	8 (end units)	One-story: 5 Two-story : 6 Lot width < 50: 10% lot width	Two-story: 6 See (a) below	One-story: 5 Two-story: 6 See (a) below	10	One-story: 5 Two-story or more: 6
Reversed Corner Side Yard Setback	12	12	12	12	12	15
Rear Yard	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Lesser of 25% lot depth or 20	Equal to building height but at least 30
Maximum height	3 stories/40	3 stories/40 See (d) below	2 stories/35 See (d) below	2 stories/35 See (d) below	6 stories/78 See (d) below	40
Maximum lot coverage	75%	75%	75%	75%	80%	75%
Maximum building coverage	n/a	n/a	n/a	n/a	n/a	50%
Usable open space (sq. ft. per d.u.)	140/d.u.	320 See (e) below	320 See (e) below	320 See (e) below	140/d.u.	n/a

(Am. by ORD-13-00122, 7-10-13; ORD-15-00099, 9-11-15)

- (c) **Side Yard Setback.** Lots with two-family dwellings that are existing on the effective date of this ordinance and have a lot width of less than fifty (50) feet shall have a minimum side yard.
- (d) Heights exceeding the maximum may be allowed with conditional use approval.
- (e) **Usable Open Space.** Up to 75% of required usable open space may be located on balconies or roof decks meeting the standards in Sec. 28.140.

**28.052 TRADITIONAL RESIDENTIAL - RUSTIC (TR-R) DISTRICT.**

- (1) Statement of Purpose.  
The TR-R District is established to stabilize and protect the natural beauty, historic character and park-like setting of certain heavily wooded low-density residential neighborhoods. The district is also intended to promote the preservation of the neighborhood's historic buildings, tree cover and landscape plan. This district is not intended for use in new development.
- (2) Permitted and Conditional Uses.  
See Table 28C-1 for a complete list of allowed uses within the residential districts.
- (3) Dimensional Requirements, Permitted and Conditional Uses.  
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>TR-R District: Permitted and Conditional Uses</b>		
	Single-family detached	Nonresidential
Lot Area (sq. ft.)	0.6 acres (26,136 sq. ft.)	0.6 acres (26,136 sq. ft.)
Lot Width	65	65
Front Yard Setback	50	50
Side Yard Setback	30	30
Reversed Corner Side Yard Setback	30	30
Rear Yard	40	40
Maximum height	3 stories/40	40
Maximum lot coverage	15%	15%
Maximum size accessory building	800 sq. ft. See (a) below	as determined by conditional use

- (a) Detached Garage Replacement. New detached garages are not permitted. Detached garages existing as of January 1, 1989 may be replaced with a structure no larger than 800 square feet or the size of the principal building, whichever is less.

**28.053 TRADITIONAL RESIDENTIAL - PLANNED (TR-P) DISTRICT.**(1) **Statement of Purpose.**

The TR-P District is established to encourage the development of new traditional neighborhoods in close-in or outlying parts of the City that incorporate the characteristics of existing traditional neighborhoods. Features include a variety of lot sizes and integrated housing types, detached or alley-loaded garages, traditional architectural features such as porches, an interconnected street system and the creation of a high-quality public realm.

A large-scale TR-P development will be designed through a master planning process. Where a TR-P District is developed in conjunction with or in proximity to an existing or planned mixed-use or higher-density district (for example, a Neighborhood Mixed-Use District, Traditional Shopping Street District, or Traditional Residential-Urban District) the TR-P District is also intended to meet the goals of traditional neighborhood development as established by the State of Wisconsin and Dane County. These goals include the following:

- (a) Reduce public costs by making more efficient use of infrastructure.
- (b) Protect the environment through reduced land consumption, preservation of on-site environmental features, and reduced automobile travel.
- (c) Increase public safety and welfare through street design that results in slower driver speeds and reduced accidents, injuries and fatalities.
- (d) Promote the reinvestment in existing developed areas.
- (e) Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings.

(2) **Permitted and Conditional Uses.**

See Table 28C-1 for a complete list of allowed uses within the residential districts.

(3) **Required Mix of Residential Uses.**

After the effective date of this ordinance, development sites or projects within the TR-P District that are ten (10) acres or more in size or that include fifty (50) or more dwelling units shall meet the following standards:

- (a) A minimum of three (3) residential building types from the following categories shall be included within the site:
  1. Single-family detached dwellings with street-accessed garages.
  2. Single-family detached dwellings with alley-accessed garages.
  3. Two-family and single-family attached buildings.
  4. Accessory dwelling units.
  5. Multi-family dwellings (3 units or more), including senior housing.
  6. Special-needs housing such as community living arrangements and assisted living facilities.
- (b) A minimum of ten percent (10%) of the units on the site shall be in two-family, attached or multi-family residential dwelling types.
- (c) For infill development, the required mix of residential uses may be satisfied by existing adjacent residential uses within a one-quarter ( $\frac{1}{4}$ ) mile radius.
- (d) All residential lots shall be located within one-quarter ( $\frac{1}{4}$ ) mile of existing or planned public or common open space.

(4) **Dimensional Standards, Permitted and Conditional Uses.**

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

**TR-P District: Permitted Uses**

	Single-family detached	Single-family attached	Two-family Two unit	Two-family - Twin	Single-family accessory dwelling unit	Multi-family, except residential building complex
Lot Area (sq. ft.)	3,500	2,000/d.u.	2,500/d.u.	2,500/d.u.	5,000 (per lot)	600/d.u. + 300 per bedroom >2
Lot Width	37	20	40	25/d.u.	50	50
Front Yard Setback	15	15	15	15	n/a	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	5	8 (end units)	5	5	5	10
Reversed Corner Side Yard Setback	8 (10 for garage)	12 (10 for garage)				
Rear Yard	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	street-accessed: 20 alley-accessed: 2	Street-accessed: 20 Alley-accessed: 2
Maximum height	3 stories/35	3 stories/40	3 stories/35	3 stories/35	2 stories, no greater than height of principal structure	4 stories. <sup>52</sup> See (a) below
Maximum lot coverage	75%	75%	75%	75%	80% (per lot)	75%
Usable open space (sq. ft. per d.u.)	500	320	500	500	800 (per lot)	140

(Am. by ORD-13-00134, 8-14-13; ORD-15-00099, 9-11-15)

(a) Heights exceeding the maximum may be allowed with conditional use approval.

<b>TR-P District: Conditional and Nonresidential Uses</b>		
	Residential building complex	Nonresidential
Lot Area (sq. ft.)	600/d.u. + 300 per bedroom >2	5,000
Lot Width	50	50
Front Yard Setback	15	15
Maximum Front Yard Setback	30 ft. or up to 20% greater than block average	30 ft. or up to 20% greater than block average
Side Yard Setback	10	5
Reversed Corner Side Yard Setback	12 (10 for garage)	15
Rear Yard	street-accessed: 20 alley-accessed: 2	equal to building height but at least 20
Maximum height	4 stories/52 See (b) below	3 stories/40
Maximum lot coverage	75%	70%
Usable open space (sq. ft. per d.u.)	140	n/a

(Am. by ORD-13-00134, 8-14-13; ORD-15-00099, 9-11-15)

- (b) Heights exceeding the maximum may be allowed with conditional use approval.
- (5) Site Design Standards.
- (a) Open Space. Open space shall be available to the residents of the district for recreational purposes or similar benefit. Land reserved for stormwater management and other required site improvements shall not be applied to this requirement, unless designed as open space that will meet resident needs.
1. Open space shall be designed to meet the needs of residents of the district and the surrounding neighborhoods to the extent practicable for parks, playgrounds, playing fields, and other recreational facilities.
  2. A diversity of open spaces shall be provided within the TR-P district, including but not limited to community parks, neighborhood squares and commons, and playgrounds.
  3. Open spaces included with the subdivision shall be dispersed throughout the development and walkable from most areas within the subdivision.
  4. Land donated for any public purpose, which is accepted by the City, may be credited towards the open space requirement at the discretion of the Common Council.

- (b) Street Layout. A TR-P site development plan shall maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity, except where environmental or physical constraints make this infeasible. All streets shall terminate at other streets, at public land, or at an environmentally sensitive area, except that local streets may terminate in stub streets when those will be connected to other streets in future phases of the development or adjacent developments.
  - (c) Street Design. Flexibility in street design may be allowed within a TR-P District in order to create a safe and pleasant environment for residents, emphasizing pedestrian and bicycle circulation.
  - (d) Non-Residential Uses. Non-residential land uses, including but not limited to schools, places of worship and neighborhood-serving commercial uses located within a subdivision zoned TR-P, shall be designed in a compact fashion and reflect the design of other uses within the master-planned development. Parking for such uses shall be located in the side or rear yards and shall be well screened to preserve the continuity of the public realm.
- (6) Submittal Requirements.
- (a) After the effective date of this ordinance, a Master Plan shall be required for all TR-P projects that are proposed to be ten (10) acres or larger in size or those that will include fifty (50) dwelling units or more. All TR-P Master Plans shall include each of the following elements:
    1. A map of the proposed development that identifies all of the lots and outlots to be contained in the proposed development and which contains all of the information required for preliminary plats in Sec. 16.23(7)(a), MGO. The map shall identify each of the following items:
      - a. The use of each lot or outlot, including any spaces to be dedicated to the public.
      - b. The number of dwelling units to be provided on each lot.
      - c. The number of floors of all buildings to be constructed on a lot – minimum and maximum.
      - d. The orientation of buildings in relation to all streets.
      - e. The yards and building setbacks for each developable lot.
      - f. Stormwater management, including proposed treatments at the lot, block and subdivision level.
    2. A phasing plan for the implementation of the master planned development.
    3. Building design standards for the proposed development recorded in the covenants, conditions and restrictions for the subdivision, shall include:
      - a. Massing and composition of structures, orientation of windows and entries; doors and other elements of the facade, and primary facade materials and colors.
      - b. A process for the application of such building design standards, through an architectural review committee or similar review body.
    4. A detailed letter of intent for the project that outlines the specific goals and objectives for the master planned development.

(b) Standards for Approval of Master Plans.

1. The proposed TR-P Master Plan shall be consistent with the recommendations of the Comprehensive Plan and any adopted neighborhood plan, including the objectives established for traditional neighborhood development in the Comprehensive Plan.
2. The proposed TR-P Master Plan shall contain a highly connective circulation pattern and shall be conducive to multiple forms of transportation.
3. The proposed master planned development shall include a variety of integrated residential dwelling unit types. Segregation of dwelling unit types shall be avoided.
4. The proposed TR-P Master Plan shall be consistent with the statement of purpose of this section.
5. The TR-P Master Plan shall also comply with all of the requirements for preliminary plats in Section 16.23(5)(c) Madison General Ordinances.

(7) Review Procedures.

A Master Plan for a TR-P district will be reviewed as part of the zoning map amendment and subdivision plat.

(8) Changes to Master Plan.

No alteration of an approved Master Plan shall be permitted unless approved by the Plan Commission, provided however, the Zoning Administrator may following consideration by the alder person of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If a change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.052(7) and (8) is required.

## CHAPTER 28D: MIXED-USE AND COMMERCIAL DISTRICTS

### **28.060 GENERAL PROVISIONS FOR MIXED-USE AND COMMERCIAL DISTRICTS.**

(1) Statement of Purpose.

Mixed-use and commercial districts are established to provide a range of district types, from the small neighborhood center to regional-level retail centers, while fostering high-quality building and site design and pedestrian, bicycle and transit as well as automobile circulation.

(2) Design Standards. The following design standards are applicable after the effective date of this code to all new buildings and major expansions (fifty percent (50%) or more of building floor area). Design standards shall apply only to the portion of the building or site that is undergoing alteration.

(a) Entrance Orientation (See Figure D1). All new buildings shall have a functional entrance oriented to an abutting public street. Additional entrances may be oriented to a private street or parking area. For buildings with multiple non-residential tenants, a minimum of one (1) tenant space shall have a functional entrance oriented towards an abutting public street. Other tenant spaces shall be connected to the public street with a private sidewalk connection. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Barrier-free entrances are encouraged. (Am. by ORD-13-00113, 6-26-13)



Figure D1: Entrance Orientation

(b) Facade Articulation. Consistent with the design of traditional storefront buildings, new buildings of more than forty (40) feet in width shall be divided into smaller increments, through articulation of the facade. This can be achieved through combinations of including but not limited to the following:

1. Facade Modulation (See Figure D3). Stepping back or extending forward a portion of the facade.
2. Vertical divisions using different textures or materials (although materials shall be drawn from a common palette).
3. Division into storefronts, with separate display windows and entrances.

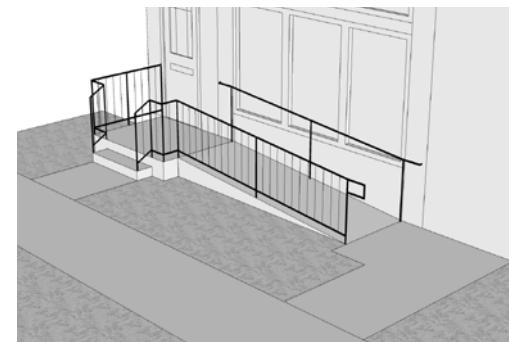


Figure D2: Barrier-Free Entrance Example



Figure D3: Facade Modulation

4. Variation in roof lines by alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval (See Figure D4).
5. Arcades, awnings, and window bays at intervals equal to the articulation interval.

(c) **Design of Street-Facing Facades.**

No blank walls shall be permitted to face the public street, sidewalks, or other public spaces such as plazas. Elements such as windows, doors, columns, changes in material, and similar details shall be used to add visual interest.

(d) **Door and/or Window Openings.** For nonresidential uses at ground floor level, windows and doors or other openings shall comprise at least sixty percent (60%) of the length and at least forty percent (40%) of the area of the ground floor of the primary street facade. At least fifty percent (50%) of windows on the primary street facade shall have the lower sill within three (3) feet of grade.

For residential uses at ground level, a minimum of fifteen percent (15%) of the ground level of residential facades or side and rear facades not fronting a public street shall consist of windows and door openings. On upper stories, window or balcony openings shall occupy a minimum of fifteen percent (15%) of the upper-story wall area.

1. Glass on windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass that mimics the appearance of windows may be used for up to twenty percent (20%) of the required area of the openings. (Am. by ORD-13-00205, 12-10-13)
2. Displays may be placed within windows. Equipment within buildings shall be placed a minimum of five (5) feet behind windows. To preserve views, within three (3) feet of any window, not more than thirty percent (30%) of the view through the windows shall be blocked by merchandise, displays, shelving, or other obstructions.
3. Window shape, size and patterns shall emphasize the intended organization of the facade and the definition of the building.

(e) **Equipment and Service Area Screening.** If an outdoor storage, service or loading area is visible from adjacent residential uses or an abutting public street or public walkway, it shall be screened by a decorative fence, wall or screen of plant material at least six (6) feet in height. Fences and walls shall be architecturally compatible with the primary structure.

(f) **Screening of Rooftop Equipment.** All rooftop equipment, with the exception of solar and wind equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.

1. The equipment shall be within an enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street.
  - a. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials.



Figure D4: Variation in Roof Lines

- b. Screening shall be constructed to a height of at least one (1) foot above the height of the equipment.
2. Exterior mechanical equipment such as ductwork shall not be located on primary building facades.
- (g) **Materials.** Nonresidential or mixed-use buildings shall be constructed of durable, high-quality materials such as brick, stone, textured cast stone, or tinted masonry units. Table 28D-1 below lists allowable building materials. When applying these requirements, consideration shall be given to the use, amount, placement and relationship of each material as part of a comprehensive palette of building materials. All building facades visible from a public street or public walkway should employ materials and design features similar to or complementary to those of the front facade.

**Table 28D-1.**

<b>Building Materials</b>	<b>Allowable for use as/at:</b>				
	Trim/Accent Material	Top of Building	Middle of Building	Base/ Bottom of Building	Standards (see footnotes)
Brick (Face/Veneer)	✓	✓	✓	✓	
Smooth-Face/ Split-Face Block	✓	✓	✓	✓	A
Wood/ Wood Composite	✓	✓	✓		
Fiber-Cement Siding/ Panels	✓	✓	✓	✓	
Concrete Panels, Tilt-up or Precast	✓	✓	✓	✓	B
EIFS/ Synthetic Stucco	✓	✓			C
Stone/ Stone Veneer	✓	✓	✓	✓	
Metal Panels	✓	✓	✓	✓	D
Hand-Laid Stucco	✓	✓			C
Vinyl Siding	✓				E
Glass Curtain Wall System	✓	✓	✓	✓	
Reflective Glass/ Spandrel	✓				F
Glass (Storefront)	✓	✓	✓	✓	

A – Shall be used in conjunction with a palette of materials and shall not comprise more than 33% of any building wall adjacent to a public street or walkway.

B – Shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.

C – Shall not be within three feet of the ground or used in heavily trafficked pedestrian areas or where high pedestrian traffic is anticipated.

D – Shall be used in conjunction with a palette of materials; shall be a heavy gauge metal, and; shall be non-reflective.

E – Shall be used in limited quantities due to its limited durability.

F – Shall be used in limited quantities as an accent material.

- (h) Compatibility with Traditional Buildings. (See Figure D5.) New development shall relate to the design of traditional buildings adjacent to the site, where present, in scale and character. This can be achieved by maintaining similar, facade divisions, roof lines, rhythm and proportions of openings, building materials and colors. Historic architectural styles need not be replicated.



Figure D5: Compatibility with Traditional Buildings

- (i) Building Alignment. (See Figure D6.) Buildings shall be aligned with facades parallel with the street to create a well-defined street edge.



Figure D6: Building Alignment

- (j) Building Articulation. (See Figure D7.) Buildings shall have horizontal and vertical articulation, which may include dormers, cornice detailing, recesses and projections, stepbacks of upper stories, changes in roof types and planes, building materials, and window patterns. The base of the building shall relate to the human scale, including doors and windows, texture, projections, awnings, canopies, and similar features.



Figure D7: Building Articulation

- (k) Ground-Floor Residential Uses. (See Figure D8.) Ground-floor residential uses fronting a public street or walkway, where present, shall be separated from the street by landscaping, steps, porches, grade changes, and low ornamental fences or walls in order to create a private yard area between the sidewalk and the front door.



Figure D8: Ground Floor Residential Uses

**28.061 MIXED-USE AND COMMERCIAL DISTRICTS USES.**

- (1) Table 28D-2 lists all permitted and conditional uses in the mixed-use and commercial districts.
- (a) "P" means permitted in the districts where designated.
  - (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
  - (c) Uses indicated as "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
  - (d) "Y" means that there are specific requirements in Subchapter 28J associated with a use.
  - (e) "LMX" means Limited Mixed-Use District.
  - (f) "NMX" means Neighborhood Mixed-Use District.
  - (g) "TSS" means Traditional Shopping Street District.
  - (h) "MXC" means Mixed-Use Center District.
  - (i) "CC-T" means Commercial Corridor - Transitional District.
  - (j) "CC" means Commercial Center District.

**Table 28D-2.**

	Mixed-Use and Commercial Districts							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations	
<b>Offices</b>								
Artist, photographer studio, etc.	P	P	P	P	P	P		
Insurance office, real estate office, sales office	P	P	P	P	P	P		
General office, professional office	P	P	P	P	P	P		
<b>Medical Facilities</b>								
Clinic - Health	C	P	P	P	P	P		
Hospital				C	C	C	Y	
Medical laboratory				P	C	C		
Physical, occupational or massage therapy	P	P	P	P	P	P		
Veterinary clinic, animal hospital	C	P	P	P	P	P	Y	
<b>Retail Sales and Services</b>								
Animal boarding facility, kennel, animal shelter				C	C	C	Y	
Animal day care		C	C	C	C	P	Y	
Animal grooming	C	P	P	P	P	P		
ATM	P	P	P	P	P	P	Y	
Auction rooms			P	P	P	P		
Bank, financial institution	P	P	P	P	P	P		
Bicycle-sharing facility	P	P	P	P	P	P	Y	
Building material sales		C	C	C	P	P		
Business sales and services	C	P	P	P	P	P		
Contractor's business with showroom or workshop			C	C	P	P	Y	
Dry cleaning plant, commercial laundry					P	P		
Farmers' market	P	P/C	P	P	P	P	Y	
Food and related goods sales	P	P	P	P	P	P		
Furniture and household goods sales	C	C	P	P	P	P		

<b>Mixed-Use and Commercial Districts</b>							
	<b>LMX</b>	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>Supplemental Regulations</b>
Garden center		C	C	P	P	P	Y
General retail	P	P	P	P	P	P	
Greenhouse, nursery		C	C	P	P	P	Y
Laundromat, self-service		P	P	P	P	P	
Liquor store		P	P	P	P	P	
Mobile grocery store	P	P	P	P	P	P	Y
Mortuary, funeral home		P	P	P	P	P	
Non-accessory temporary outdoor events			C	C	C	C	Y
Package delivery service					P	P	
Payday loan business					C	C	Y
Photocopying	P	P	P	P	P	P	
Post office	P	P	P	P	P	P	
Service business	P	P	P	P	P	P	
Small appliance repair	P	P	P	P	P	P	
Small engine repair			C	C	C	C	
Sporting goods store, bait shop	P	P	P	P	P	P	
Storage locker (personal)	P	P	P	P	P	P	Y
Tattoo shop		P	P	P	P	P	
Telecommunications center					P	P	
Tobacco retailer		P	P	P	P	P	Y
<b>Food and Beverages</b>							
Brewpub		C	P	P	P	P	
Catering	C	C	P	P	P	P	
Coffee shop, tea house	P	P	P	P	P	P	
Nightclub	C	C	C	C	C	C	Y
Restaurant	C	P	P	P	P	P	
Restaurant-nightclub	P/C	P/C	P/C	P/C	P/C	P/C	Y
Restaurant-tavern	C	C	P	P	P	P	Y
Tavern		C	P	P	P	P	Y
<b>Commercial Recreation, Entertainment and Lodging</b>							
Bed and breakfast establishment	C	P	P	P	P	P	Y
Health/sports club	C	P	P	P	P	P	
Hostel		C	P	P	P	P	
Hotel, inn, motel		C	C	P	P	P	
Indoor recreation		C	C	C	P	P	Y
Lodge, private club, reception hall		P	P	P	P	P	Y
Outdoor recreation				C	C	C	Y
Stadiums, auditoriums, and arenas						C	
Theater, assembly hall, concert hall		C	P	P	P	P	
Tourist rooming house	P	P	P	P	P	P	Y

	Mixed-Use and Commercial Districts						
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
<b>Automobile Services</b>							
Auto body shop		C	C	C	C	C	Y
Auto repair station		C	C	C	C	C	Y
Auto sales and rental					P	P	Y
Auto service station, convenience store		C	C	C	C	C	Y
Car wash			C	C	C	C	Y
Heavy traffic vehicle sales					P	P	
Motorcycle and moped sales					P	P	
<b>Parking, Storage and Display Facilities</b>							
Parking facility, private		C	C	C	C	C	
Parking facility, public		P	P	P	P	P	
Storage locker (personal)	P	P	P	P	P	P	Y
<b>Transportation</b>							
Bus or railroad passenger depot			C	P	P	P	
Private ambulance service			C		C	C	
Railroad right-of-way		P	P	P	P	P	
Taxicab or limousine business					C		
Transit stop or station		P	P	P	P	P	
<b>Limited Production, Processing and Storage</b>							
Artisan workshop	P	P	P	P	P	P	
Bakery, wholesale					C	C	
Laboratory, research and development			C	C	C	C	
Limited production and processing			C		C	C	Y
Mail order house					C	C	
Printing and publishing		P	P	P	P	P	
Warehousing and storage						C	
Wholesale establishment				C	C	C	
<b>Residential - Family Living</b>							
Community living arrangement (>15 residents)			C		C		Y
Dwelling units in mixed-use buildings	P/C	P/C	P/C	P/C	P/C	C	Y
Live-work unit	P	P	P	P	P	P	Y
Multi-family dwelling (4 dwelling units)		P/C	C	P	C	C	
Multi-family dwelling (5-8 dwelling units)		C	C	P	C	C	
Multi-family dwelling (> 8 dwelling units)		C	C	C	C	C	Y
Residential building complex					C	C	Y
Single-family attached dwelling (3-8 dwelling units)		C	C	P	C	C	
Single-family attached dwelling (> 8 dwelling units)		C	C	P	C	C	
Single-family detached dwellings		P/C	P/C		P/C		Y

<b>Mixed-Use and Commercial Districts</b>							
	<b>LMX</b>	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>Supplemental Regulations</b>
Three-family dwelling - three-unit		C	C		C		
Two-family dwelling - two unit		P/C	P/C		P/C		Y
Two-family dwelling - twin		P/C	P/C		P/C		Y
<b>Residential - Group Living</b>							
Adult family home			P/C	P/C		P/C	Y
Assisted living, congregate care, skilled nursing facility				C	C	C	Y
Cohousing community		P/C	P/C	P/C	P/C	P/C	Y
Community living arrangement (up to 8 residents)		P	P		P		Y
Community living arrangement (9-15 residents)		C	C		C		Y
Convent, monastery or similar residential group		P	P		P		Y
Daytime shelter		C	C	C	C	C	Y
Housing cooperative		P/C	P/C		P/C		Y
Lodging house, fraternity or sorority					C		Y
Mission house		C	C	C	C	C	Y
Peer run respite facility	P	P	P		P		Y
<b>Civic and Institutional</b>							
Cemetery		C	C	C	C	C	
Community Event	P/C	P/C	P/C	P/C	P/C	P/C	Y
Counseling, community services organization		C	C		C		
Day care center	C	P	P	P	P	P	Y
Dormitory					C		Y
Library, museum	C	P	P	P	P	P	
Parks and playgrounds	P	P	P	P	P	P	
Place of worship	P/C	P	P	P	P	P	Y
Public safety or service facilities	P	P	P	P	P	P	
Recreation, community, and neighborhood centers	C	P	P	P	P	P	
Schools, arts, technical or trade	C	C	P	P	P	P	Y
Schools, public and private	C	P	P	P	P	P	Y
<b>Agricultural Uses</b>							
Agriculture - Animal Husbandry		C	C	C	C	C	Y
Agriculture - Cultivation		C	C	C	C	C	Y
Community garden	P	P	P	P	P	P	
Market garden	C	C	C	C	C	C	Y

<b>Mixed-Use and Commercial Districts</b>							
	<b>LMX</b>	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>Supplemental Regulations</b>
<b>Public Utility and Public Service Uses</b>							
Class 2 Collocations	P	P	P	P	P	P	
Electric power production and/or heating and cooling plant	C	C	C	C	C	C	
Electric substations	C	C	C	C	C	C	Y
Gas regulator stations, mixing and gate stations	C	C	C	C	C	C	Y
Radio Broadcast Service Facility	P	P	P	P	P	P	
Sewerage system lift stations	P/C	P/C	P/C	P/C	P/C	P/C	Y
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P	P	P	P	P	P	
Water pumping stations, water reservoirs	C	C	C	C	C	C	Y
<b>Accessory Uses and Structures</b>							
Accessory building or structure	P/C	P/C	P/C	P/C	P/C	P/C	Y
Accessory dwelling unit	C	C	C		C		Y
Accessory retail alcohol sales	P	P	P	P	P	P	
Caretaker's dwelling (nonresidential uses)	C	C	C	C	C	C	Y
Composting	P	P	P	P	P	P	
Convent, monastery or similar residential group	P	P	P		P		Y
Day care center in school or religious institution	C	P	P	P	P	P	
Day care home, family	P/C	P/C	P/C	P/C	P/C		Y
Dependency living arrangements	P	P	P	P	P	P	
Emergency electric generator	P	P	P	P	P	P	Y
Home occupation	P/C	P/C	P/C	P/C	P/C	P/C	Y
Keeping of chickens	P	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	P	Y
Lease of off-street parking facility accessory to nonresidential use to non-users of principal use		P	P	P	P	P	Y
Management office, restaurant, limited retail, recreation facilities within multi-family building			P	P	P	P	Y
Mission house	P	P	P	P	P	P	Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	P/C	Y
Outdoor display		C	C	C	C	C	Y
Outdoor eating area associated with food & beverage establishment	C	C	C	P	C	P	Y
Outdoor recreation	C	C	C	C	C	C	Y
Outdoor storage			C	C	C	C	Y
Portable shelter mission			C				Y
Portable storage units	P	P	P	P	P	P	Y
Real estate sales office	P	P	P	P	P	P	Y
Solar energy systems	P	P	P	P	P	P	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	Y

<b>Mixed-Use and Commercial Districts</b>							
	<b>LMX</b>	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>	<b>Supplemental Regulations</b>
Temporary outdoor events		P/C	P/C	P/C	P/C	P/C	Y
Towing and wrecker service business		P	P	P	P	P	Y
Vehicle access sales and services windows			C	C	C	C	Y
Vending machines		P	P	P	P	P	Y
Walk-up service windows	C	P/C	P/C	P/C	P/C	P/C	Y
Wind energy systems	C	C	C	C	C	C	Y
Yard sales	P	P	P	P	P	P	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00096, 1-3-13; ORD-13-00134, 8-14-13; ORD-13-00147, 9-11-13; ORD-13-00177 & ORD-13-00178, 10-23-13; ORD-13-00183 & ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00083, 4-16-14; ORD-14-00115, 7-11-14; ORD-14-00133, 8-13-14; ORD-14-00143, 9-12-14; ORD-15-00026, 3-11-15; ORD-15-00032, 4-8-15; ORD-15-00054, 5-27-15; ORD-15-00124, 11-11-15; ORD-16-00042, 4-27-16; ORD-16-00049, 5-25-16; ORD-16-00069, 8-13-16, ORD-16-00074, 9-15-16; ORD-16-00092 & ORD-16-00093, 11-9-16; ORD-16-00109, 12-14-16; ORD-17-00025, 2-20-17)

## 28.062 MIXED-USE AND COMMERCIAL DISTRICTS BUILDING FORMS.

Table 28D-3.

<b>BUILDING FORM</b>	<b>LMX</b>	<b>NMX</b>	<b>TSS</b>	<b>MXC</b>	<b>CC-T</b>	<b>CC</b>
Commercial Block Building	✓	✓	✓	✓	✓	✓
Civic or Institutional Building	✓	✓	✓	✓	✓	✓
Residential - Commercial Conversion	✓	✓	✓	✓	✓	
Live-Work Building	✓	✓	✓	✓	✓	✓
Single-Family Attached Building		✓	✓	✓	✓	✓
Small Multi-Family Building		✓	✓	✓	✓	✓
Courtyard Multi-Family Building		✓	✓	✓	✓	✓
Large Multi-Family Building		✓	✓	✓	✓	✓
Single-Family Detached Building		✓	✓		✓	
Two-Family Building - Twin or Two Unit		✓	✓		✓	
Parking / Liner Buildings			✓	✓	✓	✓
Free-Standing Commercial Building	✓			✓	✓	✓
Podium Building		✓	✓	✓	✓	✓
Flex Building				✓	✓	✓

**28.063 LIMITED MIXED-USE DISTRICT.**

- (1) Statement of Purpose.  
The LMX District is established to allow for small-scale mixed-use development within or adjacent to otherwise residential areas. The district is also intended to:
- (a) Encourage pedestrian, bicycle and transit use as a means of accessing these developments.
  - (b) Protect the integrity of the surrounding residential uses.
  - (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (2) Permitted and Conditional Uses.  
See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.
- (3) Dimensional Requirements.  
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Limited Mixed-Use District</b>	
Front yard setback	No minimum
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Same as for non-residential buildings in the adjacent residential district.
Side yard setback: other cases	No minimum
Rear yard setback	Same as for non-residential buildings in the adjacent residential district. If not adjacent to residential district, 20
Maximum lot coverage	Same as for non-residential buildings in the adjacent residential district. If not adjacent to residential district, 75%
Maximum height	2 stories / 35
Maximum building size (sq. ft.)	5,000
Usable open space (sq. ft.)	160 for one-bedroom dwelling unit, 320 for dwelling units with 2 or more bedrooms

- (4) Site Standards.

The following standards shall apply to new buildings and additions exceeding 50% of original building's floor area.

- (a) Maximum Size. Buildings shall not exceed five thousand (5,000) square feet of floor area. Buildings exceeding five thousand (5,000) square feet of floor area but not more than seven thousand five hundred (7,500) square feet of floor area may be allowed with conditional use approval. (Am. by ORD-15-00033, 4-8-15)
- (b) Parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting the primary street frontage is limited to seventy (70) feet in width or fifty percent (50%) of lot frontage, whichever is less.
- (c) All parking areas must be screened from adjacent residentially zoned properties.

(5) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings, except:
1. Off-street parking and off-street loading.
  2. Outdoor display.
  3. Vending machines.
  4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  5. Auto service stations.
  6. Bicycle-sharing facilities.
  7. Walk-up service windows.
  8. Temporary outdoor events.
  9. Solar energy systems and wind energy systems.
  10. Yard sales.
  11. Agricultural activities.
  12. Cemeteries.
  13. Composting.
  14. Keeping of chickens and keeping of honeybees.
  15. Outdoor recreation.

**28.064 NEIGHBORHOOD MIXED-USE DISTRICT.**(1) Statement of Purpose.

The NMX District is established to encourage and sustain the viability of commercial nodes that serve the shopping needs of residents in adjacent neighborhoods. The district is also intended to:

- (a) Encourage pedestrian, bicycle and transit use as a means of accessing these commercial areas.
- (b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Neighborhood Mixed Use District</b>	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line.	One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width
Side yard setback (for exclusive residential use)	One-story: 5 Two-story or higher: 6
Side yard setback: other cases (i.e., infill between party wall storefront buildings).	None unless needed for access
Lot area (for exclusive residential use)	1000 sq. ft./unit
Rear yard setback.	20
Maximum lot coverage.	75%
Maximum height.	3 stories / 40 See (d) below
Usable open space – residential only.	160 sq. ft. per lodging room or 1-bedroom unit, 320 sq. ft. for >1-bedroom units

(Am. by ORD-17-00054, 6-19-17)

- (a) Front Yard Setback. For buildings and additions exceeding fifty percent (50%) of floor area, the maximum front yard setback shall be twenty-five (25) feet unless designated otherwise on the zoning map. Front yard setbacks on the zoning map may be designated as a specific location (build to line) or as a range.
- (b) Additional Height. Building height exceeding the maximum may be allowed with conditional use approval.

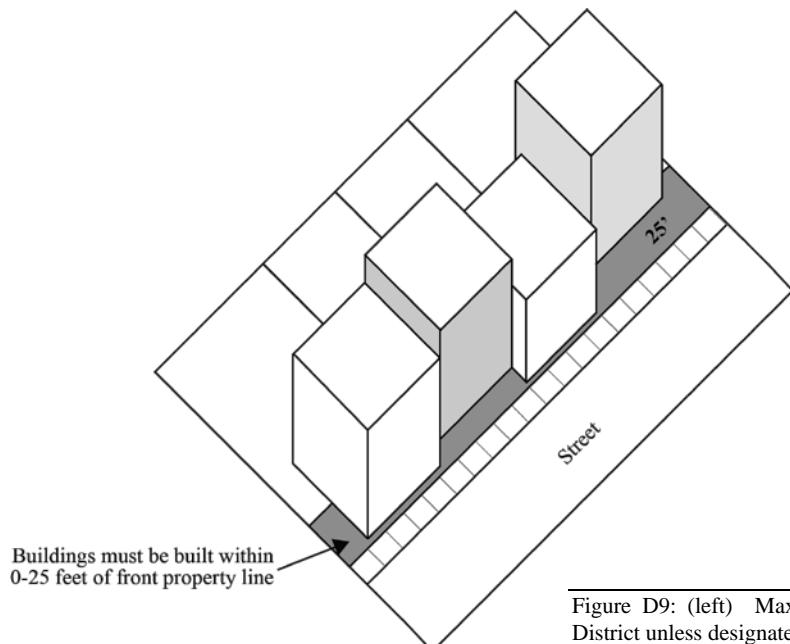


Figure D9: (left) Maximum Front Yard Setback in NMX District unless designated otherwise on the zoning map

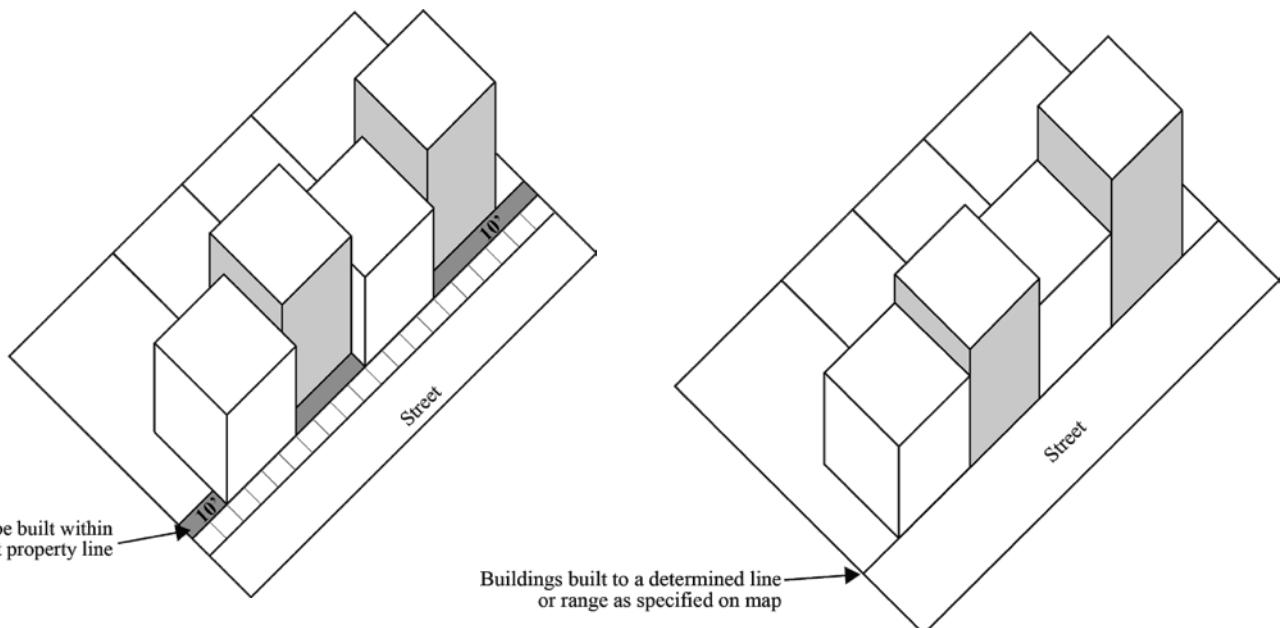


Figure D10: (above) Where designated on the zoning map, properties may have a maximum setback of 10 feet in the NMX district.

Figure D11: (above) Alternative setbacks may also be designated on the zoning map.

- (c) (Rep. by ORD-17-00054, 6-19-17)
- (d) Rear or Side Yard Height Transition to Residential Districts. Where the NMX District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval.

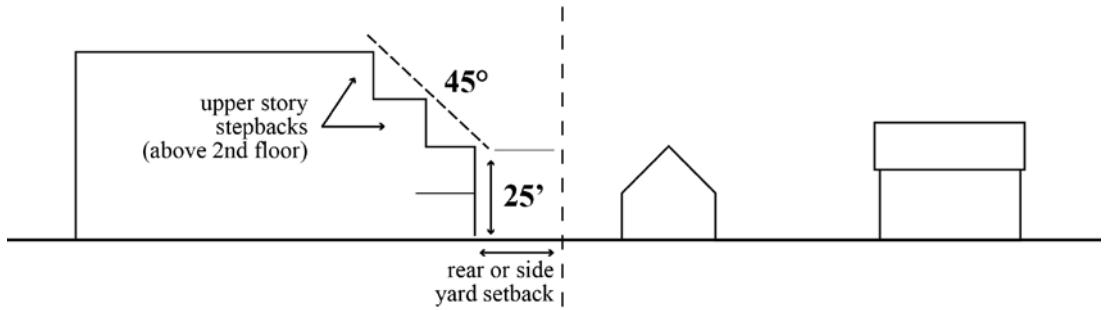


Figure D12: Rear or Side Yard Height Transition

(Am. by ORD-14-00131, 8-13-14)

- (4) Site Standards. The following standards shall apply to new buildings and additions exceeding 50% of original building's floor area.
- (a) Maximum Size. Buildings shall not exceed five thousand (5,000) square feet of floor area for an individual establishment or ten thousand (10,000) square feet floor area for a building containing two or more uses. Buildings exceeding this size may be allowed as conditional uses. (Am. by ORD-15-00033, 4-8-15)
- (b) For the Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front façade of the building.
- (c) For all Building Forms other than (b) above, parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting the primary street frontage is limited to seventy (70) feet in width or fifty percent (50%) of lot frontage, whichever is less.

(5) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings, except:
1. Off-street parking and off-street loading.
  2. Outdoor display.
  3. Vending machines.
  4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  5. Auto service stations.
  6. Bicycle-sharing facilities.
  7. Walk-up service windows.
  8. Temporary outdoor events.
  9. Solar energy systems and wind energy systems.
  10. Yard sales.
  11. Agricultural activities.
  12. Cemeteries.
  13. Composting.
  14. Keeping of chickens and keeping of honeybees.
  15. Outdoor recreation.

**28.065 TRADITIONAL SHOPPING STREET (TSS) DISTRICT.**

- (1) **Statement of Purpose.**  
 The TSS District is established to encourage and sustain the viability of Madison's mixed-use corridors, which sustain many of the City's traditional neighborhoods. The district is also intended to:
- (a) Encourage pedestrian, bicycle and transit use as a means of accessing and moving through these corridors.
  - (b) Encourage diversification of uses, including residential, commercial, and civic uses, in order to enhance the vitality and appeal of these areas.
  - (c) Maintain the viability of existing residential buildings located within or adjacent to these corridors.
  - (d) Encourage appropriate transitions between higher-intensity uses within TSS districts and adjacent lower-density residential districts.
  - (e) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (2) **Permitted and Conditional Uses.**  
 See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.
- (3) **Dimensional Requirements.**  
 Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Traditional Shopping Street District</b>	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width <40: 10% lot width
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	The lesser of 20% of lot depth or 20 feet
Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback
Maximum lot coverage	85%
Maximum height	3 stories / 40 See (c) below
Usable open space	40 sq. ft./unit
Lot area (for exclusive residential use)	500 sq. ft./unit

(Am. by ORD-13-00007, 1-15-13; ORD-14-00148, 9-12-14)

- (a) **Front Yard Setback.** For new buildings and additions exceeding fifty percent (50%) of building's original floor area, the maximum front setback shall be twenty-five (25) feet, unless designated otherwise on the zoning map. Front yard setbacks on the zoning map may be designated as a specific location (build-to-line) or as a range. (See Figures D9-D11)

- (b) Rear or Side Yard Height Transition to Residential Districts. Where the TSS District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14; Renum. by ORD- ORD-14-00148, 9-12-14)
- (c) Additional Height. Building height exceeding the maximum may be allowed with conditional use approval. (Renum. by ORD- ORD-14-00148, 9-12-14)
- (4) Site Standards.  
The following standards are applicable to new buildings and additions exceeding 50% of original building's floor area.
- (a) Maximum Size. Buildings shall not exceed ten thousand (10,000) square feet floor area for an individual establishment or twenty-five thousand (25,000) square feet floor area for a mixed-use or multi-tenant building. Buildings exceeding this size may be allowed as conditional uses. (Am. by ORD-15-00033, 4-8-15)
- (b) For the Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, parking shall be located behind, beside, or below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front facade of the building.
- (c) For all Building Forms other than (b) above, parking shall not be placed between the front facade of a building and the abutting street. Parking shall be located to rear or side of principal building; parking abutting primary street frontage is limited to forty percent (40%) of lot frontage.
- (d) Parking buildings shall be designed with ground-floor retail or office uses fronting primary streets.
- (5) Site Standards: New and Existing Development.
- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading.
  2. Outdoor display and outdoor storage.
  3. Vending machines.
  4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  5. Bicycle-sharing facilities.
  6. Auto service stations.
  7. Agricultural activities.
  8. Temporary outdoor events.
  9. Solar energy systems and wind energy systems.
  10. Walk-up service windows.
  11. Yard sales.
  12. Cemeteries.
  13. Composting
  14. Keeping of chickens and keeping of honeybees.
  15. Outdoor recreation.

**28.066 MIXED USE CENTER (MXC) DISTRICT.**(1) Statement of Purpose.

The MXC District is established to encourage the development or redevelopment of mixed-use centers that combine new or existing retail development with a variety of housing, offices, studios, live-work space, civic buildings, and other complementary uses arranged in a cohesive, compact, and walkable environment that makes it convenient for residents, customers, and employees to travel by transit, bicycle, foot, or car. The MXC District is intended to facilitate the development or redevelopment of properties recommended for mixed-use development or transit-oriented development in the Comprehensive Plan or adopted neighborhood, corridor or special area plans. MXC Districts shall be located along existing or planned high-capacity multi-modal transportation corridors. The district is also intended to:

- (a) Encourage appropriate transitions between higher-intensity uses within mixed-use centers and adjacent lower-density residential districts.
- (b) Encourage the development of mixed-use buildings, though not every building in the MXC District needs to include both residential and non-residential uses. However, both types of land uses shall be accommodated within the district as a whole. MXC Districts shall be planned to provide a suitable residential environment.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map amendment to the MXC District, approval of a MXC district master plan, or any major alteration to an approved master plan, are as follows:

- (a) The MXC District and master plan shall facilitate the development or redevelopment of a property or properties recommended for mixed-use or transit-oriented development in the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (b) The range of non-residential uses, and the development density of both residential and non-residential uses in MXC districts will vary depending on the size of the district and the type and intensity of the surrounding development. An MXC District shall include a mix of residential, retail, office, open space and public uses arranged in a fashion conducive to all forms of transportation.
- (c) An MXC District shall be located along existing or planned high-capacity multi-modal transportation corridors.
- (d) The MXC District master plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. In order to determine the impacts of a MXC District, the City Traffic Engineer may require a traffic impact analysis. A Traffic Demand Management (TDM) plan may be required as a way to resolve traffic and parking concerns.
- (e) The MXC District master plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.
- (f) The MXC District master plan shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.

(3) Master Plan Required.

Prior to the issuance of permits for construction in an MXC District or as part of a zoning map amendment as prescribed in Sec. 28.182, MGO, establishing a MXC District a master plan shall be approved to guide development of the District in a manner consistent with the statement of purpose and requirements for this section.

(a) Contents of Master Plan. All MXC District master plans shall contain the following:

1. An accurate map of the District including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.

2. The arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities and open spaces within the District.
  3. Identification of the minimum and maximum anticipated gross square footage for the overall District and its individual sites, and the minimum and maximum height of each proposed building within the District.
  4. The general arrangement of individual lots, outlots, tracts, easements, and all dedications to the public to serve the MXC District. The master plan may be used as a preliminary subdivision plat if it includes all of the information required for a preliminary plat under Sec. 16.23(7)(a), MGO. The master plan may propose a planned multi-use site as defined in Sec. 28.211 and as governed by Sec. 28.137(2), provided that any planned multi-use site in the MXC District shall be governed by the requirements of this section where the requirements of Sec. 28.137 conflict.
  5. A reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds shall be required to govern shared access, circulation or parking within the District.
  6. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
  7. A schedule or phasing plan indicating the approximate dates when construction of the MXC District can be expected to begin and be completed.
  8. Building design standards including the massing and composition of structures, orientation of windows and entries; doors and other elements of the facade, and primary facade materials and colors to be at least as restrictive as the minimum requirements in the General Provisions for Mixed-Use and Commercial Districts in Sec. 28.060, except that new buildings may have the functional entrance oriented to a private street if that street abuts a private parking area or other common amenity available for use by all tenants of the building. (Am. by ORD-17-00023, 2-20-17)
  9. Site design standards including but not limited to the landscaping and screening of building sites, parking lots, and common open spaces, which shall be at least as restrictive as the minimum requirements in Landscaping and Screening Requirements in Sec. 28.142, and the signage of the MXC District as regulated by Chapter 31, Sign Code.
- (b) Decision on Master Plan.
1. The decision process for approval of a master plan, including any major alteration to an approved master plan, shall be as specified in Sec. 28.182, including a recommendation by the Plan Commission and action by the Common Council.
  2. The applicant shall receive a recommendation on the master plan from the Urban Design Commission on the proposed arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, and access to individual development sites from public streets and internal drives prior to the Plan Commission review.
  3. The Urban Design Commission shall approve the building design and site design standards in (a) 8 and 9 above prior to the issuance of building permits prior to the issuance of permits for construction in an MXC District.

(4) Permitted and Conditional Uses.

See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(5) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Mixed-Use Center District</b>	
Front yard setback	See (a) below
Side yard	Approved as part of the master plan
Rear yard setback	Approved as part of the master plan
Maximum lot coverage	85%
Maximum height	The maximum height of any building in the MXC district shall be established on the approved master plan. Any building exceeding 5 stories/ 68 feet shall require approval as a conditional use
Usable open space	40 sq. ft./unit

(a) Front Yard Setback.

1. On perimeter streets, a minimum of sixty percent (60%) of the lot frontage on the primary abutting street shall be occupied by buildings placed within forty (40) feet of the street right-of-way and with front or side facades oriented to the street.
2. On internal streets, a minimum of fifty percent (50%) of the lot frontage on internal streets shall be occupied by buildings placed within twenty-five (25) feet of the street right-of-way or sidewalk edge, and with front or side facades oriented to the street.

(b) Rear or Side Yard Height Transitions to Residential Districts. Where the MXC District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14)(6) Site Standards.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area.

- (a) Maximum Size. Buildings shall not exceed twenty-five thousand (25,000) square feet floor area for an individual establishment or forty thousand (40,000) square feet floor area for a mixed-use or multi-tenant building. Buildings exceeding this size may be allowed as conditional uses. All new retail establishments with a total gross floor area (GFA) of forty thousand (40,000) square feet or more are subject to review by the Urban Design Commission under the provisions of Sec. 33.24(4)(f). (Am. by ORD-15-00033, 4-8-15)
- (b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza, where one is present.

- (c) All building facades visible from a public or private street or walkway shall employ materials and design features similar to or complementary to those of the front facade.
  - (d) At least twenty-five percent (25%) of the required parking shall be structured.
  - (e) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block.
  - (f) For all Building Forms other than (e) above, surface parking shall not be placed between the front or side facade of a building and the primary abutting street
  - (g) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.
  - (h) For Single-Family Attached, Small Multi-Family, Large Multi-Family, or Courtyard Multi-Family Building Forms, if parking is located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible from the front facade of the building.
  - (i) For all Building Forms other than (h) above, parking abutting the primary street frontage shall be limited to forty percent (40%) of the total lot width.
  - (j) Parking buildings abutting any public or private street shall be designed with ground-floor retail or office uses fronting the primary street. Upper floors devoted solely to parking shall be stepped back from the principal facade and designed with materials and proportions similar to new commercial or mixed-use buildings.
  - (k) All new buildings or additions to existing buildings shall be approved by the Zoning Administrator in conformance with the building design standards and site design standards approved as part of the master plan per sub. (3)(a). Any appeal of the Zoning Administrator's decision on the application of the building design standards and site design standards shall be made to the Urban Design Commission for a determination.
- (7) Site Standards: New and Existing Development.
- (a) All business activities shall be conducted within completely enclosed buildings except:
    1. Off-street parking and off-street loading.
    2. Outdoor display and outdoor storage.
    3. Vending machines.
    4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
    5. Bicycle-sharing facilities.
    6. Temporary outdoor events.
    7. Walk-up service windows.
    8. Agricultural activities.
    9. Vehicle access sales and service windows.
    10. Solar energy systems and wind energy systems.
    11. Yard sales.
    12. Auto service stations.
    13. Cemeteries.
    14. Composting.
    15. Outdoor recreation.
    16. Keeping of chickens and keeping of honeybees.

- (8) Access and Circulation. Any newly mapped MXC District shall take primary access from a collector or higher order street. A network of public or private streets and walkways may be used to provide circulation through the district. An internal system of streets, walkways, lanes and blocks shall be provided for districts of five (5) acres or more, and may be required as a condition of approval for a master plan or for conditional uses.
- (9) Required Mix of Uses. An MXC District larger than one (1) acre in net area shall contain uses from at least two (2) of the following categories:
- (a) Commercial uses, including retail, service and office uses
  - (b) Residential – family and group living categories
  - (c) Civic and institutional uses
- (10) Required Open Space. The MXC District shall include open space suitable to the type and character of development proposed.
- (a) For projects with residential components, a mix of structured and natural spaces for use by residents and visitors.
  - (b) Any MXC District site greater than five (5) acres in size shall include common open space designed and improved as a plaza, square or green, comprising a minimum of five percent (5%) of the development site. Areas for stormwater management not designed and improved for recreational purposes, parking, or in the public right of way shall not be used to satisfy this requirement.
  - (c) Open space to serve the MXC District shall be distributed throughout the district and clearly dimensioned on the master plan.
- (11) Construction Required. Any MXC master plan not constructed in accordance to its approved phasing plan, and any phases not constructed within ten (10) years of the Common Council approval of the master plan, shall require approval of a new master plan by the Common Council following a recommendation by the Plan Commission and Urban Design Commission. In considering extensions of approved master plans for unconstructed components/ phases, the commissions and council shall consider changes in the surrounding area or neighborhood since approval of the master plan that would render the project incompatible with current conditions.
- (12) Changes to Master Plan. Alterations to an approved master plan may be approved by the Plan Commission if the requested alterations are consistent with the concept approved by the Common Council, provided however, the Zoning Administrator may, following consideration by the alderperson of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in sub. (3) above is required.

(Sec. 28.066 Am. by ORD-16-00039, 4-8-16)

**28.067 COMMERCIAL CORRIDOR - TRANSITIONAL DISTRICT.**(1) **Statement of Purpose.**

The CC-T District is established to recognize the many commercial corridors within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use corridors that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

- (a) Improve the quality of landscaping, site design and urban design along these corridors.
- (b) Maintain the viability of existing residential uses located along predominantly commercial corridors.
- (c) Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts.
- (d) Facilitate preservation development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
- (e) Structured parking is encouraged.

(2) **Permitted and Conditional Uses.**

- (a) See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) **Dimensional Requirements.**

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Commercial Corridor - Transitional District</b>	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district
Side yard setback: Where proposed buildings or abutting buildings have window openings in side wall(s) within 6 feet of lot line	One-story: 5 Two-story or higher: 6 Lot width < 40: 10% lot width
Side yard setback (for exclusive residential use)	10
Side yard setback: other cases (i.e., infill between party wall storefront buildings)	none unless needed for access
Rear yard setback	The lesser of 20% of lot depth or 20 feet
Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback
Lot area (for exclusive residential use)	750 sq. ft./unit
Maximum lot coverage	85%
Maximum height	5 stories / 68 See (d) below
Usable open space – residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units

(Am. by ORD-13-00007, 1-15-13; ORD-17-00054, 6-19-17)

- (a) **Front Yard Setback.** Unless designated otherwise on the zoning map, for new buildings and additions exceeding fifty percent (50%) of the building's original floor area, a minimum of fifty percent (50%) of the street-facing building wall shall be set back no more than twenty-five (25) feet. Front yard setbacks on the zoning map may be designated as a specific location (build-to-line) or as a range.

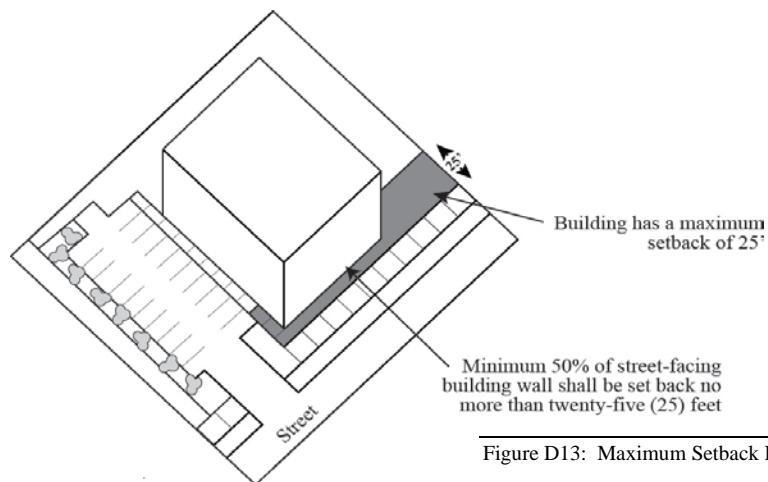


Figure D13: Maximum Setback Illustration, Option 1

2. If there is no on-street parking in front of the lot, a building may be setback of up to sixty-five (65) feet from the front property line, provided that at least seventy percent (70%) of the street-facing building wall is setback no more than sixty-five (65) feet. This setback shall allow for one (1) drive aisle and up to one (1) row of parking between the building and the street.
3. Alternatively, if there is no on-street parking in front of the lot, the following greater setbacks can be allowed if approved as a conditional use:
  - a. A building may be setback of up to eighty-five (85) feet provided that at least seventy percent (70%) of the street-facing building wall is setback no more than eighty-five (85) feet. This setback shall allow for one (1) drive aisle and up to two (2) rows of parking between the building and the street.
  - b. If traffic circulation, drainage and or other site design issues are shown to require additional space, the setback may be extended to a maximum of one hundred (100) feet.

(Am. by ORD-13-00127, 7-26-13)

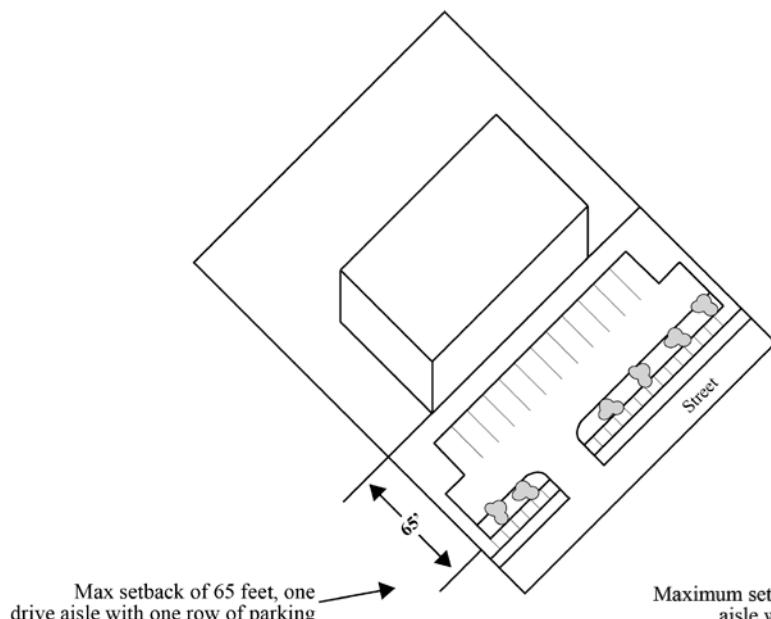


Figure D14: Maximum Setback Illustration, Option 2

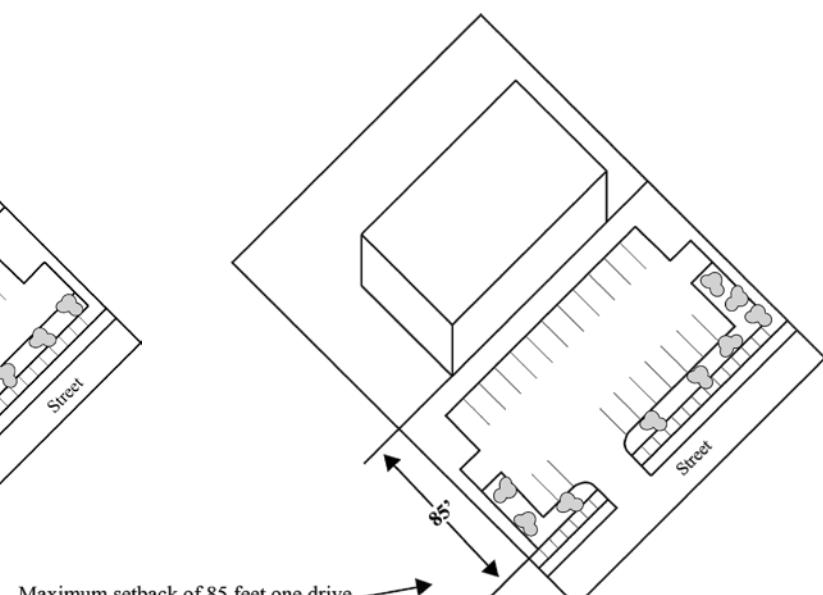


Figure D15: Maximum Setback Illustration, Option 3

- (b) (Rep. by ORD-17-00054, 6-19-17)  
(c) Rear or Side Yard Height Transitions to Residential Districts. Where the CCT District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14)  
(d) Additional Height. Heights exceeding the maximum may be allowed with conditional use approval.

(4) Site Standards.

The following standards are applicable to new buildings and additions exceeding fifty percent (50%) of original building's floor area.

- (a) Maximum Size. Buildings shall not exceed twenty-five thousand (25,000) square feet floor area for an individual establishment or forty thousand (40,000) square feet floor area for a multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, meeting the standards governing large retail developments in Sec. 33.24(4)(f), except that for Frontage Requirements, see Sec. 28.065(6), MGO. (Am. by ORD-15-00033, 4-8-15)
- (b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway, plaza, or multi-use path.
- (c) All building facades visible from a public street or public walkway shall employ materials and design features similar to or complementary to those of the front facade.
- (d) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block.
- (e) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.
- (f) Parking abutting the primary street frontage shall be limited to fifty percent (50%) of the total lot frontage, except that for the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, if located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front facade of the building.

(5) Site Standards: New and Existing Development.

- (a) All business, servicing or processing shall be conducted within completely enclosed buildings, except:
1. Off-street parking and off-street loading.
  2. Outdoor display and outdoor storage.
  3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  4. Bicycle-sharing facilities.
  5. Auto service stations.
  6. Vehicle access sales and service windows.
  7. Walk-up service windows.
  8. Solar energy systems and wind energy systems.
  9. Cemeteries.
  10. Yard sales.
  11. Vending machines.

12. Composting.
13. Outdoor recreation.
14. Keeping of chickens and keeping of honeybees.

## **28.068 COMMERCIAL CENTER DISTRICT.**

(1) Statement of Purpose.

The CC District is established to recognize the existing large-format retail and office sites within the City that remain largely auto-oriented, and to encourage their transformation into mixed-use centers that are equally conducive to pedestrian, bicycle, transit and motor vehicle activity. The district is also intended to:

- (a) Improve the quality of landscaping, site design and urban design within commercial centers.
- (b) Encourage diversification of land use in commercial centers.
- (c) Encourage appropriate transitions between higher-intensity uses and adjacent lower-density residential districts.
- (d) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

- (a) See Table 28D-2 for a complete list of allowed uses within the mixed-use and commercial districts.

(3) Dimensional Requirements.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Commercial Center District</b>	
Front yard setback	See (a) below
Side yard setback: Where buildings abut residentially-zoned lots at side lot line	Minimum side yard required in the adjacent residential district
Side yard setback: for exclusive residential use	10
Side yard setback: other cases	One-story: 5 Two-story or higher: 6
Rear yard setback	The lesser of 20% of lot depth or 20 feet
Rear yard setback: For corner lots, where all abutting property is in a nonresidential zoning district	The required rear yard setback shall be the same as the required side yard setback
Lot area (for exclusive residential use)	750 sq. ft./unit
Maximum lot coverage	85%
Maximum height	5 stories / 68 See (d) below
Usable open space – residential only	160 sq. ft. per lodging room or 1-bedroom unit; 320 sq. ft. for >1-bedroom units

(Am. by ORD-13-00007, 1-15-13; ORD-17-00054, 6-19-17)

- (a) Front Yard Setback. Unless designated otherwise on the zoning map, at least seventy percent (70%) of the street-facing building wall shall be setback no more than eighty-five (85) feet. This setback shall allow for a single drive aisle and two (2) rows of parking or landscaped area. This setback may be extended to a maximum of one hundred (100) feet if traffic circulation, drainage and or other site design issues are shown to require additional space. Front yard setbacks on the zoning map may be designated as a specific location (build-to-line) or as a range. (Am. by ORD-13-00127, 7-26-13)

- (b) (Rep. by ORD-17-00054, 6-19-17)

- (c) Rear or Side Yard Height Transitions to Residential Districts. Where the CC District abuts a residential district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed two (2) stories/twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. Transitions exceeding this height and/or ratio limitation require conditional use approval. (See Figure D12) (Am. by ORD-14-00131, 8-13-14)
- (d) Additional Height. Heights exceeding the maximum may be allowed with conditional use approval.

(4) Site Standards.

The following standards are applicable to new buildings and additions exceeding 50% of original building's floor area.

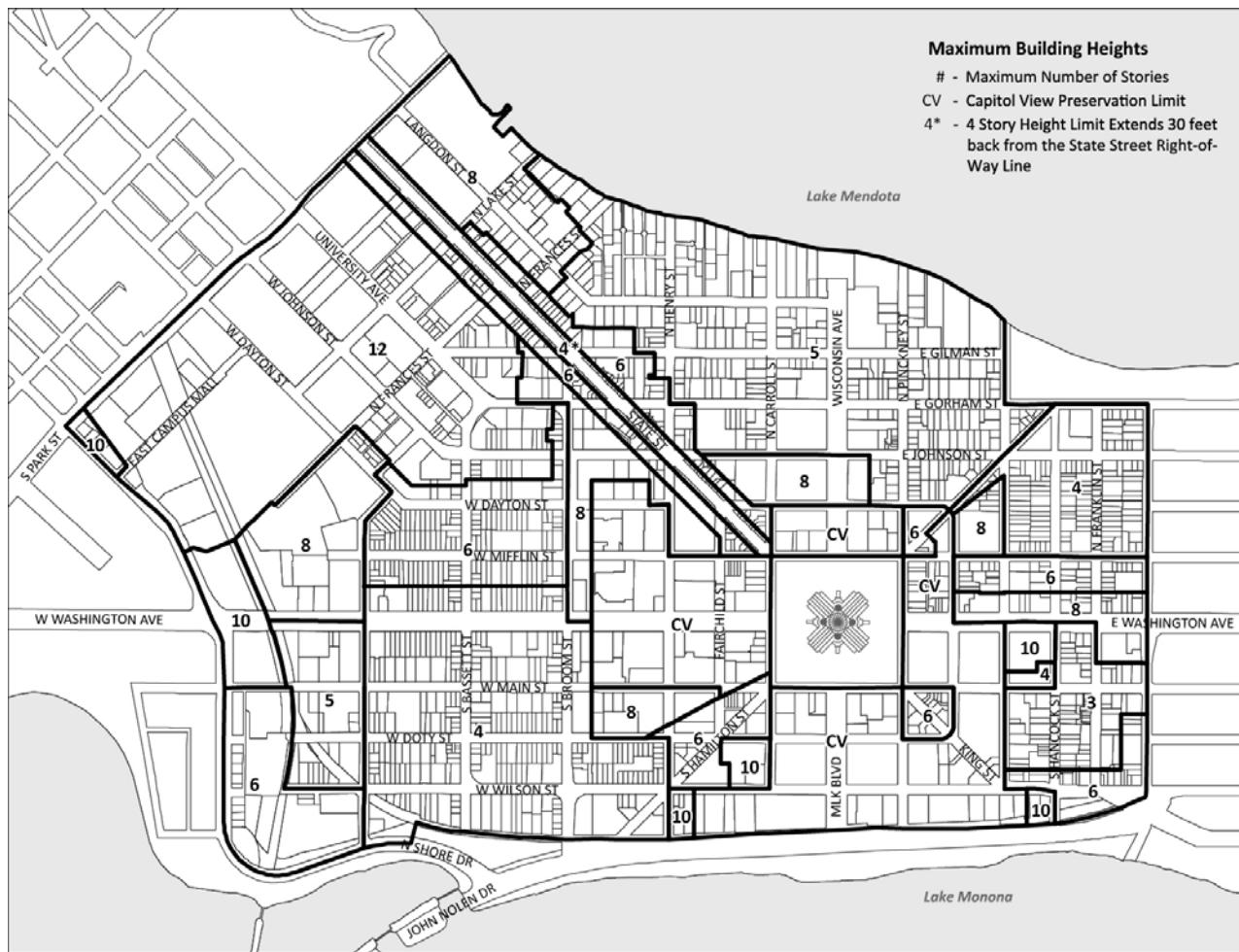
- (a) Maximum Size. Buildings shall not exceed twenty-five thousand (25,000) square feet floor area for an individual establishment or forty thousand (40,000) square feet floor area for a multi-tenant building. Buildings exceeding this size may be allowed as conditional uses, meeting the standards governing large retail developments in Section 33.24(4)(f), Madison General Ordinances. (Am. by ORD-15-00033, 4-8-15)
- (b) Buildings shall be oriented to the primary abutting street or to an internal street, court, walkway or plaza.
- (c) All building facades visible from a public street or walkway shall employ materials and design features similar to or complementary to those of the front facade.
- (d) Surface parking shall be divided into separate modules no greater in size than one hundred (100) spaces; modules shall be separated by buildings, landscaped open space areas, internal streets or landscaped pedestrian pathways at least twenty (20) feet in width.
- (e) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of the block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible on the front façade of the building.

(5) Site Standards: New and Existing Development.

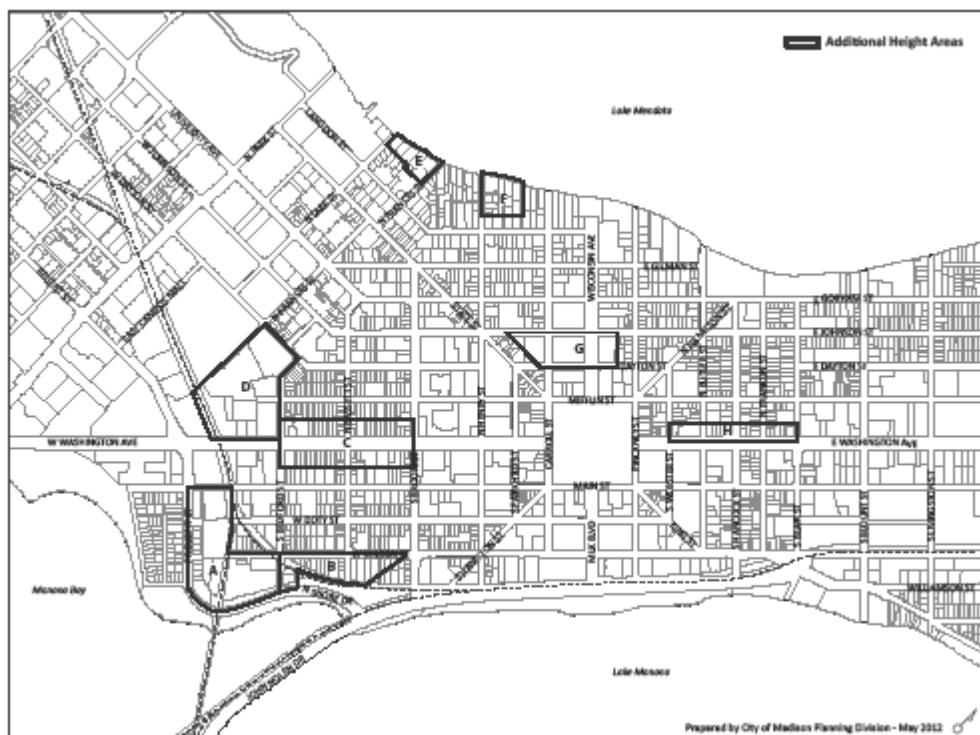
- (a) All activities shall be conducted within completely enclosed buildings, except:
1. Off-street parking and off-street loading.
  2. Outdoor display and outdoor storage stores.
  3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  4. Bicycle-sharing facilities.
  5. Auto service stations.
  6. Vehicle access sales and service windows.
  7. Walk-up service windows.
  8. Solar energy systems and wind energy systems.
  9. Yard sales.
  10. Vending machines.
  11. Agricultural activities.
  12. Temporary outdoor events.
  13. Cemeteries.
  14. Composting.
  15. Keeping of chickens and honeybees. (Am. by ORD-16-00074, 9-15-16)

**SUBCHAPTER 28E: DOWNTOWN AND URBAN DISTRICTS ZONING CODE****28.071 GENERAL PROVISIONS FOR DOWNTOWN AND URBAN DISTRICTS.**

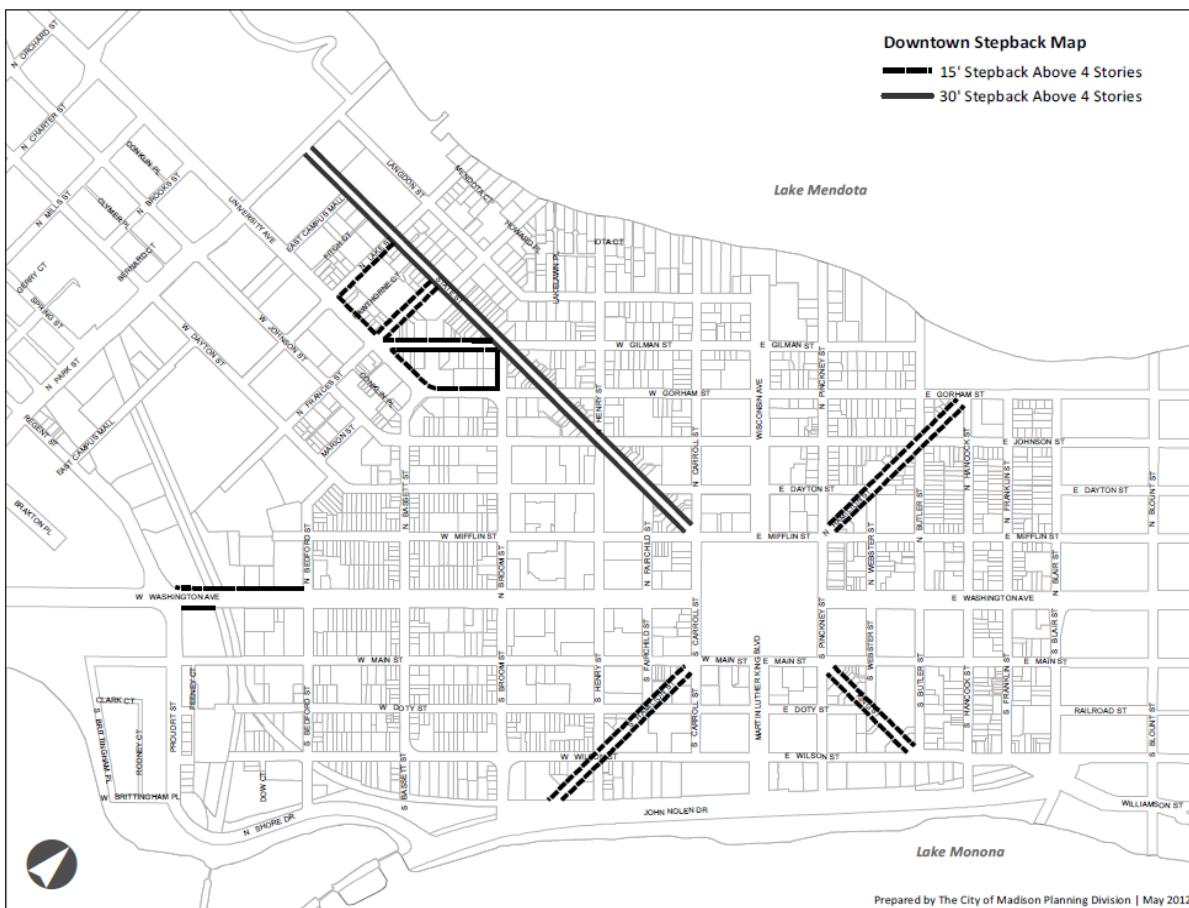
- (1) Statement of Purpose.
- (a) Recognize and enhance Downtown as the civic and cultural center of the City and region; the seat of state, county, and city government, and a significant retail, entertainment, and employment center;
  - (b) Recognize and enhance the unique characteristics of Downtown neighborhoods;
  - (c) Recognize the architectural heritage and cultural resources of Downtown neighborhoods;
  - (d) Facilitate context-sensitive development;
  - (e) Foster development with high-quality architecture and urban design; and,
  - (f) Protect important views as identified in the Downtown Plan.
- (2) Downtown Height and Stepback Requirements.
- Building height within the Downtown, as defined, is established by the Downtown Height Map and the Downtown Stepback Map, which establish maximum building heights and stepback requirements.

(a) Downtown Height Map.

1. Existing buildings as of January 1, 2013 that are taller than the maximum building heights allowed by Section 28.071(2)(a) Downtown Height Map may be redeveloped at the same height, volume and mass provided the new building is approved under the requirements of Section 28.183 Conditional Uses.
2. Existing zero-lot line buildings as of January 1, 2013 as depicted on the Parcel Analysis Map in the City of Madison Downtown Plan may be redeveloped at up to a maximum of five (5) stories, plus an additional story if stepped back on all sides if approved under the requirements of Section 28.098 Planned Development District.

(b) Additional Height Areas Map.

1. The Additional Height Areas Map defines eight (8) areas where buildings may be allowed up to two (2) additional stories above the maximum building height if approved as a conditional use under Section 28.183 provided that height is the only bulk requirement sought to be modified and the conditional use standards for additional height are met.
2. Buildings along the frontage of the 400 and 500 blocks of West Washington Avenue may be allowed two (2) additional stories above the four- (4) story building height limit provided there is a thirty- (30) foot stepback.

(c) Downtown Stepback Map.(3) Design Standards.

The following standards are applicable to all new buildings and additions, within any ten- (10) year period, exceeding fifty percent (50%) of existing building's floor area for non-residential buildings, mixed-use buildings, lodging houses, and residential buildings with 8 or more dwelling units.

(a) Parking.

1. Parking shall be located in parking structures, underground, or in surface parking lots behind principal buildings. Parking structures shall be designed with liner buildings or with ground floor office or retail uses along all street-facing facades.
2. For corner lots or through lots, rear yard surface parking areas abutting any street frontage are limited to fifty percent (50%) of that frontage, and shall be located a minimum of ten (10) feet from the street property line.
3. Parking garage openings visible from the sidewalk shall have a clear maximum height of sixteen (16) feet and a maximum width of twenty-two (22) feet. Garage doors or gates shall be located a minimum of ten (10) feet from the front property line. Doors to freight loading bays are exempt from this requirement.
4. No doors or building openings providing motor vehicle access to structured parking or loading facilities shall face State Street, King Street, or the Capitol Square.

(b) Entrance Orientation.

1. Primary building entrances on all new buildings shall be oriented to the primary abutting public street and have a functional door.
2. Additional secondary entrances may be oriented to a secondary street or parking area.
3. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features.
4. Within ten (10) feet of a block corner, the facade may be set back to form a corner entry.

(c) Facade Articulation.

1. The facades of new buildings more than forty (40) feet in width shall be divided into smaller vertical intervals through techniques including but not limited to the following:
  - a. Facade modulation, step backs, or extending forward of a portion of the facade.
  - b. Vertical divisions using different textures, materials, or colors of materials.
  - c. Division into multiple storefronts, with separate display windows and entrances.
  - d. Variation in roof lines to reinforce the modulation or vertical intervals.
  - e. Arcades, awnings, window bays, arched windows, and balconies to reinforce the vertical intervals.

(d) Story Heights and Treatment.

1. For all buildings, the maximum ground story height is eighteen (18) feet, measured from the sidewalk to the second story floor. An atrium that exceeds eighteen (18) feet will be considered more than one (1) story.
2. Upper stories shall not exceed fourteen (14) feet floor to floor.
3. For all buildings, the minimum ground story height is twelve (12) feet, measured from the sidewalk to the second story floor.
4. For non-residential uses, the average ground story floor elevation shall not be lower than the front sidewalk elevation nor higher than eighteen (18) inches above the sidewalk elevation.
5. For ground-story residential uses, landscaping, steps, porches, grade changes, and low ornamental fences or walls or similar treatments shall be located between the sidewalk and the front door to create a private yard area.

(e) Door and Window Openings.

1. For street-facing facades with ground story non-residential uses, the ground story door and window openings shall comprise a minimum of fifty percent (50%) of the facade area.
2. For street-facing facades with ground story residential uses, ground story openings shall comprise a minimum of fifteen percent (15%) of the facade area.
3. For all buildings, upper story openings shall comprise a minimum of fifteen percent (15%) of the facade area per story.
4. Garage doors and opaque service doors shall not count toward the above requirements.
5. Glass on all windows and doors shall be clear or slightly tinted, allowing views into and out of the interior. Spandrel glass may be used on service areas on the building.

(f) **Building Materials.**

1. Buildings shall be constructed of durable, high-quality materials. Table 28 E-1 below lists allowable building materials.
2. All building facades visible from a public street or public walkway shall use materials and design features similar to or complementary to those of the front facade.

**Table 28E-1:** Building Materials in Downtown and Urban Districts.

<b>Building Materials</b>	Trim / Accent Material	Top of Building	Middle of Building	Base / Bottom of Building	Standards (see footnotes)
Brick (Face/Veneer)	✓	✓	✓	✓	
Smooth-Face / Split-Face Block	✓	✓	✓	✓	A
Wood / Wood Composite	✓	✓	✓	✓	B
Fiber-Cement Siding / Panels	✓	✓	✓	✓	B
Concrete Panels (Tilt-up or Precast)	✓	✓	✓	✓	C
EIFS / Synthetic Stucco	✓	✓			D
Stone / Stone Veneer	✓	✓	✓	✓	
Metal Panels	✓	✓	✓	✓	E
Hand-Laid Stucco	✓	✓			D
Reflective Glass / Spandrel	✓				F
Glass (Transparent)	✓	✓	✓	✓	

- A- Shall be used in conjunction with a palette of materials and shall not comprise more than thirty-three percent (33%) of any building.
- B- Wood and fiber cement panels shall not be used on the ground story except between the sidewalk and the bottom of storefront windows or as an accent material.
- C- Shall incorporate horizontal and vertical articulation and modulation, including but not limited to changes in color and texture, or as part of a palette of materials.
- D- Shall not be within three feet of the ground or used on building facades facing State Street, King Street, or the Capitol Square.
- E- Shall be used in conjunction with a palette of materials; shall be a heavy gauge, non-reflective metal
- F- Shall be used in limited quantities as an accent material.

(g) **Equipment and Service Area Screening.**

1. Outdoor loading areas or mechanical equipment are not permitted in the front yard. When visible from an abutting public street or walkway, they shall be screened by a decorative fence, wall, or screen of plant material.
2. No doors or openings providing access to parking or loading facilities shall abut the Capitol Square, State Street or King Street.
3. Fences and walls shall be architecturally compatible with the principal structure.

(h) **Screening of Rooftop Equipment.**

1. All rooftop equipment, with the exception of solar and wind equipment, shall be screened from view from adjacent streets and public rights-of-way. Rooftop equipment shall be screened from view from adjacent buildings to the extent possible.
2. The equipment shall be within an enclosure. This structure shall be set back a distance of one and one-half (1½) times its height from any primary facade fronting a public street. Screens shall be of durable, permanent materials (not including wood) that are compatible with the primary building materials. (Am. by ORD-15-00104, 10-15-15)

**28.072 DOWNTOWN DISTRICT USES.**

- (1) Table 28E-2 lists all permitted and conditional uses in the downtown and urban districts.
- (a) "P" means permitted in the districts where designated.
  - (b) "C" means allows as conditional uses in the districts where designated, in compliance with all applicable standards.
  - (c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
  - (d) "Y" means there are specific requirements in Subchapter 28J associated with the use.
  - (e) "DC" means Downtown Core District.
  - (f) "UOR" means Urban Office Residential District.
  - (g) "UMX" means Urban Mixed-Use Districts.
  - (h) "DR1" means Downtown Residential 1 District.
  - (i) "DR2" means Downtown Residential 2 District.

**Table 28E-2.**

<b>Downtown and Urban Districts</b>						
	<b>DC</b>	<b>UOR</b>	<b>UMX</b>	<b>DR1</b>	<b>DR2</b>	<b>Supplemental Regulations</b>
<b>Offices</b>						
Artist, photographer studio, etc.	P	P	P			
Insurance office, real estate office, sales office	P	P	P			
Professional office, general office	P	P	P			
<b>Medical Facilities</b>						
Clinic, medical, dental or optical	P	C	P			
Hospital	C		C			Y
Medical laboratory	P	C	P			
Physical, occupational or massage therapy	P	P	P			
Veterinary clinic	P	P	P			Y
<b>Retail Sales and Services</b>						
Animal daycare	C		C			Y
Animal grooming	P		P			
ATM	C		C			Y
Bank, financial institution	P		P			
Business sales and services	P		P			
Contractor's business with showroom or workshop	C		C			Y
Farmers' market	P		P			Y
Food and related goods sales	P		P			
Free-standing vending carts	C					
Furniture and household goods sales	P		P			
Garden center			C			
General retail	P		P			
Home occupation	P/C	P/C	P/C	P/C	P/C	Y
Laundromat, self-service	P		P			
Liquor store	P		P			
Limited retail use of a landmark site or building	P	P	P	C	C	Y

<b>Downtown and Urban Districts</b>						
	<b>DC</b>	<b>UOR</b>	<b>UMX</b>	<b>DR1</b>	<b>DR2</b>	<b>Supplemental Regulations</b>
Mortuary, funeral home	P		P			
Non-accessory temporary outdoor events	C		C			Y
Post office	P	P	P			
Service business	P		P			
Sporting goods store, bait shop	P		P			
Storage locker (personal)	P	P	P			Y
Tattoo shop	P		P			
<b>Food and Beverages</b>						
Brewpub	P		P			
Catering	P		P			
Coffee shop, tea house	P		P			
Nightclub	C		C			Y
Restaurant	P		P			Y
Restaurant-nightclub	P/C		P/C			Y
Restaurant-tavern	P		P			Y
Tavern	P		P			Y
<b>Commercial Recreation, Entertainment and Lodging</b>						
Bed and breakfast establishment	P	C	P	C	C	Y
Health/sports club	P		P			
Hostel	P		P			
Hotel, inn, motel	P		P			
Indoor recreation	P		P			
Outdoor recreation	C	C	C	C	C	Y
Lodge, private club, reception hall	P	C	P			Y
Theater, assembly hall, concert hall	P		P			
Tourist rooming house	P	P	P	P	P	Y
<b>Automobile Services</b>						
Auto body shop			C			Y
Auto service station, convenience store	C		C			Y
Auto repair station	C		C			Y
Auto sales and rental	C		C			Y
Motorcycle and moped sales	C		C			
<b>Parking, Storage and Display Facilities</b>						
Parking facility, public	P	P	P			
Parking facility, private	P		C			
Parking lot exceeding maximum required parking	C	C	C			
Storage locker (personal)	P	P	P			Y

	<b>Downtown and Urban Districts</b>					
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
<b>Transportation</b>						
Bus or railroad passenger depot	C		C			
Private ambulance service	C		C			
Railroad right-of-way	P	P	P			
Transit stop or station	C	P	C			
<b>Limited Production, Processing and Storage</b>						
Artisan workshop	P		P			
Laboratory, research and development	C	C	C			
Limited production and processing	C					Y
Printing and publishing			P			
Wholesale establishment			C			
<b>Residential - Family Living</b>						
Single-family detached dwellings				P	P	
Two-family dwelling – two unit				P	P	
Two-family dwelling - twin						
Three-family dwelling – three unit				P	P	
Single-family attached dwelling (3-8 dwelling units)		P	P	P	P	
Single-family attached dwelling (> 8 dwelling units)		P	P	C	C	
Dwelling units in mixed-use buildings	P	C	P			Y
Multi-family dwelling (4 dwelling units)	P	P	P	P	P	Y
Multi-family dwelling (5-8 dwelling units)	P	P	P	C	P	Y
Multi-family dwelling (> 8 dwelling units)	P	C	C	C	C	Y
Residential building complex	C	C	C	C	C	Y
<b>Residential - Group Living</b>						
Adult family home	P/C	P/C	P/C	P/C	P/C	Y
Assisted living, congregate care, skilled nursing facility	C	C	P		C	Y
Cohousing community	P/C	P/C	P/C	C	C	Y
Community living arrangement (up to 8 residents)	P		P	P	P	Y
Community living arrangement (9-15 residents)	C		C	C	C	Y
Community living arrangement (>15 residents)				C	C	Y
Convent, monastery or similar residential group	C	C	P	C	C	Y
Daytime shelter	C	C	C	C	C	Y
Housing cooperative	P/C	P/C	P	P/C	P/C	Y
Lodging house, fraternity or sorority	C	C	P		C	Y
Mission house	C	C	C	C	C	Y

Downtown and Urban Districts						
	DC	UOR	UMX	DR1	DR2	Supplemental Regulations
<b>Civic and Institutional</b>						
College, university	C	C	C			
Community Event	P/C	P/C	P/C	P/C	P/C	Y
Correctional Facility	C					
Counseling, community services organization	P	P	P			
Day care center	P	C	P	C	C	Y
Dormitory	C	C	P			Y
Library, museum	P	C	P		C	
Parks and playgrounds	P	P	P	P	P	
Place of worship	P/C	P/C	P/C	P/C	P/C	Y
Public safety facilities	P	P	P	P	P	
Reuse of public schools, municipal buildings, or places of worship				P/C	P/C	
Schools, public and private	P	C	P	C	C	Y
Schools, arts, technical or trade	C	C	C		C	Y
<b>Agriculture</b>						
Community garden	P	P	P	P	P	
Market garden	C	C	C	C	C	Y
<b>Public Utility and Public Service Uses</b>						
Class 2 Collocations	P	P	P	P	P	
Electric substations	C	C	C	C	C	
Gas regulator stations, mixing and gate stations	C	C	C	C	C	
Radio Broadcast Service Facility	P	P	P	P	P	
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P	P	P	P	P	
Sewerage system lift stations	C	C	C	C	C	Y
Water pumping stations, water reservoirs	C	C	C	C	C	
<b>Accessory Uses and Structures</b>						
Accessory retail alcohol sales	P		P			
Emergency electric generator	P		P	P	P	Y
Accessory building or structure	P/C	P/C	P/C	P/C	P/C	Y
Accessory dwelling unit				C	C	Y
Farmers market		P		P	P	Y
Keeping of chickens	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	Y
Outdoor recreation	C	C	C	C	C	Y
Real estate sales office	P		P	P	P	Y
Solar energy systems	P	P	P	P	P	Y
Wind energy systems	C	C	C	C	C	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	Y
Temporary outdoor events	P/C		P/C			Y

<b>Downtown and Urban Districts</b>						
	<b>DC</b>	<b>UOR</b>	<b>UMX</b>	<b>DR1</b>	<b>DR2</b>	<b>Supplemental Regulations</b>
Accessory use: General retail, Service business, Restaurant, Coffee shop, Tea house, Office, professional and general		C			C	Y
Daycare, home, family	P/C	P/C	P/C	P/C	P/C	Y
Daycare center in school or religious institution	P	P	P	C	C	
Mission house	P	P	P	P	P	Y
Portable shelter mission			C			Y
Lease of off-street parking facility accessory to residential use to non-tenants	P	P	P	P	P	Y
Vehicle access sales and service	C		C			Y
Outdoor eating area associated with food & beverage establishment	C		C		C	Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	y
Outdoor display	P	P	P		C	Y
Outdoor storage	P	P	P			Y
Vending machine	C	C	C			Y
Walk-up service window	P/C		P/C			Y
Yard sales	P		P	P	P	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00098, 6-12-13; ORD-13-00134 & ORD-13-00135, 8-14-13; ORD-13-00147, 9-11-13; ORD-13-00177 & ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00083, 4-16-14; ORD-14-00115, 7-11-14; ORD-14-00147, 9-12-14; ORD-14-00143, 9-12-14; ORD-15-00026, 3-11-15; ORD-15-00032, 4-8-15; ORD-15-00079, 8-12-15; ORD-16-00049, 5-25-16; ORD-16-00092 & ORD-16-00095, 11-9-16; ORD-16-00109, 12-14-16)

### 28.073 DOWNTOWN DISTRICT BUILDING FORMS.

	<b>DC</b>	<b>UOR</b>	<b>UMX</b>	<b>DR1</b>	<b>DR2</b>
Single family detached				✓	✓
Two Unit and Three Flat				✓	✓
Two-Family Twin				✓	✓
Single-Family Attached		✓		✓	✓
Small Multi-family	✓	✓	✓	✓	✓
Large Multi-family	✓	✓	✓	✓	✓
Courtyard Multi-family		✓	✓		✓
Commercial Block	✓	✓	✓		
Liner Building	✓	✓	✓		
Parking Building	✓	✓	✓		
Live/Work Building	✓		✓		
Residential Commercial Conversion	✓	✓	✓		
Podium Building	✓	✓	✓		
Flex Building		✓	✓		
Civic / Institutional Building	✓	✓	✓	✓	✓

**28.074 DOWNTOWN CORE DISTRICT.**(1) Statement of Purpose.

The DC District is established to recognize the Capitol Square, the State Street corridor, and surrounding properties as the center of governmental, office, educational, cultural, specialty retail and recreational activities for the City and the region. Residential uses are appropriate in some locations or in combination with other uses. This district is intended to allow intensive development with high-quality architecture and urban design.

(2) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(3) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Downtown Core District</b>	
Lot area (sq. ft.)	No minimum
Minimum front yard setback	0 See (a) below
Maximum front yard setback	Buildings facing State Street, King Street or Capitol Square: 5 See (a) below
Side yard setback	The first two (2) stories of one side of all buildings: 0 See (a) below
Rear yard setback	0
Minimum height	2 Stories
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map

- (a) Specific front and/or side yard setbacks may be designated on the zoning map and may be designated as a specific location (build to line), a minimum, or a range.
- (4) Design Review.
  - Design review for all buildings and structures shall be as follows:
    - (a) Minor exterior changes or additions may be approved by the Director of the Department of Planning, Community, and Economic Development if he/she determines that the changes or additions are compatible with the existing design or consistent with the Downtown Urban Design Guidelines.
    - (b) All new buildings and additions that are less than twenty-thousand (20,000) square feet and are not approved pursuant to (a) above, as well as all major exterior alterations to any building shall be approved by the Urban Design Commission based on the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines. The applicant or the Alderperson of the District in which the use is located may appeal the decision of the Urban Design Commission to the Plan Commission.
    - (c) All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.
    - (d) Class 2 Collocations and Radio Broadcast Service Facilities are permitted uses and are not subject to design review. They are subject to review as provided in Sections 28.143 and 28.148. See Wis. Stat. §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013) (Cr. by ORD-13-00189, 11-26-13)

(5) Alterations to Approved Designs.

For buildings approved pursuant to (b) or (c) above, the Director of the Department of Planning, Community and Economic Development may approve minor alterations or additions if he/she determines that such alterations or additions are consistent with Sec. 28.071(3), if applicable, the Downtown Urban Design Guidelines, and the previously approved design.

(6) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading.
  2. Outdoor display and outdoor storage.
  3. Vending machines.
  4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  5. Bicycle-sharing facilities.
  6. Auto service stations.
  7. Agricultural activities.
  8. Temporary outdoor events.
  9. Solar energy systems and wind energy systems.
  10. Walk-up service windows.
  11. Yard sales.
  12. Composting.
  13. Keeping of chickens and keeping of honeybees.
  14. Outdoor recreation.
  15. Vehicle access sales and service windows.
  16. Farmers market.

**28.075 URBAN OFFICE-RESIDENTIAL (UOR) DISTRICT.**(1) **Statement of Purpose.**

This district is intended to provide for office uses in combination with medium-density residential uses in close proximity to residential neighborhoods. Limited retail and service uses serving the immediate neighborhood may be appropriate in combination with the primary office and residential uses. This district may also serve as a transition between more intense zoning districts and surrounding residential uses.

(2) **Permitted and Conditional Uses.**

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(3) **Dimensional Standards.**

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Urban Office-Residential District</b>	
Lot area (sq. ft.)	8,000
Lot width	65
Front yard setback	15 See (a) below
Side yard setback	10
Rear yard setback	20% of lot depth, but at least 30 See (b) below
Maximum lot coverage	75%
Minimum height	2 stories
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map
Usable open space	20 sq. ft. per bedroom See (c) below

- (a) Specific front yard setbacks may be designated on the zoning map and may be designated as a specific location (build to line), a minimum, or a range.
- (b) Underground parking may extend into the rear yard setback if located completely below grade.
- (c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.

(4) **Site Standards: New and Existing Development.**

- (a) All business activities shall be conducted within completely enclosed buildings except:
  - 1. Off-street parking and off-street loading.
  - 2. Outdoor display and outdoor storage.
  - 3. Vending machines.
  - 4. Bicycle-sharing facilities.
  - 5. Agricultural activities.
  - 6. Temporary outdoor events.
  - 7. Solar energy systems and wind energy systems.
  - 8. Yard sales.
  - 9. Composting.
  - 10. Keeping of chickens and keeping of honeybees.
  - 11. Outdoor recreation.
  - 12. Outdoor cooking and service areas associated with food and beverage establishments. (Cr. by ORD-13-00178, 10-23-13)

**28.076 URBAN MIXED-USE (UMX) DISTRICT.**

- (1) Statement of Purpose.  
This district is intended to provide opportunities for high-density residential and office uses in combination with limited retail and service uses designed to serve the immediate surroundings.
- (2) Permitted and Conditional Uses.  
See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.
- (3) Dimensional Standards.  
Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Urban Mixed-Use District</b>	
Lot area (sq. ft.)	3,000
Lot width	30
Minimum front yard setback	Nonresidential or mixed-use buildings: 0 Residential buildings: 5 See (a) below
Maximum front yard setback	10 See (a) below
Side yard setback	0
Rear yard setback	10 See (b) below
Maximum lot coverage	90%
Minimum height	2 Stories
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map
Usable open space	10 sq. ft. per bedroom See (c) below

- (a) Specific front yard setbacks may be designated on the zoning map and may be designated as a specific location (build to line), a minimum, or a range.
- (b) Underground parking may extend into the rear yard setback if it is located completely below pre-construction existing grade or under a slope of no greater than one (1) to three (3) feet to the lot line and is completely covered by landscape. (Am. by ORD-16-00051, 5-25-16)
- (c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.
- (4) Design Review.  
Design review for all buildings and structures shall be as follows:
  - (a) Minor exterior changes or additions may be approved by the Director of the Department of Planning, Community, and Economic Development if he/she determines that the changes or additions are compatible with the existing design or consistent with the Downtown Urban Design Guidelines.
  - (b) All new buildings and additions that are less than twenty-thousand (20,000) square feet and are not approved pursuant to (a) above, as well as all major exterior alterations to any building shall be approved by the Urban Design Commission based on the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines. The applicant or the Alderperson of the District in which the use is located may appeal the decision of the Urban Design Commission to the Plan Commission.

- (c) All new buildings and additions greater than twenty thousand (20,000) square feet or that have more than four (4) stories shall obtain conditional use approval. In addition, the Urban Design Commission shall review such projects for conformity to the design standards in Sec. 28.071(3), if applicable, and the Downtown Urban Design Guidelines and shall report its findings to the Plan Commission.
  - (d) Class 2 Collocations and Radio Broadcast Service Facilities are permitted uses and are not subject to design review. They are subject to review as provided in Sections 28.143 and 28.148. See Wis. Stat. §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013) (Cr. by ORD-13-00189, 11-26-13)
- (5) **Alterations to Approved Designs.**  
For buildings approved pursuant to (b) or (c) above, the Director of the Department of Planning, Community and Economic Development may approve minor alterations or additions if he/she determines that such alterations or additions are consistent with Sec. 28.071(3), if applicable, the Downtown Urban Design Guidelines, and the previously approved design.
- (6) **Site Standards: New and Existing Development.**
- (a) All business activities shall be conducted within completely enclosed buildings except:
    1. Off-street parking and off-street loading.
    2. Outdoor display and outdoor storage.
    3. Vending machines.
    4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
    5. Bicycle-sharing facilities.
    6. Auto service stations.
    7. Agricultural activities.
    8. Temporary outdoor events.
    9. Solar energy systems and wind energy systems.
    10. Walk-up service windows.
    11. Yard sales.
    12. Composting.
    13. Keeping of chickens and keeping of honeybees.
    14. Outdoor recreation.
    15. Vehicle access sales and service windows.
    16. Farmers market.

**28.077 DOWNTOWN RESIDENTIAL DISTRICTS.**(1) Statement of Purpose.

These districts are intended to recognize historic Downtown neighborhoods comprised of predominantly residential uses with some non-residential uses. The districts are also intended to:

- (a) Facilitate the preservation, development or redevelopment goals of the comprehensive plan and of adopted neighborhood, corridor or special area plans.
- (b) Promote the preservation and conservation of historic buildings and districts while allowing selective infill and redevelopment based on the recommendations of adopted City plans.
- (c) Ensure that new buildings and additions to existing buildings are designed with sensitivity to their context in terms of scale and rhythm, building placement, facade width, height and proportions, garage and driveway placement, landscaping and similar design features.

**28.078 DOWNTOWN RESIDENTIAL 1 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(2) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Downtown Residential 1 District</b>	
Lot area (sq. ft.)	3,000
Lot width	1, 2, and 3-unit dwellings: 30 >3-unit dwellings, and non-residential and mixed-use buildings: 40
Front yard setback	15 See (a) below
Side yard setback	5 Lot width <40: 10% lot width
Rear yard setback	Lesser of 20% lot depth or 30 See (b) below
Maximum lot coverage	75%
Maximum height	See Downtown Height Map
Stepback	See Downtown Stepback Map
Usable open space	40 sq. ft. per bedroom See (c) below

(Am. by ORD-14-00133, 8-13-14)

- (a) Front yard setbacks may be designated on the zoning map as a specific location (build to line), a minimum, or a range.
- (b) Underground parking may extend into the rear yard setback if located completely below grade.
- (c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.

(3) Residential Point System.

To ensure a variety of housing types in the downtown area, the following point values are established:

Type of Dwelling Unit	Point Value
Studio/efficiency unit	0.75
One-bedroom unit	1
Two-bedroom unit	2
Three or more bedroom unit	3

In any building except for the Residential - Group Living category (see Table 28E-2) the average point value for all dwelling units must be at least 1.25. (Am. by ORD-16-00096, 11-9-16)

(4) Building Standards.

The following standards are applicable to new buildings and additions, within any ten- (10) year period, exceeding fifty percent (50%) of existing building's floor area.

- (a) Maximum Building Width. The maximum width of any building fronting the primary abutting street shall not exceed sixty (60) feet.
- (b) Through-lot Development. Development of through lots shall be designed with buildings oriented to each street and with a minimum distance of sixty (60) feet between rear facades of above-ground building elements. Underground parking may extend into this shared rear yard area if located completely below grade.

**28.079 DOWNTOWN RESIDENTIAL 2 DISTRICT.**(1) Permitted and Conditional Uses.

See Table 28E-2 for a complete list of allowed uses within the downtown and urban districts.

(2) Dimensional Standards.

Standards represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Downtown Residential 2 District	
Lot area	3,000 sq. ft.
Lot width	30 for 1, 2, and 3-unit buildings 40 for 4-unit buildings and higher, and for non-residential and mixed-use buildings
Front yard setback	10 See (a) below
Side yard setback	5 Lot width <40: 10%
Rear yard setback	Lesser of 20% lot depth or 20 See (b) below
Maximum lot coverage	80%
Minimum height	2 stories
Maximum height	See Downtown Height Map
Stepbacks	See Downtown Stepback Map
Usable open space	20 sq. ft. per bedroom See (c) below

(Am. by ORD-15-00105, 10-15-15)

- (a) Front yard setbacks may be designated on the zoning map as a specific location (build to line), minimum, or a range.

- (b) Underground parking may extend into the rear yard setback if located completely below grade.
  - (c) Usable open space may take the form of at-grade open space, porches, balconies, roof decks, green roofs or other above-ground amenities.
- (3) **Residential Point System.**
- To ensure a variety of housing types in the downtown area, the following point values are established:

Type of Dwelling Unit	Point Value
Studio/efficiency unit	0.75
One-bedroom unit	1
Two-bedroom unit	2
Three or more bedroom unit	3

In any building except for the Residential - Group Living category (see Table 28E-2) the average point value for all dwelling units must be at least 1.25.



## SUBCHAPTER 28F: EMPLOYMENT DISTRICTS

### 28.081 EMPLOYMENT DISTRICTS.

#### (1) Statement of Purpose.

Employment districts are established to strengthen and diversify the local economy, expand the local tax base, cultivate an entrepreneurial culture and stimulate job creation. The districts are also intended to:

- (a) Encourage the design of employment centers that are well-connected to transit, bike and pedestrian corridors, regional highways, and nearby housing, civic, commercial and recreational uses.
- (b) Encourage provision of support facilities and services to employment centers.
- (c) Encourage sustainable building and site design.
- (d) Provide adequate buffering and screening for less intensive land uses adjoining industrial or other employment uses, in particular, to minimize the impact of odors, noise, vibration, glare and other potential effects of manufacturing beyond the property where such uses exist.
- (e) Provide adequate screening of outdoor activities and storage from primary streets.

### 28.082 EMPLOYMENT DISTRICT USES.

- (1) Table 28F-1 lists all permitted and conditional uses in the employment districts.
  - (a) "P" means permitted in the districts where designated.
  - (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
  - (c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J, as specified.
  - (d) "Y" means that there are specific requirements in Subchapter 28J associated with a use.
  - (e) "TE" means Traditional Employment District.
  - (f) "SE" means Suburban Employment District.
  - (g) "SEC" means Suburban Employment Center District.
  - (h) "EC" means Employment Campus District.
  - (i) "IL" means Industrial - Limited District.
  - (j) "IG" Industrial - General District.

**Table 28F-1.**

<b>Employment Districts</b>						
	TE	SE	SEC	EC	IL	IG
<b>Offices</b>						
Artist, photographer studio, etc.	P	P	P	P	P	P
Insurance office, real estate office, sales office	P	P	P	P	P	P
Professional office, general office	P	P	P	P	P	P
<b>Limited Production, Processing and Storage</b>						
Artisan workshop	P	C	C		P	P
Bakery, wholesale	P				P	P
Bottling plant	C				P	P
Contractor's yard	C				P	P
Distilleries	C				C	C
Junkyard						C
Laboratories - research, development and testing	P	P	P	P	P	P
Limited production and processing	P	P	P	P	P	P
Mail order house	P	P	P	P	P	P
Printing and publishing	P	P	P	P	P	P
Recycling collection center, drop-off station	C	C	C	C	P	P
Storage facility, personal indoor storage	C	C			C	C
Telecommunication center	C	C	P	P	P	P
Warehousing and storage	C	C			P	P
Wineries	P				P	P
Wholesale establishment	P	P			P	P
<b>Industrial Uses</b>						
Asphalt, concrete batching or ready-mix plant						C
Brewery	C				C	P
Concrete, asphalt and rock crushing facility						C
General manufacturing					C	P
Hazardous waste collection, storage or transfer						C
Landfill						C
Light manufacturing	C	C			P	P
Lumberyard	P				P	P
Railroad right-of-way	C	C	C	C	C	P
Recycling center	C				C	P
Waste transfer station					C	C
<b>Public Utility and Public Service Uses</b>						
Class 2 Collocations	P	P	P	P	P	P
Electric power production and/or heating and cooling plant	P	C	C	C	P	P
Electric substations	P	C	C	C	P	P
Gas regulator stations, mixing and gate stations	P	C	C	C	P	P
Radio Broadcast Service Facility	P	P	P	P	P	P

<b>Employment Districts</b>							<b>Supplemental Regulations</b>
	<b>TE</b>	<b>SE</b>	<b>SEC</b>	<b>EC</b>	<b>IL</b>	<b>IG</b>	
Sewerage system lift stations	P	P	P	P	P	P	Y
Telecommunications towers, Class 1 Collocations, and transmission equipment buildings	P	P	P	P	P	P	
Water pumping stations, municipal wells	P	P	P	P	P	P	
Water towers and reservoirs	C	C	C	C	C	C	
<b>Transportation Uses</b>							
Bus or railroad passenger depot	C	C	C	C	C	C	
Motor freight terminal					C	P	
Private ambulance service	P	P	P	P	P	P	
Railroad or intermodal freight yard					C	P	
Railroad transfer and storage tracks					P	P	
Railroad yard or shop					C	P	
Taxi or limousine business	C				C	P	
Transit station, transfer point	P	P	P	P	P	P	
<b>Medical Facilities</b>							
Clinic - Health	P	P	P	P			
Hospital		C	C	C			Y
Medical laboratory	P	P	P	P	P	P	
Physical, occupational or massage therapy	P	P	P	P			
Veterinary clinic, animal hospital	P	P	P	P	P		Y
<b>Retail Sales and Services</b>							
General retail	C	C	C	C	C	C	Y
Animal boarding facility, kennel, animal shelter					C	C	Y
Animal day care					C	C	Y
ATM	P	P	P	P	P	P	
Auction rooms		C			C	C	
Bank, financial institution	P	P	P	P	P		
Building materials sales					C	C	
Business equipment sales and services	P	P	P	P	P	P	
Contractor's business with showroom or workshop	P	P	P	P	P	P	Y
Dry cleaning plant, commercial laundry	C				P	P	
Farmers' market	P	P					Y
Food and related goods sales	C	C					
Garden center,	C	C					
Greenhouse, nursery	P				P	P	
Handgun sales					P	P	
Machinery equipment sales and service					P	P	
Mobile grocery store	P	P	P	P	P	P	Y

<b>Employment Districts</b>						
	<b>TE</b>	<b>SE</b>	<b>SEC</b>	<b>EC</b>	<b>IL</b>	<b>IG</b>
Package delivery service		P			P	P
Photocopying	P	P	P	P	P	P
Post office	P	P	P	P		
Service business	P/C	P/C	C	C	C	C
Small appliance repair	P	P	P	C	P	P
<b>Food and Beverages</b>						
Brewpub	C	C	C	C	C	C
Catering	P	P	P	P	P	P
Coffee shop, tea house	P	C	C	C	C	C
Nightclub	C	C	C	C	C	C
Restaurant	C	C	C	C	C	C
Restaurant-nightclub	P/C	P/C	P/C	P/C	P/C	P/C
Restaurant-tavern	C	C	C	C	C	C
Tavern	C	C	C	C	C	C
<b>Commercial Recreation, Entertainment and Lodging</b>						
Health/sports club	P	P	C	P	C	
Hotel, inn, motel	C	C	C	C		
Indoor recreation	C	C	C	C	C	
Lodge, private club, reception hall	C		C	C	C	Y
Outdoor recreation	C	C	C	C	C	C
Theater, Assembly Hall, Concert Hall	C	C	C	C		
Tourist rooming house	P	P	P	P		Y
<b>Adult Entertainment</b>						
Adult entertainment establishment					P	P
Adult entertainment tavern					P	P
<b>Automobile Services</b>						
Auto body shop					P	P
Auto service station, convenience store	C	C				Y
Auto repair station	C	C			P	P
Auto rental		C				Y
Car wash	C	C				Y
Heavy-traffic vehicle sales					P	P
Motorcycle and moped sales					P	P
Motor vehicle salvage yard, scrap yard					C	Y
<b>Parking, Storage and Display Facilities</b>						
Parking exceeding maximum parking	C	C		C	C	
Parking facility, private	C	C		C	C	
Parking facility, public	P	P		P	P	
Storage locker (personal)	P	P	P	P	P	Y

<b>Employment Districts</b>							
	TE	SE	SEC	EC	IL	IG	Supplemental Regulations
<b>Residential - Family Living</b>							
Dwelling units in mixed-use buildings	C	C	C	C			Y
Live/work unit	C	C		C			Y
Multi-family dwelling	C	C		C			Y
Residential building complex	C	C		C			Y
Single-family attached dwelling (> 8 dwelling units)	C	C		C			Y
<b>Residential - Group Living</b>							
Assisted living facility, congregate care facility, skilled nursing facility	C	C					Y
Cohousing Community	C	C	C	C			Y
Community living arrangement (> 8 residents)	C	C					Y
Daytime shelter	C						Y
Housing cooperative	C						Y
Mission house	C						Y
<b>Civic and Institutional</b>							
Archival facilities, publicly-owned	P	P	P	P	P	P	
Colleges and universities	C	C	P	C			
Community Event	P/C	P/C	P/C	P/C	P/C	P/C	Y
Counseling, community services organization	C	C	C	C			
Day care center	P	P	P	P	C	C	Y
Library, museum	P		P	P			
Parks and playgrounds	P	P	P	P	P	P	
Place of worship	P	P	P	P			Y
Public safety or service facilities	P	P	P	P	P	P	
Recreation, community, and neighborhood centers	P	P	P	P			
Schools, arts, technical or trade	C	P	C	P	C	C	Y
Schools, public and private	C	C	P	C			Y
Training facilities, military or public safety			C	C	C	C	
<b>Agriculture</b>							
Agriculture - Animal husbandry	C	C	C	C	P	P	
Agriculture - Cultivation	P	C	P	P	P	P	
Community garden	P	P	P	P	P	P	
Keeping of chickens	P	P	P	P	P	P	Y
Keeping of honeybees	P	P	P	P	P	P	Y
Market garden	C	C	C	C	C	C	Y
<b>Accessory Uses and Structures</b>							
Accessory building and structures	P/C	P/C	P/C	P/C	P/C	P/C	Y
Accessory mission house	P						Y
Accessory retail alcohol sales	P	P	P	P	P	P	

<b>Employment Districts</b>							
	<b>TE</b>	<b>SE</b>	<b>SEC</b>	<b>EC</b>	<b>IL</b>	<b>IG</b>	<b>Supplemental Regulations</b>
Caretaker's dwelling	P	P	P	P	P	P	Y
Composting	P	P	P	P	P	P	
Day care home, family	P/C						Y
Emergency electric generator	P	P	P	P	P	P	
Farmers' market	C			P	P	P	Y
Furniture and household goods sales	P				P		
Heliport	P	P	P	P	P	P	
Home occupation	P/C	P/C	P/C	P/C			Y
Indoor recreation				P			
Keeping of chickens	P	P	P	P	P	P	Y
Outdoor display	C	C	C	C	C	C	Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	P/C	Y
Outdoor eating area associated with food & beverage establishment	C	C	C	C	C	C	Y
Outdoor recreation	C	C	C	C	C	C	Y
Outdoor storage	P	P	C	P	P	P	Y
Parking of trucks and heavy equipment accessory to an allowed use	P	C		C	P	P	
Portable storage units	P	P	P	P			Y
Showroom accessory to allowed use	P	P	P	P	P	P	
Solar energy systems	P	P	P	P	P	P	Y
Temporary buildings for storage of construction materials and equipment	P	P	P	P	P	P	Y
Temporary outdoor events	P/C	P/C	P/C	P/C	P/C	P/C	Y
Towing and wrecker service business	P	P			P	P	Y
Vehicle access sales and service windows	C	P	P	P	P	P	Y
Walk-up service windows	P/C	P/C	P/C	P/C	P/C	P/C	Y
Wind energy systems	C	C	C	C	C	C	Y

(Am. by ORD-13-00007, 1-15-13; ORD-13-00029, 3-27-13; ORD-13-00054 & ORD-13-00055, 4-24-13; ORD-13-00099, 6-12-13; ORD-13-00132 & ORD-13-00134, 8-14-13; ORD-13-00147, 9-11-13; ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189 & ORD-13-00192, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00037, 3-6-14; ORD-14-00051, 3-12-14; ORD-14-00083, 4-16-14; ORD-14-00115, 7-11-14; ORD-14-00163, 10-29-14; ORD-15-00026, 3-11-15; ORD-15-00031 & ORD-15-00032, 4-8-15; ORD-15-00080, 8-12-15; ORD-16-00074, 9-15-16; ORD-16-00092 & 00097, 11-9-16; ORD-16-00109, 12-14-16; ORD-17-00016, ORD-17-00019, ORD-17-00024, 2-20-17; ORD-17-00046, 5-11-17)

**28.083 EMPLOYMENT DISTRICTS BUILDING FORMS.****Table 28F-2.**

BUILDING FORM	TE	SE	SEC	EC	IL	IG
Commercial Block Building	✓	✓	✓	✓	✓	✓
Residential - Commercial Conversion	✓					
Live-Work Building	✓	✓		✓		
Single-Family Attached Building	✓	✓		✓		
Courtyard Multi-Family Building	✓	✓		✓		
Small Multi-Family Building	✓	✓		✓		
Large Multi-Family Building	✓	✓		✓		
Civic or Institutional Building	✓	✓	✓	✓		
Liner Building	✓	✓	✓	✓	✓	✓
Podium Building	✓	✓	✓	✓	✓	
Flex Building	✓	✓	✓	✓	✓	✓
Free-Standing Commercial Building	✓	✓	✓	✓	✓	✓
Parking Building	✓	✓	✓	✓	✓	✓
Industrial Building	✓	✓	✓	✓	✓	✓



**28.084 TRADITIONAL EMPLOYMENT DISTRICT.**(1) Statement of Purpose.

The TE District is established to encourage a broad range of employment activities, taking advantage of the varied transportation options and proximity to urban activities and cultural amenities found in many Traditional Employment locations. Residential uses are of secondary importance. The district is also intended to:

- (a) Encourage businesses with the potential to provide significant numbers of living-wage jobs that contribute to a sustainable economy and a strong tax base.
- (b) Support the continued use or adaptive re-use of traditional industrial buildings for a variety of purposes.
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Traditional Employment District</b>	
Lot area (sq. ft.)	6,000
Lot area (for exclusive residential use)	2000 sq. ft./unit
Lot width	50
Front yard setback	None (see frontage requirements)
Side yard setback: Where buildings abut residentially-zoned lots at side lot line.	Minimum side yard required in the adjacent residential district
Side yard setback: for exclusive residential use	5 ft.: 1 story 6 ft.: 2 or more stories
Side yard setback: other cases (i.e. infill between party wall storefront buildings)	None unless needed for access
Rear yard setback	Lesser of 20% lot depth or 20
Maximum lot coverage	85%
Minimum height	22, measured to building cornice
Maximum height	5 stories/68 See (c) below
Usable open space - residential only	20 sq. ft./bedroom

(Am. by ORD-14-00003, 1-14-14; ORD-14-00133, 8-13-14; ORD-14-00169, 12-3-14; ORD-17-00054, 6-19-17)

(a) (Rep. by ORD-17-00054, 6-19-17)

(b) Rear or Side Yard Height Transitions to Adjacent Residential Districts. Where the TE District abuts a residential district, building height at the rear or side yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the

property line, (a 45° angle) up to the maximum allowed height. (Am. by ORD-14-00131, 8-13-14)

- (c) **Additional Height.** Building heights exceeding the maximum height may be allowed with conditional use approval. (Cr. by ORD-13-00007, 1-15-13)

(4) **Site Standards.**

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.

- (a) **Parking Placement.** Parking shall not be placed between the plane of the front facade of a building and the abutting street. In addition, for buildings at corner locations, surface parking shall not be placed between the plane of a side facade of the building and an abutting street, in the area from said street back to a point marking fifty percent (50%) of the total building depth. These provisions do not apply when the building being enlarged is an existing landmark building or a contributing building in a historic district.

- (b) For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible from the front facade of the building.

- (c) For all Building Forms other than (b) above, parking shall be located to the rear or side of the principal building.

- (d) **Loading.** All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to a TE district.

- (e) **Entrance Orientation.** Primary building entrances on all new buildings shall be oriented to the primary abutting public street. The entrance shall have a functional door. Additional, secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping, or similar design features. Barrier-free entrances are encouraged.

- (f) Notwithstanding (a), for lots abutting a street on three (3) or more sides, a maximum of twelve (12) parking stalls but no more than fifty percent (50%) of the total surface parking spaces may be located between the front facade and the street. These spaces shall be oriented to customers and visitors. (Cr. by ORD-14-00069, 4-16-14)

(Sec. 28.084(4) Am. by ORD-13-00193, 11-26-13)

(5) **Site Standards: New and Existing Development.**

- (a) All business activities shall be conducted within completely enclosed buildings, except:
1. Off-street parking and off-street loading.
  2. Outdoor display and outdoor storage.
  3. Temporary outdoor events.
  4. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  5. Agricultural activities.
  6. Vehicle access sales and service windows.
  7. Solar energy systems and wind energy systems.
  8. Bicycle-sharing facilities.

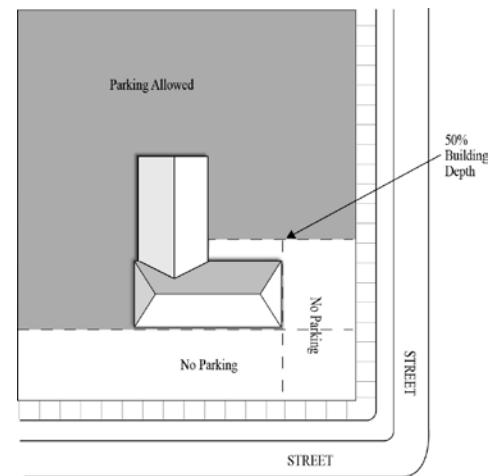


Figure F1: Parking Placement on Corner Properties

- 9. Farmers' markets.
- 10. Composting.
- 11. Auto service stations.
- 12. Outdoor recreation.
- (b) Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

## **28.085 SUBURBAN EMPLOYMENT DISTRICT.**

(1) Statement of Purpose.

The SE District is established to encourage a broad range of employment activities, including limited industrial uses conducted within enclosed buildings, while also encouraging shared access, improved landscaping and site design, and bicycle and pedestrian facilities. The district is also intended to:

- (a) Encourage the integration of complementary employment and related uses in an attractive and pedestrian-oriented environment.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Suburban Employment District</b>	
Lot area (sq. ft.)	20,000
Lot area (for exclusive residential use)	2000 sq. ft./unit
Lot width	65
Front yard setback	See (a) below
Side yard setback	15 or 20% building height
Side yard setback (for exclusive residential use)	15 or 20% of building height
Rear yard setback	30
Maximum lot coverage	75%
Minimum height	22, measured to building cornice
Maximum height	5 stories/68 Residential uses: 4 stories/55 See (d) below
Usable open space – residential only	400 sq. ft./unit

(Am. by ORD-17-00054, 6-19-17)

- (a) Front Yard Setback. For buildings at corner locations, within thirty (30) feet of the corner, at least seventy percent (70%) of the building facade shall be located within twenty-five (25) feet of the front lot line. Parking shall not be placed between the building and the street in this area.
- (b) (Rep. by ORD-17-00054, 6-19-17)
- (c) Rear or Side Yard Height Transitions to Adjacent Residential Districts. Where the SE District abuts a residential district, building height at the rear or side yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height. (Am. by ORD-14-00131, 8-13-14)
- (d) Additional Height. Building heights exceeding the maximum may be allowed with conditional use approval.
- (e) For lots of record created prior to adoption of this ordinance with existing buildings exceeding five (5) stories or sixty-eight (68) feet, the maximum building height shall be limited to the height of any existing buildings exceeding five (5) stories or sixty-eight (68) feet.

(4) Site Standards: New Development.

The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.

- (a) Parking Placement. For the Single-Family Attached, Small Multi-Family, Large Multi-Family, and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family buildings, structured parking at ground level shall not be visible from the front facade of the building
- (b) For all Building Forms other than (a) above, the majority of off-street parking shall be located to the rear or side of the principal building. A maximum of one drive aisle and two rows of parking, not to exceed seventy (70) feet of parking, may be located between the front of the principal building and the street, set back at least twenty-five (25) feet from the front lot line.
- (c) The building front shall be oriented to the primary street. Loading and service areas shall be located at the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an SE district.

(5) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed building, except:
  - 1. Off-street parking and off-street loading.
  - 2. Composting.
  - 3. Bicycle-sharing facilities.
  - 4. Outdoor display and outdoor storage.
  - 5. Temporary outdoor events.
  - 6. Agricultural activities.
  - 7. Solar energy systems and wind energy systems.
  - 8. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  - 9. Vehicle access sales and service windows.
  - 10. Outdoor recreation.

- (b) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

## **28.086 SUBURBAN EMPLOYMENT CENTER DISTRICT.**

(1) Statement of Purpose.

The SEC district is established to recognize existing office and research parks developed in accordance with master plans, and to provide for the continued development of these parks in accordance with their adopted plans. Therefore, the placement of buildings, open space, internal roads and parking within these parks is allowed to remain in its current form. The district is also intended to encourage the integration of complementary employment and related uses in an attractive and functional environment. The district is not intended to apply to new office and research parks.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Suburban Employment Center District</b>	
Lot area	1 acre
Lot width	100
Front yard setback	25
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30 or 45% of building height (the greater)
Maximum lot coverage	75%
Maximum building coverage	50%
Maximum floor area ratio	1.0
Minimum height	22, measured to building cornice
Maximum height	none

(4) Site Standards.

- (a) In the design of any office or research park, consideration shall be given to pedestrian circulation, preservation and linkage of open space areas, location of future buildings, and the clustering of amenities to provide for a planned integrated development.
- (b) Parking Design. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety.

1. Off-street parking shall not be located within front or street side yard setbacks, but may be located within rear yard and interior side yard setbacks and the building envelope.
  2. Surface parking located in a side or rear yard setback shall be set back a minimum of twenty (20) feet from the boundary of a Residential or Special district.
- (c) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.
- (d) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading.
  2. Outside storage and outdoor display.
  3. Bicycle-sharing facilities.
  4. Temporary outdoor events.
  5. Outdoor eating, cooking, and service area associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  6. Agricultural activities.
  7. Solar energy systems and wind energy systems.
  8. Composting.
  9. Vehicle access sales and service windows.
  10. Outdoor recreation.
- (5) **Design Review.** All buildings constructed within an SEC district shall be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:
- (a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.
- (b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission.

## **28.087 EMPLOYMENT CAMPUS DISTRICT.**

- (1) **Statement of Purpose.** The EC District is established to provide an aesthetically attractive urban working environment intended to promote desirable economic development activities, including high-technology, research and development, testing, and specialized manufacturing establishments, as well as professional offices and business incubators. The district is also intended to:
- (a) Encourage compact development, primarily with multi-story buildings.
- (b) Encourage mixed-use development in appropriate locations.
- (c) Provide readily accessible services for employees.
- (d) Improve pedestrian, bicycle and transit connections to and through employment campuses.
- (e) Encourage building and site design that advance the City's sustainability goals.
- (f) Maintain and improve the quality of the natural landscape within employment campuses.
- (g) Provide appropriate transitions to surrounding land uses.
- (h) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.
- (i) Facilitate development with multiple buildings.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Employment Campus District</b>	
Site area	5 acres
Front yard setback	See (a) below
Side yard setback	10; 0 if sharing a common wall with a building on an adjacent lot
Rear yard setback	10; 0 if sharing a common wall with a building on an adjacent lot
Maximum lot coverage	85%
Minimum floor area ratio (FAR)	0.35 (See (c) below)

- (a) Front Yard Setback. At least fifty percent (50%) of the building facade facing the front property line shall be located within thirty (30) feet of the front lot line. For corner lots, the side street shall be treated as a front yard.
  - (b) Exclusive Residential Use. Buildings with exclusively residential uses shall meet the Lot Area, Lot Width, and Side Yard Setback requirements of the TR-V2 District, Sec. 28.047.
  - (c) For phased development, the minimum FAR for the first phase shall be 0.20. Area used for multi-site or regional stormwater management or for low-impact stormwater management methods shall not be counted as part of the floor area ratio calculation.
- (4) Site Standards.  
The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.
- (a) Parking Placement. For the Single-Family Attached, Small Multi-Family, Large Multi-Family and Courtyard Multi-Family Building Forms, parking shall be located behind or beside each building, below the building, or in a common parking court in the interior of a block. If located on the side of the building, surface or structured parking shall occupy no more than twenty-five percent (25%) of the frontage along the primary abutting street. For Large Multi-Family Buildings, structured parking at ground level shall not be visible from the front facade of the building.

- (b) For all Building Forms other than (a) above accessory off-street parking lots and loading berths, and access driveways shall be located, designed and improved so as to provide for safe and convenient access from adjoining streets, as well as safe and convenient circulation within the site. Access driveways and parking lots shall be separated from principal pedestrian walkways and recreational areas by pavement markings, curbs, planting areas, fences or other appropriate materials to ensure pedestrian safety. Off-street parking lots shall not be located in required front yards or street side yards on corner lots, but may be located in required rear yards to the rear of a building or in an interior side yard beyond the larger of the required front yard or the actual front setback. A parking lot containing not more than ten (10) parking spaces may be located to the front or side of a building, but not in any required front yard or in the required street side yard on a corner lot unless shown on an approved master plan for the district. If approved by the Architectural Design Committee, a parking lot containing more than ten (10) parking spaces may be located the front or side of a building, but not in any required front yard or in the required street side yard on a corner lot. Any parking lot located in a required side or rear yard shall be located not less than twenty (20) feet from any lot in a Residence or Special District. Access driveway shall be designed and located so that such driveways do not provide a direct unlandscaped view from the street to the loading berths or storage areas. A plan for tree islands and parking lot landscaping shall be included with the landscape plan required in sub. (5)(a) below. Off street parking facilities shall be located at least ten (10) feet from any property line and/or right-of-way and utilize a landscape buffer than includes trees. Shrubs, decorative fencing, benches, flowerbeds, ground covers, or other high-quality materials. For every twelve (12) to fifteen (15) parking stalls in a continuous row, at least once canopy tree shall be required in an interior parking island pursuant to the requirements of Sec. 28.142 of these ordinances.
- (c) Loading. All loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an EC district.
- (d) All business activities shall be conducted within completely enclosed buildings, except for the following:
1. Off-street parking and off-street loading.
  2. Vehicle access sales and service windows.
  3. Bicycle-sharing facility.
  4. Outdoor storage and outdoor display.
  5. Temporary outdoor events.
  6. Agricultural activities.
  7. Composting.
  8. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  9. Farmers' markets.
  10. Outdoor recreation.
- (e) Access to the employment campus shall be from a collector or arterial street.
- (f) In addition to the requirements in Sec. 28.142, all lots shall be landscaped, including the provision of canopy-type shade trees. Where possible, existing healthy trees, other than nuisance species, shall be retained. All land areas not covered by buildings, structures,

storage areas, parking lots, loading areas and driveways, shall be landscaped and maintained. Landscaping shall mean decorative plazas, mounds, pools or the planting of grass, shrubs, trees and other plant materials or other comparable surface cover. To comply with the above provisions, a landscape plan shall be submitted and approved by the Director of the Department of Planning and Community and Economic Development.

- (g) All storage, except for storage of licensed operable vehicles, shall be within completely enclosed buildings or located to the rear of buildings and limited to a maximum of five percent (5%) of the total lot area. Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.

- (h) Food and beverage uses shall only be located within a mixed-use building that includes office or other employment uses. (Cr. by ORD-14-00132, 8-13-14)

(5) Master Plan.

A master plan for each employment campus shall be prepared as part of any rezoning submittal. The plan must be approved by the Plan Commission and include the following:

- (a) A site plan, including:
1. Conceptual plan showing lots and approximate building footprints, parking and service areas.
  2. Landscape plan and landscape design standards.
  3. Street layout and street design standards.
  4. Signage and street graphics standards.
  5. Stormwater management plan.
- (b) Plan submittal and review procedures for individual sites within the campus.
- (c) A parking plan, meeting standards of this chapter for automobile and bicycle parking.
- (d) A Transportation Demand Management Plan, which must also be approved by the Traffic Engineer. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking, and other non-motorized travel; flexible work schedules; and parking management programs to substantially reduce automobile trips. The TDM Plan shall be managed by a property owners' association or other entity acceptable to the Director of the Department of Planning and Community and Economic Development. This association shall provide annual reports on the implementation of the TDM Plan to the Traffic Engineer.

(6) Design Review.

All buildings constructed within an EC district shall be reviewed and approved by an architectural review committee. The committee shall be established by the developer of the district and shall meet the following criteria:

- (a) The building design review criteria, design standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission. Design review shall not include the Dimensional Requirements in (8) below.
- (b) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Sec. 33.24, MGO.

(7) Changes to Master Plan.

No alteration of an approved Master Plan shall be permitted unless approved by the Plan Commission, provided, however, the Zoning Administrator may, following consideration by the alderperson of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Secs. 28.086 and 28.182 shall be required.

**28.088 INDUSTRIAL - LIMITED DISTRICT.**(1) Statement of Purpose.

This district provides for a mix of light manufacturing uses, offices, warehousing, flex-space, limited storage and warehousing, and limited retail and service uses that primarily serve the industrial uses, designed with adequate landscaping and screening, to ensure compatibility with adjoining uses. Industrial districts typically require relatively direct access to the regional highway system, and may require rail or air transportation service. The IL district is also intended to:

- (a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Industrial - Limited District</b>	
Lot area (sq. ft.)	20,000
Lot width	75
Front yard setback	See (a) below
Side yard setback	Greater of 15 feet or 20% building height
Rear yard setback	30
Maximum lot coverage	75%
Maximum height	none

(Am. by ORD-13-00007, 1-15-13)

- (a) Front Yard Setback. For buildings at corner locations, within thirty (30) feet of the corner, at least seventy percent (70%) of the building shall be located within twenty-five (25) feet of the front lot line.

- (b) Rear Yard Height Transitions to Adjacent Residential Districts. Where the IL District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.
- (4) Site Standards: New and Existing Development.  
The following standards apply to new and existing buildings and uses:
- (a) All business activities shall be conducted within completely enclosed buildings except:
1. Off-street parking and off-street loading, provided that all loading shall be from the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IL District.
  2. Outdoor display.
  3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  4. Bicycle-sharing facilities.
  5. Outdoor storage.
  6. Farmers' markets.
  7. Agricultural activities.
  8. Composting.
  9. Temporary outdoor events.
  10. Vehicle access sales and service windows.
  11. Solar energy systems and wind energy systems.
  12. Outdoor recreation.
- (b) Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.
- (c) Food and beverage uses shall only be located within a mixed-use building that includes office or other employment uses. (Cr. by ORD-14-00132, 8-13-14)
- (5) Site Standards: New Development.  
The following standards apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area.
- (a) Parking Placement. A maximum of one drive aisle and two rows of parking not to exceed seventy (70) feet of parking area may be located between the front facade of a building and the front lot line. Parking shall be located to the rear or side of the principal building to the extent feasible. This requirement shall not apply to lots which are twenty (20) acres or larger. (Am. by ORD-13-00133, 8-14-13)
- (b) Entrance Orientation. Principal building entrances on all new buildings shall be oriented to the primary abutting public street. The entrance shall have a functional door. Additional, secondary entrances may be oriented to a secondary street or parking area. Entries shall be clearly visible and identifiable from the street, and delineated with elements such as roof overhangs, recessed entries, landscaping or similar design features. Barrier-free entrances are encouraged.

**28.089 INDUSTRIAL - GENERAL DISTRICT.**(1) Statement of Purpose.

This district accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. General Industrial districts should be located for convenient access for existing and future arterial thoroughfares and railway lines and may be separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required.

The IG district is also intended to:

- (a) Provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises.
- (b) Discourage proliferation of highway-oriented commercial uses that reduce the land area available for development or expansion of employment uses.
- (c) Facilitate preservation, development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

(2) Permitted and Conditional Uses.

See Table 28F-1 for a complete list of allowed uses within the employment districts.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Industrial - General District</b>	
Lot area (sq. ft.)	10,000
Lot width	65
Outdoor processing, storage or loading	100 from residential district boundary
Front yard setback	none
Side yard setback	15 or 20% building height (the greater); 30 from residential district boundary
Rear yard setback	30
Maximum lot coverage	75%
Maximum height	none

- (a) Rear Yard Height Transitions to Adjacent Residential Districts. Where the IG District abuts a residential district, building height at the rear yard setback line shall not exceed two (2) stories/ twenty-five (25) feet. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line, (a 45° angle) up to the maximum allowed height.

(4) Site Standards: New and Existing Development.

- (a) All business activities shall be conducted within completely enclosed buildings except:
  - 1. Outdoor storage, subject to Sec. 28.142(10)(b).
  - 2. Off-street parking and off-street loading, provided that all loading shall be to the rear or side of the building, but not facing an arterial street. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an IG District.
  - 3. Outdoor eating, cooking, and service areas associated with food and beverage establishments. (Am. by ORD-13-00178, 10-23-13)
  - 4. Temporary outdoor events.
  - 5. Composting.
  - 6. Agricultural activities.
  - 7. Vehicle access sales and service windows.
  - 8. Bicycle-sharing facilities.
  - 9. Solar energy systems and wind energy systems.
  - 10. Production and processing of woodchips.
  - 11. Farmers' markets.
  - 12. Outdoor display.
  - 13. Outdoor recreation.
- (b) Outside storage shall be effectively screened with screening between six (6) and eight (8) feet in height. Storage shall not exceed the height of the screening. Storage and loading areas shall be screened from direct view from the street, including views down access driveways.
- (c) Food and beverage uses shall only be located within a mixed-use building that includes office or other employment uses. (Cr. by ORD-14-00132, 8-13-14)



## SUBCHAPTER 28G: SPECIAL DISTRICTS

### **28.091 SPECIAL DISTRICT USES.**

- (1) Table 28G-1 lists all permitted and conditional uses in the Special Districts, except that uses allowed within the Campus Institutional District are listed separately in Sec. 28.096.
- (a) "P" means permitted in the districts where designated.
  - (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
  - (c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
  - (d) "Y" means that there are specific requirements in Subchapter 28J associated with a use.
  - (e) "A" means Agricultural District.
  - (f) "UA" means Urban Agriculture District.
  - (g) "CN" means Conservancy District.
  - (h) "PR" means Parks and Recreation District.
  - (i) "AP" means Airport District.

**Table 28G-1.**

	A	UA	CN	PR	AP	Supplemental Regulations
<b>Agricultural and Resource Uses</b>						
Agriculture - Animal husbandry	P	C	C			Y
Agriculture - Cultivation	P	P/C	C	P		Y
Agriculture - Intensive	C					Y
Animal boarding facility, kennel, animal shelter	P					Y
Clear cutting	C	C	C		C	Y
Community garden	P	P	C	P		
Equestrian center/riding, boarding stable	P			C		
Keeping of honeybees	P	P	P		P	Y
Market garden	P	P	C	C		Y
Selective cutting of timber	P	P	P	P	P	Y
<b>Civic and Institutional Uses</b>						
Botanic gardens				P		
Civic auditorium complex				C		
Community center				C		
Community Event	P/C	P/C	P/C	P/C	P/C	Y
Correctional facility						Y
Land and water preserves			P	P		Y
Parks and playgrounds	P	P	P	P		
Public safety or service facilities	P		C	C	P	
Reuse of public schools, municipal buildings, or places of worship	P/C		P/C	P/C		Y
Schools, arts, technical or trade	C	C		C	C	Y
Schools, public and private				C		Y
Training facilities, military or public safety					P	
Zoos				P		

	A	UA	CN	PR	AP	Supplemental Regulations
<b>Residential - Family Living</b>						
Single-family detached dwelling	P					
<b>Limited Production, Processing and Storage</b>						
Artisan workshop	C					
Recycling collection center, drop-off station	C					
<b>Public Utility and Public Service Uses</b>						
Class 2 Collocations	P	P	P	P	P	
Electric substations	C	C	C	C	C	Y
Heating and/or cooling plant	C	C	C	C	C	
Gas regulator stations, mixing and gate stations	C	C	C	C	C	Y
Radio Broadcast Service Facility	P	P	P	P	P	
Railroad right-of-way	C	C	C	C	C	
Sewerage system lift stations	P	C	C	P	P	Y
Telecommunications towers, Class Collocations, and transmission equipment buildings	P	P	P	P	P	
Water pumping stations, water reservoirs	P	C	C	C	P	Y
<b>Transportation Uses</b>						
Airport runways, hangars and related facilities					P	
Airport terminal and related facilities					P	
Transit stop or station	P	P	P	P	P	
<b>Medical Facilities</b>						
Veterinary clinic	C					Y
<b>Retail Sales and Services</b>						
ATM				P	P	
Farmers' market	C	C		P		Y
Garden center	C					Y
Greenhouse, nursery	C	C				Y
Mobile grocery store	P	P	P	P		Y
<b>Food and Beverages</b>						
Brewpub					P	Y
Nightclub					P/C	Y
Restaurant				C	P	Y
Restaurant-nightclub					P/C	Y
Restaurant-tavern				C	P	Y
Tavern					P	Y

	A	UA	CN	PR	AP	Supplemental Regulations
<b>Commercial Recreation, Entertainment and Lodging</b>						
Bed and breakfast establishment	P					Y
Golf course	C			C		Y
Lodge, private club, reception hall				C		Y
Outdoor recreation	C	C	C	C	C	Y
Stadiums, auditoriums, arenas				C		
Tourist rooming house	P				P	Y
<b>Automobile Services</b>						
Auto rental					P	Y
<b>Parking and Storage Facilities</b>						
Parking facility, private					C	
Parking facility, public					P	
Parking lot (surface) exceeding maximum parking	C	C	C	C	C	
<b>Accessory Uses and Structures</b>						
Accessory building or structure	P	P/C	P	P		Y
Accessory dwelling unit						Y
Accessory retail alcohol sales				P	P	
Caretaker's dwelling	P	P	C	P		Y
Catering				P	P	
Coffee shop, tea house				C	P	
Composting	P	P	P	P	P	
Day care home, family	P/C					Y
Emergency electric generator	P	C	C	C	P	Y
General retail	P				P	
Health/sports club					P/C	
Home occupation	P/C					Y
Hotel, inn, motel, hostel					P/C	
Keeping of chickens	P	P	P	P	P	Y
On-site agricultural retail, farm stand	P	P	C	C		Y
Outdoor cooking operation	P/C	P/C	P/C	P/C	P/C	Y
Outdoor eating area associated with food & beverage establishment				C		Y
Outdoor recreation	C	C	C	C	C	Y
Outdoor sales events	C	C		P/C		Y
Outdoor storage	P	P/C	P/C		P	Y
Parking facility, public			P	P		
Portable storage units	P					Y
Professional office, general office					P	

	<b>A</b>	<b>UA</b>	<b>CN</b>	<b>PR</b>	<b>AP</b>	<b>Supplemental Regulations</b>
Temporary off-street parking	P		C	C	C	
Solar energy systems	P	P	P	P	P	Y
Storage of trucks and heavy equipment	P	P/C	P/C	P/C	P	
Wind energy systems	C	C	C	C	C	Y

(Am. by ORD-13-00054, 4-24-13; ORD-13-00147, 9-11-13; ORD-13-00178, 10-23-13; ORD-13-00185, 11-5-13; ORD-13-00189, 11-26-13; ORD-14-00015, 1-29-14; ORD-14-00083, 4-16-14; ORD-14-00119, 7-11-14; ORD-15-00079 & ORD-15-00080, 8-12-15; ORD-16-00074, 9-16-15; ORD-16-00092, 11-09-16)

## 28.092 AGRICULTURAL DISTRICT.

### (1) Statement of Purpose.

Rural agricultural areas designated as such in the Comprehensive Plan are located beyond the current extent of planned City development. These areas are outside the Central Urban Service Area and without current access to municipal sanitary sewer and water service. They are characterized by active farming operations and associated fields, meadows, woodlots and other natural features. Agriculture and other rural land uses also continue to predominate within many areas planned, but not yet developed, for urban uses. These may include relatively large areas that are recommended in adopted City plans to continue in long-term agriculture uses, while urban areas grow around them.

The purpose of this district is to support the continuance of agriculture and rural character within outlying agricultural areas. In addition, the A district is intended to support local food production and community health by encouraging community and market gardens and other small-scale agricultural operations within city limits.

### (2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Agricultural District.

### (3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Agricultural District</b>		
	Agricultural uses	All other uses
Lot area	5 acres	10 acres
Lot width	300	300
Front yard setback	30	30
Side yard setback	80	80
Rear yard setback	100	100
Maximum height	none	2 stories/35
Maximum lot coverage	n/a	5%

**28.093 URBAN AGRICULTURAL DISTRICT.**(1) Statement of Purpose.

The purpose of this district is to ensure that urban garden and farm areas are appropriately located and protected to meet needs for local food production, and to enhance community health, community education, garden-related job training, natural resource protection, preservation of green space, and community enjoyment. Because urban agriculture will typically exist in close proximity to residential and other uses, concern will be given to ensuring compatibility between uses.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Urban Agricultural District.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Urban Agricultural District</b>	
Lot area sq. ft.	15,000 See (a) below
Lot width	50
Front yard setback (structures)	15 or the setback of the adjacent district, whichever is greater
Side yard setback (structures)	6 or the setback of the adjacent district, whichever is greater
Rear yard setback (structures)	20 or the setback of the adjacent district, whichever is greater
Maximum height	25
Maximum lot coverage (buildings and paved areas)	15% (excluding greenhouses and hoop houses)

(a) Lot area of less than 15,000 square feet may be allowed as a conditional use

**28.094 CONSERVANCY DISTRICT.**(1) Statement of Purpose.

The Conservancy District is established to recognize and protect the natural functions of certain natural and non-intensive recreational areas, including large City and County parks, the University of Wisconsin Arboretum, and stormwater management areas. Development within the district is limited in order to protect natural drainageways and water retention areas, natural habitat for plant and animal life, steep slopes, woodlands, and other resources beneficial to the community.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Conservancy District.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Conservancy District</b>	
Lot area	5 acres
Lot width	300
Front yard setback	30
Side yard setback	80
Rear yard setback	100
Maximum height	2 stories/35
Maximum lot coverage	5%

**28.095 PARKS AND RECREATION DISTRICT.**

- (1) Statement and Purpose.  
The Parks and Recreation District is established to accommodate active outdoor and indoor recreation uses and facilities such as golf course, stadiums, swimming pools, community centers, large recreation structures, recreational complexes, and similar uses where lands are developed to accommodate said recreational uses, and may also include areas for natural preservation and passive enjoyment of natural features.
- (2) Permitted and Conditional Uses.  
See Table 28G-1 for a complete list of allowed uses within the Parks and Recreation District.
- (3) Dimensional Requirements, Permitted and Conditional Uses.  
Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Parks and Recreation District</b>	
Lot area	5 acres
Lot width	300
Front yard setback	30
Side yard setback	30
Rear yard setback	30
Maximum height	2 stories/35 See (a) below

(Am. by ORD-15-00050, 5-13-15)

- (a) Maximum height may be exceeded with conditional use approval.

**28.096 AIRPORT DISTRICT.**(1) Statement of Purpose.

The purpose of the Airport District is to recognize the Dane County Regional Airport as a major transportation hub with a unique set of land use characteristics, and to accommodate the Airport's transportation and management needs while mitigating any impacts on surrounding land uses.

(2) Permitted and Conditional Uses.

See Table 28G-1 for a complete list of allowed uses within the Airport District.

(3) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

Airport District	
Lot area	20,000
Lot width	65
Front yard setback	20
Side yard setback	15 or 20% building height (the greater)
Rear yard setback	30
Maximum lot coverage	75%
Minimum height	22, measured to building cornice
Maximum height	5 stories/68 See (a) below

- (a) The regulations contained in the Dane County Code of Ordinances regulating the height and bulk of obstructions to aerial navigation also apply within the Airport District and other areas surrounding the airport. Dane County, not the City of Madison, administers these regulations.

**28.097 CAMPUS-INSTITUTIONAL DISTRICT.**(1) Statement of Purpose.

The CI District is established to recognize the City's major educational and medical institutions as important activity centers and traffic generators, accommodate the growth and development needs of these institutions, and coordinate the master plans of these institutions with the City's plans, policies and zoning standards. The district is also intended to:

- (a) Permit appropriate institutional growth within boundaries while minimizing the adverse impacts associated with development and geographic expansion.
- (b) Balance the ability of major institutions to change and the public benefits derived from change with the need to protect the livability and vitality of adjacent neighborhoods.
- (c) Encourage the preparation of Campus Master Plans that enable adjacent neighborhoods and the broader community to understand the levels of development being proposed, their likely impacts, and appropriate mitigation measures.

(2) Master Plan Requirement.

- (a) Any Campus Institutional District created after the effective date of this ordinance shall submit a Campus Master Plan, which shall be approved as part of the map amendment.

- (b) Approved Campus Master Plans shall be effective for ten (10) years, and, during that period, may be altered pursuant to (8) below.
  - (c) In a Campus Institutional District without a Campus Master Plan, individual development proposals and changes that exceed four thousand (4,000) square feet in floor area within any five (5) year period shall require conditional use approval. (Am. by ORD-15-00033, 4-8-15)
  - (d) In the absence of a Master Plan, dimensional requirements are in (4) below.
  - (e) Any PUD converting to CI carries the land use approval and restrictions from the PUD into the CI, and those rules and agreements are in full effect until a Campus Master Plan is adopted.
- (3) **Uses Within CI Districts.**
- Uses within CI districts are defined as follows as either primary or secondary.
- (a) **Primary Uses.**
    1. Educational uses associated with colleges, universities, and secondary and primary schools, including classroom buildings, libraries, and offices.
    2. Medical facilities, including hospitals, clinics, laboratories and related facilities.
    3. Dormitories, student and/or faculty housing.
    4. Community Center.
  - (b) **Secondary Uses.**
    1. Day care facilities.
    2. Eating places within mixed-use buildings such as dormitories or student unions.
    3. Fraternities and sororities.
    4. General retail, financial and personal service uses within mixed-use buildings such as student unions.
    5. Indoor and outdoor sports and recreational facilities.
    6. Lodging facilities.
    7. Museums and art galleries.
    8. Parking, structured and surface.
    9. Performing arts centers.
    10. Places of worship.
    11. Utilities and transportation facilities related to the primary use.
    12. Veterinary clinics.
    13. Agricultural uses.
    14. Public utility and service uses.
    15. Other uses related to the institution's primary mission.
    16. Correctional Facility.
    17. Stadiums, auditoriums, and arenas, open or enclosed.

(4) Dimensional Requirements.

In CI districts, with an approved Master Plan, dimensional requirements will be determined by the Master Plan. In CI Districts with no Master Plan, the dimensional requirements follow. Requirements represent minimums unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Campus-Institutional District</b>	
Lot area sq. ft.	6,000
Lot width	50
Front yard setback	0
Side yard setback	0
Rear yard setback	0
Maximum lot coverage	85%
Maximum height	3 stories/68 See (a) below
Usable open space	0

(Am. by ORD-14-00002, 1-14-14)

(a) Heights exceeding the maximum may be allowed with conditional use approval. (Cr. by ORD-14-00002, 1-14-14)

(5) Contents of Master Plan.

The Master Plan shall include the following elements and information:

- (a) Background/History. A summary of previous planning efforts by the institution in conjunction with the City and/or abutting neighborhoods or other interest groups, a description of the campus master planning process and participants, and any other relevant background material.
- (b) Mission/Guiding Principles. A statement that defines the organizational mission and objectives of the institution and describes the role of the master plan within the context of the mission.
- (c) Facilities Plan. Includes a description of existing conditions on the campus and the proposed conditions under the Master Plan, including:
  - 1. Existing Conditions.
    - a. Land uses and buildings.
    - b. Building form (building type, height, bulk, etc.).
    - c. Landmarks, historic sites and districts.
    - d. Natural features and significant open-space areas.
  - 2. Proposed Conditions.
    - a. Future needs/capital improvements.
    - b. Phasing of proposed improvements.
    - c. Future land uses and buildings.
    - d. Building Form (building type, height, bulk, etc.).
    - e. Landscape treatment.
    - f. Open-space areas and other open-space uses.
    - g. Relationship to transportation/access plan (parking, transportation demand management, etc.).

(6) Standards for Master Plan Approval.

The Common Council will approve or reject the Master Plan following a recommendation by the Plan Commission. Approval of the Master Plan will be based on the Plan's treatment of the topics listed above and the degree to which it meets the intent of this district, as well as the following standards:

- (a) The Plan shall serve the public interest as well as the interest of the institution developing the plan.
- (b) The Plan shall be consistent with the goals of the Comprehensive Plan and adopted neighborhood, corridor or special area plans adjacent to campus boundaries.

(7) Final Building, Structured Parking, and Surface Parking Design Review.

It is expected that Campus Master Plans will identify building location and maximum height, but will not include detailed designs of each building.

All buildings constructed within a CI district must be reviewed and approved by an architectural review committee. The committee shall be established by the institution and shall meet the following standards:

- (a) The building design review standards and guidelines, review procedures, categories of membership, and the language of any deed or plat restriction must be approved by the Urban Design Commission.
- (b) Membership on the committee, including representation of planning staff and registered neighborhoods, and committee procedures must be approved by the Plan Commission. Committee meetings shall be public.
- (c) Until an architectural review committee is established and approved by the Plan Commission, all building and site plans shall be reviewed and approved by the Urban Design Commission, with an appeal process to the Plan Commission as established in Section 33.24.

If there is no approved Master Plan, building design review will occur as part of the conditional use approval.

(8) Changes to Master Plan.

No alteration of an approved Campus Master Plan, including changes to the proposed use of identified open space areas and other open space uses, shall be permitted unless approved by the Plan Commission, provided however, the Zoning Administrator may, following consideration by the alderperson of the district, issue permits for minor alterations that are approved by the Director of Planning and Community and Economic Development and are consistent with the concept approved by the Common Council. If the change or addition constitutes a substantial alteration of the original plan, the procedure in Sec. 28.097(6) is required.

**28.098 PLANNED DEVELOPMENT DISTRICT.**(1) Statement of Purpose.

The Planned Development (PD) District is established to provide a voluntary regulatory framework as a means to facilitate the unique development of land in an integrated and innovative fashion, to allow for flexibility in site design, and to encourage development that is sensitive to environmental, cultural, and economic considerations, and that features high-quality architecture and building materials. In addition, the Planned Development District is intended to achieve one or more of the following objectives:

- (a) Promotion of green building technologies, low-impact development techniques for stormwater management, and other innovative measures that encourage sustainable development.
- (b) Promotion of integrated land uses allowing for a mixture of residential, commercial, and public facilities along corridors and in transitional areas, with enhanced pedestrian, bicycle and transit connections and amenities.
- (c) Preservation and enhancement of important environmental features through careful and sensitive placement of buildings and facilities.
- (d) Preservation of historic buildings, structures, or landscape features through adaptive reuse of public or private preservation of land.
- (e) Provision of more adequate, usable, and suitably located open space, recreational amenities, and other public facilities than would otherwise be provided under conventional land development techniques.
- (f) Facilitation of high-quality development that is consistent with the goals, objectives, policies, and recommendations of the Comprehensive Plan and adopted neighborhood, corridor or special area plans.

Because substantial flexibility is permitted in the base zoning districts, the PD option should rarely be used. It is intended that applicants use the PD option only for situations where none of the base zoning districts address the type of development or site planning proposed. Examples include redevelopment, large-scale master planned developments, projects that create exceptional employment or economic development opportunities, or developments that include a variety of residential, commercial, and employment uses in a functionally integrated mixed-use setting.

Approval of a Planned Development District requires a zoning map amendment, which shall result in the creation of a new site-specific zoning district, with specific requirements that are unique to that planned development. In the Planned Development District, there shall be no predetermined requirements for lot area, lot width, height, floor area ratio, yards, usable open space, signage, or off-street parking and loading, but such requirements may be made a part of a planned development during its approval and recorded against the PD-zoned property as regulations to be enforced as a part of this ordinance.

(2) Standards for Approval of Zoning Map Amendment.

The standards for approval of a zoning map amendment to the PD District, or any major alteration to an approved General Development Plan, are as follows:

- (a) The applicant shall demonstrate that no other base zoning district can be used to achieve a substantially similar pattern of development. Planned developments shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved unless the development also meets one or more of the objectives of (1) above. Conditions under which planned development may be appropriate include:
  1. Site conditions such as steep topography or other unusual physical features; or
  2. Redevelopment of an existing area or use of an infill site that could not be reasonably developed under base zoning district requirements.
- (b) The PD District plan shall facilitate the development or redevelopment goals of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.

- (c) The PD District plan shall not adversely affect the economic health of the City or the area of the City where the development is proposed. The City shall be able to provide municipal services to the property where the planned development is proposed without a significant increase of the cost of providing those services or economic impact on municipal utilities serving that area.
- (d) The PD District plan shall not create traffic or parking demands disproportionate to the facilities and improvements designed to meet those demands. A traffic demand management plan may be required as a way to resolve traffic and parking concerns. The Plan shall include measurable goals, strategies, and actions to encourage travelers to use alternatives to driving alone, especially at congested times of day. Strategies and actions may include, but are not limited to, carpools and vanpools; public and private transit; promotion of bicycling, walking and other non-motorized travel; flexible work schedules and parking management programs to substantially reduce automobile trips.
- (e) The PD District plan shall coordinate architectural styles and building forms to achieve greater compatibility with surrounding land uses and create an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose of the PD District.
- (f) The PD District plan shall include open space suitable to the type and character of development proposed, including for projects with residential components, a mix of structured and natural spaces for use by residents and visitors. Areas for stormwater management, parking, or in the public right of way shall not be used to satisfy this requirement.
- (g) The PD district shall include suitable assurances that each phase could be completed in a manner that would not result in an adverse effect upon the community as a result of termination at that point.
- (h) When applying the above standards to an application for height in excess of that allowed in Section 28.071(2)(a) Downtown Height Map, except as provided for in Section 28.071(2)(a).1. and Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:
  1. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
  2. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
  3. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the project and create a pleasing visual relationship with them.
  4. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewshed as demonstrated by viewshed studies prepared by the applicant.



- (i) When applying the above standards to an application to reduce or eliminate stepbacks required by Section 28.071(2)(c) Downtown Stepback Map, the Plan Commission shall consider the recommendations in adopted plans, including the downtown plan. No application to reduce or eliminate stepbacks may be granted unless it finds that all of the following conditions are present:
1. The lot is a corner parcel.
  2. The lot is not part of a larger assemblage of properties.
  3. The entire lot is vacant or improved with only a surface parking lot.
  4. No principal buildings on the lot have been demolished or removed since the effective date of this ordinance.

(Cr. by ORD-15-00084, 8-12-15)

(3) Relationship to Other Applicable Regulations.

- (a) In General. A Planned Development shall comply with all standards, procedures, and regulations of this ordinance that are applicable to the individual uses within the development, including the General Regulations of Subchapter 28I and the Supplemental Regulations of Subchapter 28J. Where the applicant proposes a development that does not comply with one or more of the regulations in those subchapters, they shall specifically request that the Plan Commission consider the application of those regulations in making its recommendations on the development, including specific language in the zoning text or depiction on the plans.
- (b) Subdivision Requirement. All land within a Planned Development District shall be platted into one or more lots in compliance with the requirements of the subdivision and platting regulations. The development plan for the Planned Development shall include the necessary information to serve as a preliminary plat.

(4) General Requirements.

The Planned Development District shall identify the following information:

- (a) All proposed land uses; these shall become permitted or conditional uses upon the approval of the Planned Development by the Common Council.
- (b) Placement of buildings and structures.
- (c) Density, height, floor area, and dimensional requirements for lots or building sites.
- (d) Street layout, including connections to external streets, paths and trails. The Planned Development should maintain the existing street grid where present and restore the street grid where it has been disrupted. In newly developing areas, streets shall be designed to maximize connectivity in each cardinal direction, except where environmental or physical constraints make this infeasible.

(5) Procedures.

The procedure for rezoning to a planned development district shall be as required for any other zoning map amendment in this chapter, with the additional requirements specified below.

- (a) Pre-Submittal Requirements. These requirements are intended to provide opportunities for the applicant to explore issues associated with the proposal prior to the expenditure of significant resources in the development of any design plans. This phase shall include the following:

1. Pre-Design Conference. The applicant shall meet with Planning Division and Zoning staff to review and discuss aspects of the proposal including, but not limited to: the site and its context, potential impacts of the project, and initial design direction.
2. Concept Presentation. The concept shall be submitted for review to the Urban Design Commission at an informational meeting. No formal action will be taken by the Commission. Submittals shall include contextual information such as topography, photos of the site and surrounding properties, and a discussion of the initial design direction. The Commission will review the concept in reference to the objectives listed in Subsection 28.098(1) and the other requirements of this

Subchapter. The Commission may request that additional materials be submitted to assist in communicating the nature of the site and its context. If the proposed planned development relates to constructing, altering or demolishing a landmark, proposes development on a landmark site, or proposes development in a historic district, the concept shall be submitted for review to the Landmarks Commission at an informational meeting before submission to the Urban Design Commission for its informational meeting under this subsection. (Am. by ORD-16-00053, 5-25-16)

- (b) General Development Plan Requirements. The applicants shall file the following with the Plan Commission:
1. A letter of intent describing the general character of the intended development.
  2. Proposed zoning text, including a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards.
  3. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features, including existing buildings and structures.
  4. A plan of the proposed project showing sufficient detail to make possible the evaluation of the standards for approval as set forth in Subsection 2. The General Development Plan shall include a plan showing building placement, the general location of parking facilities to serve the development, and the general bulk, mass and orientation of the buildings within the PD District.
  5. Proposed circulation systems (pedestrian, bicycle, auto, transit) by type and how they relate to the existing network outside this site.
  6. Analysis of potential economic impacts to the community, including the cost of municipal services and any additional infrastructure.
  7. When requested, a general outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.
  8. A schedule or phasing plan indicating the approximate dates when construction of the Planned Development can be expected to begin and be completed.
  9. When a major alteration to a General Development Plan is submitted for approval that does not encompass the entire Planned Development District, the applicant shall submit information for consideration that describes the impact the proposed alteration will have on the implementation of the rest of the approved district.
- (c) Decision on General Development Plan. The decision process for approval of a General Development Plan, including any major alteration to an approved General Development Plan, shall be as specified in Section 28.182, including a recommendation by the Plan Commission and action by the Common Council, with the following additional requirements:
1. The Urban Design Commission shall review the General Development Plan prior to the Plan Commission, and shall make a recommendation to the Plan Commission with specific findings on the design objectives listed in Subsections 28.098(1) and (2) and the other requirements of this Subchapter.
  2. Approval of the rezoning and related General Development Plan, any major alteration to an approved General Development Plan, shall establish the basic right of use for the area and shall be recorded against the PD-zoned property. However, the plan shall be conditioned upon approval of a Specific Implementation Plan, and shall not allow any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.

3. Approval of the General Development Plan shall establish interim zoning authority for continuation and maintenance of existing uses, buildings and structures on the property until the specific implementation plan is approved.
  4. If the approved General Development Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain General Development Plan approval.
  5. If the General Development Plan and Specific Implementation Plan are approved at the same time and not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void and a new petition and approval process shall be required to obtain approvals for each plan.
  6. A General Development Plan for a phased development shall be constructed according to the phasing plan recorded with the approved plan. As part of its review of any subsequent Specific Implementation Plans, the Plan Commission shall consider adherence to the approved phasing plan for the overall development.
  7. Any Planned Development not constructed in accordance to its approved phasing plan, and any phases not constructed within ten (10) years of the Common Council approval of the General Development Plan, shall require approval of a new General Development Plan by the Common Council following a recommendation by the Plan Commission. In considering extensions of approved General Development Plans for unconstructed components/ phases, the Plan Commission shall consider changes in the surrounding area or neighborhood since approval of the General Development Plan that would render the project incompatible with current conditions.
- (d) Specific Implementation Plan Requirements. The following information shall be submitted to the Plan Commission, unless specific documents are waived by the Secretary of the Commission:
1. An accurate map of the area covered by the Specific Implementation Plan including the relationship to the overall General Development Plan if developed in phases.
  2. The pattern of public and private roads, driveways, walkways and parking facilities; traffic projections and mitigation measures.
  3. Detailed lot layout and subdivision plat where required.
  4. The specific design and complete architectural character of the building or buildings included on the Specific Implementation Plan, other than single-family residences. In order to satisfy this requirement, detailed floor plans, exterior elevations and building materials are required.
  5. The utilities serving the project, including sanitary sewer and water mains.
  6. Grading plan and storm drainage system.
  7. The location and treatment of open space areas and recreational or other special amenities.
  8. The location and description of any areas to be dedicated to the public.
  9. Landscape plan and plant list.
  10. Proof of financing capability.
  11. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.

12. A specific zoning text for the portion of the PD District to be developed under the Specific Implementation Plan, including a description of the proposed land uses, their dimensions, bulk, height, scale and massing, and other relevant standards, which shall be consistent with the zoning text approved with the General Development Plan.
  13. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the development and any of its common services, common open areas or other facilities.
- (e) Decision on Specific Implementation Plan. The decision process, including recommendation by the Plan Commission and action by the Common Council, shall be as specified in Section 28.182 with the following additional requirements:
1. A Specific Implementation Plan containing all of the information required in sub. (d) may be reviewed concurrent with a rezoning to PD and related approval of a General Development Plan or a major alteration to an approved General Development Plan.
  2. The Urban Design Commission shall review the Specific Implementation Plan prior to the Plan Commission, and shall make a recommendation to the Plan Commission with specific findings on the design objectives listed in Subsections 28.098(1) and (2) and the other requirements of this Subchapter.
  3. If the Specific Implementation Plan is approved, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the City, shall be recorded by the Zoning Administrator within twelve (12) months of the date of approval by the Common Council in the Dane County Register of Deeds Office. If the Specific Implementation Plan is approved concurrent with the approval of a General Development Plan, the plans shall be recorded within twelve (12) months of the Common Council approval. This shall be accomplished prior to the issuance of any building permit.
  4. If the Specific Implementation Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required to obtain Specific Implementation Plan approval.
- (f) Recording of Approved Plans and Zoning Ordinance Amendments.
1. Within twelve (12) months of the date of approval by the Common Council, of a zoning ordinance amendment designating a tract of land as a Planned Development District, the owner of the development shall provide the Zoning Administrator a facsimile copy of the approved General Development and/or Specific Implementation Plan together with a certified copy of the related zoning ordinance amendment and any other related actions taken by the Common Council, including conditions of approval.
  2. Upon receipt of complete plans, documents and fees, the Zoning Administrator shall record them with the Dane County Register of Deeds office. The cost for preparing a facsimile copy of the plan in recordable form and the recording fee, as determined by the Dane County Register of Deeds, shall be paid by the owners of the lands included in the Planned Development District.
  3. If either the General Development Plan or Specific Implementation Plan is not recorded as approved within twelve (12) months of the date of approval by the Common Council, the approval shall be null and void, and a new petition and approval process shall be required, with the exception below.
    - a. Where the plans have not been altered from the Common Council's approval, the Director of Planning and Community and Economic Development may approve an extension of up to twenty-four (24) months to record either plan.

- (g) Construction Required. Within thirty-six (36) months of Common Council approval of the General Development Plan, the basic right of use for the areas, when in conformity with the approved Specific Implementation Plan, shall lapse and be null and void unless a building permit is issued for the project, or an extension is issued as specified below. In the case of any major alteration to a General Development Plan, the thirty-six (36) month period shall apply to the date of Common Council approval of the major alteration for the purposes of this section.
1. An application for an extension must be filed at least thirty (30) days prior to the expiration of the thirty-six (36) month period.
  2. If the Plan Commission, after a public hearing pursuant to Sec. 28.182(4), determines that no changes in the surrounding area or neighborhood since approval of the General Development Plan would render the project incompatible with current conditions, the Commission may grant an extension of up to twenty-four (24) months in which to obtain a building permit.
  3. An extension shall not allow a building permit to be issued more than sixty (60) months after approval of the General Development Plan by the Common Council.
  4. If a new building permit is required pursuant to Sec. 29.06(4), MGO, a new petition and approval process shall be required to obtain General Development Plan approval and Specific Implementation Plan approval.
- (6) Alterations to a Planned Development District. Requests to alter a Planned Development District shall be made to the Director of Planning and Community and Economic Development. Upon receipt of the request, the Director shall determine if the request constitutes a major or minor alteration to the Planned Development District. The Director may refer any request for alteration to the Urban Design Commission for an advisory recommendation. Alterations shall only be approved as specified below.
- (a) Minor alterations may be approved the Director of Planning and Community and Economic Development or designee following consideration by the alderperson of the district if the requested alterations are consistent with the concept approved by the Common Council. If the alderperson of the district and the Director of Planning and Community and Economic Development do not agree that a request for minor alteration should be approved, then the request for minor alteration shall be decided by the Plan Commission after payment of the applicable fee in Section 28.206, MGO.
  - (b) Major alterations may be approved by the City Plan Commission if the requested alterations are consistent with the concept approved by the Common Council.
  - (c) Major alterations that represent a substantial departure from the concept approved by the Common Council may be approved only after all of the procedures in Sec. 28.098(5) have been satisfied.
  - (d) Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013)
- (Am. by ORD-15-00083, 8-12-15)
- (e) Requests to modify a sign package approved under Sec. 31.13(4), MGO, are not alterations subject to this section. (Cr. by ORD-15-00117, 10-28-15)
- (Editor's Note: Sub. (6) revised to reflect both ORD-15-00083 and ORD-15-00117.)
- (Sec. 28.098 Am. by ORD-15-00034, 4-8-15)

**28.099 PLANNED MOBILE HOME PARK DISTRICT.**(1) Statement of Purpose.

The Planned Mobile Home Park district is established to provide a regulatory framework for improved environmental design and greater freedom, imagination and flexibility in the establishment and development of mobile home parks, while insuring substantial compliance with the basic intent of the zoning code and the comprehensive plan. This district is further intended to encourage compact and efficient development with relation to public services and to encourage and facilitate the preservation of open spaces.

(2) General Requirements.

A Planned Mobile Home Park District is a specific type of Planned Development District and shall follow the review and approval process specified for the PD District. The general requirements of the PD District for street layout and open space shall be met in any Planned Mobile Home Parks established after the effective date of this zoning code.

(3) Permitted Uses.

- (a) Planned Mobile Home Park.
- (b) Typical accessory uses such as community buildings and recreational facilities.
- (c) Home occupation.
- (d) Adult family home.

(4) Conditional Uses.

- (a) Community living arrangement, up to 8 residents.

(5) Density and Area Requirements.

A Planned Mobile Home Park shall meet the following requirements:

<b>Planned Mobile Home Park District</b>	
Lot Area	30 acres
Dwelling Units per Acre	6
Average area per mobile home park site (sq. ft.)	4,000
<b>If approved and licensed prior to July 1, 1970 or established and licensed prior to July 8, 1966:</b>	
Lot Area	No minimum
Dwelling Units per Acre	8
Average area per mobile home park site (sq. ft.)	3,500

**28.100 NONMETALLIC MINERAL EXTRACTION DISTRICT (ME).**(1) Statement of Purpose.

The Common Council recognizes that nonmetallic mines have operated within the City of Madison and in bordering communities for decades and have served as a source of materials for local road and other construction projects. These nonmetallic mines also often recycle aggregate and construction materials that can be reused in local road and other construction projects, thereby increasing the reuse of materials and reducing usage of local landfills. As the City continues to grow, more nonmetallic mines will come within its jurisdiction. The Common Council also recognizes that nonmetallic mines present potential health, safety and welfare concerns for the City's residents, transients and natural environment. The purpose of this district is to therefore set forth rules and procedures related to the construction, installation, alteration, design, operation and use of all nonmetallic mines that will allow mining operations within the City while protecting the health, safety and welfare of residents and transients, and further the appropriate use and conservation of land and water resources.

(2) Permitted Use.

Except for blasting, nonmetallic mining shall be a permitted use in a nonmetallic mineral extraction district.

(3) Conditional Uses.

(a) Blasting in a nonmetallic mineral extraction district.

(4) Dimensional Requirements, Permitted and Conditional Uses.

Requirements represent minimums applicable to buildings and structures unless otherwise noted. Dimensions are in feet unless otherwise noted.

<b>Nonmetallic Mining District</b>	
	Nonmetallic mining uses
Lot area	5 acres
Lot width	300
Front yard setback	30
Side yard setback	80
Rear yard setback	100
Maximum height	none
Maximum lot coverage	n/a

(Section 28.100 Cr. by ORD-17-00014, 2-20-17)



## SUBCHAPTER 28H: OVERLAY DISTRICTS

### 28.101 APPLICABILITY.

The requirements of the overlay districts shall apply to all zoning lots located in such districts in addition to all requirements in the Madison General Ordinances that apply to the primary zoning district classification of those zoning lots.

In the event of a conflict between the provisions of any overlay district and the underlying primary zoning district, the provisions of the overlay district shall apply, except where otherwise specified.

### 28.102 WELLHEAD PROTECTION DISTRICTS.

#### (1) Statement of Purpose.

The Common Council of the City of Madison finds that certain uses can seriously threaten or degrade groundwater quality. To promote the public health, safety, and general welfare of the City of Madison, the Wellhead Protection Districts are created to protect municipal water supplies.

#### (2) Protection Zones.

Each wellhead shall have two (2) zones of protection around it.

- (a) Zone A is the area around the well in which it has been determined that groundwater and potential contaminants will take five (5) years or less to reach the pumping well.
- (b) Zone B is the smaller of the following:
  1. The area around the well in which it has been determined that groundwater and potential contaminants will take one hundred (100) years or less to reach the pumping well, or
  2. The area within a twelve hundred (1,200) foot radius around the well, except for the area in Zone A.

#### (3) Uses.

All uses in Zones A and B of any Wellhead Protection District shall be approved by the Water Utility General Manager or his/her designee. A use may be approved with conditions. Approval by the Water Utility General Manager or his/her designee is in addition to all other approvals required for the proposed use.

- (a) Permitted Uses In Zones A and B. Any use allowed as permitted in the principal zoning district, except those uses not approved pursuant to Sec. 13.22, MGO.
- (b) Conditional Uses in Zones A and B. Any use allowed as a conditional use in the principal zoning district except those uses not approved pursuant to Sec. 13.22.

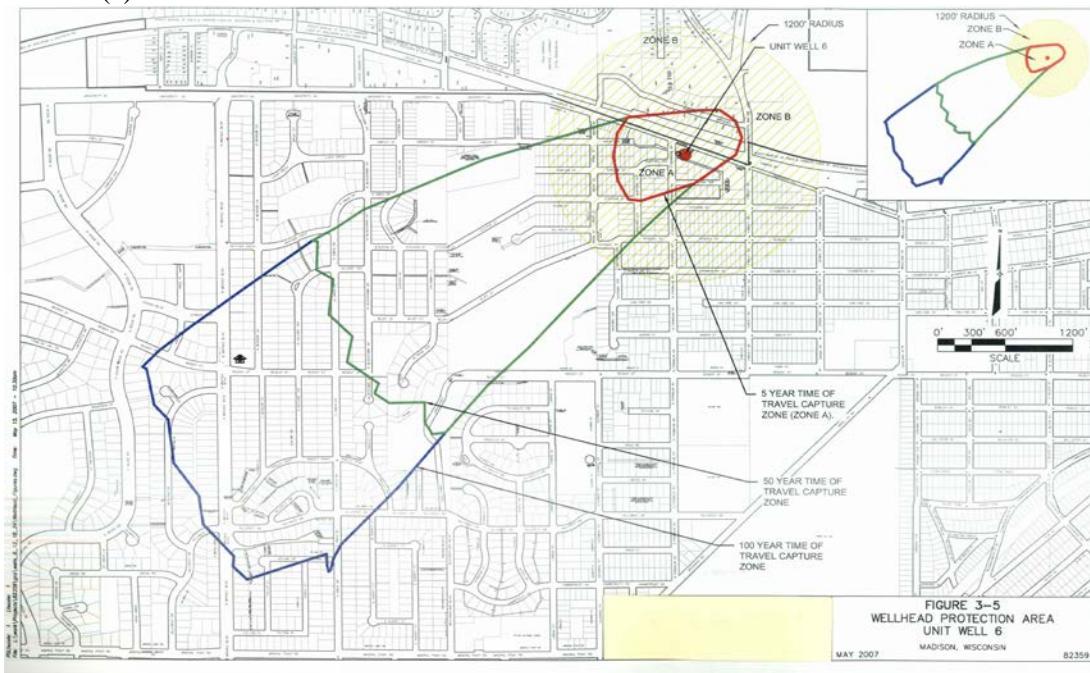
#### (4) Existing Uses.

Any lawful use existing at the time of the creation of a Wellhead Protection District may be continued, however, no expansion or enlargement of such use is allowed without approval pursuant to Sec. 13.22 by the Water Utility General Manager or his/her designee.

(5) Wellhead Protection District No. 6.

The location of Well No. 6 and the surrounding Zone A and Zone B are shown in Sec. 28.102(5)(a).

## (a) Wellhead Protection District No. 6.

(6) Wellhead Protection District No. 7.

The location of Well No. 7 and the surrounding Zone A and Zone B are shown in Sec. 28.102(6)(a).

## (a) Map of Wellhead Protection District No. 7.



(7) Wellhead Protection District No. 8.

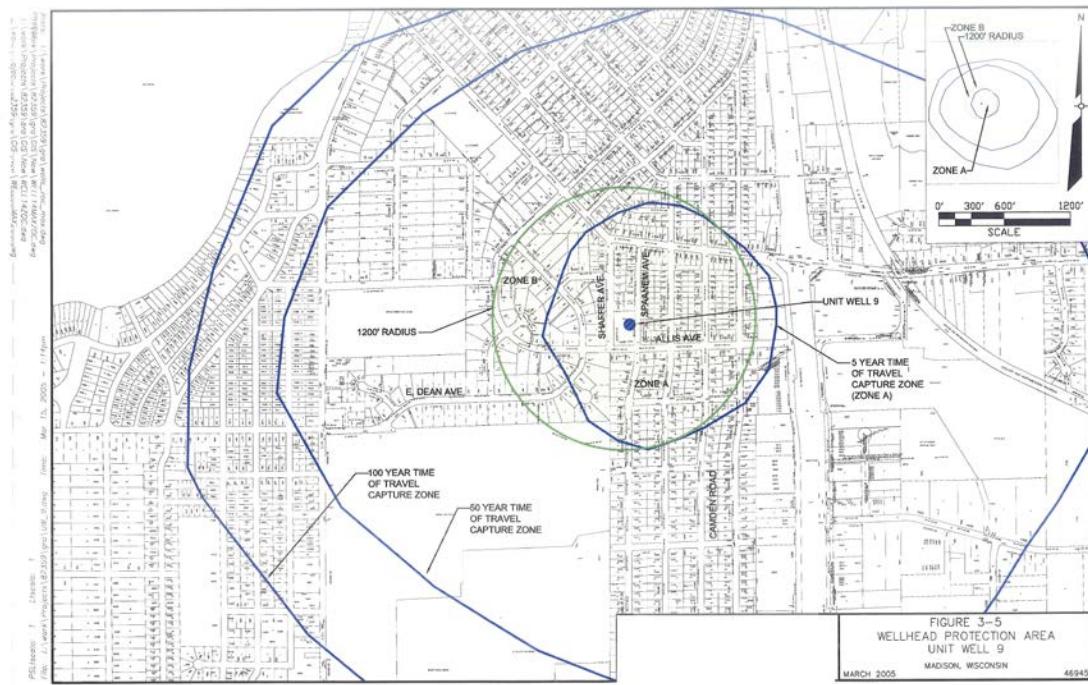
The location of Well No. 8 and the surrounding Zone A and Zone B are shown in Sec. 28.102(7)(a).

## (a) Map of Wellhead Protection District No. 8.

(8) Wellhead Protection District No. 9.

The location of Well No. 9 and the surrounding Zone A and Zone B are shown in Sec. 28.102(8)(a).

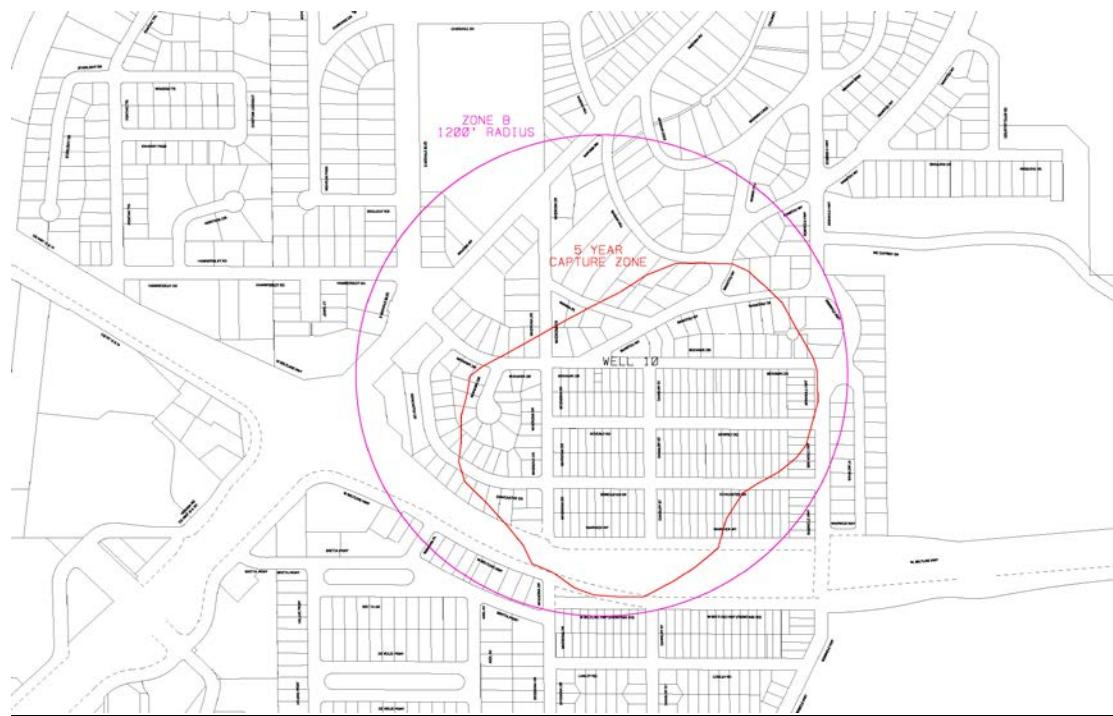
## (a) Map of Wellhead Protection District No. 9.



(9) Wellhead Protection District No. 10.

The location of Well No. 10 and the surrounding Zone A and Zone B are shown in Sec. 28.102(9)(a).

- (a) Map of Wellhead Protection District No. 10.

(10) Wellhead Protection District No. 11.

The location of Well No. 11 and the surrounding Zone A and Zone B are shown in Sec. 28.102(10)(a).

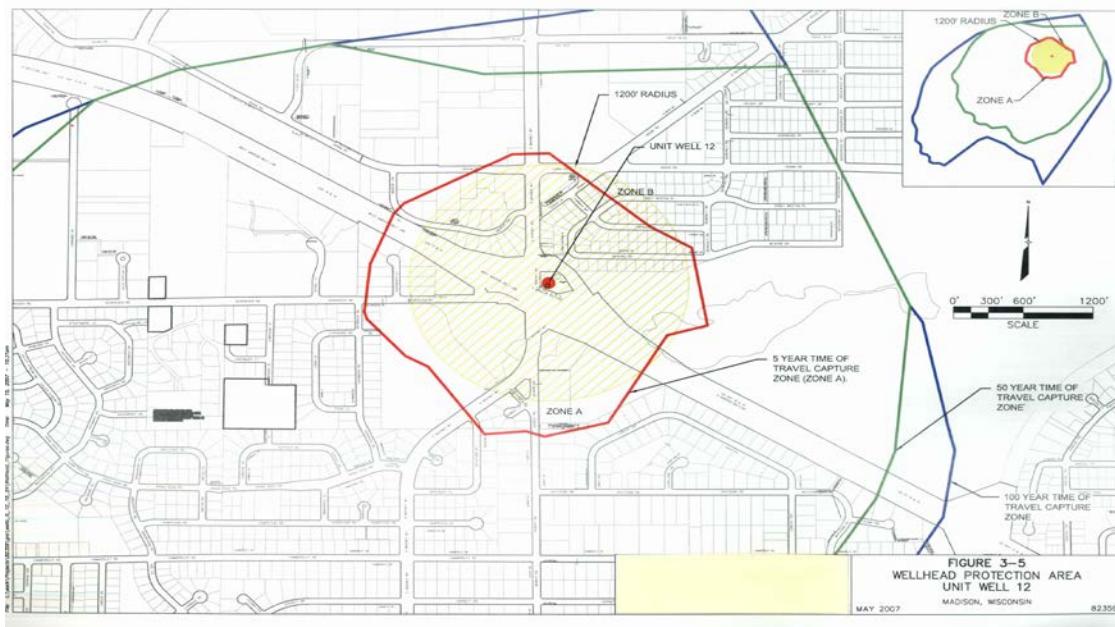
- (a) Map of Wellhead Protection District No. 11.



(11) Wellhead Protection District No. 12.

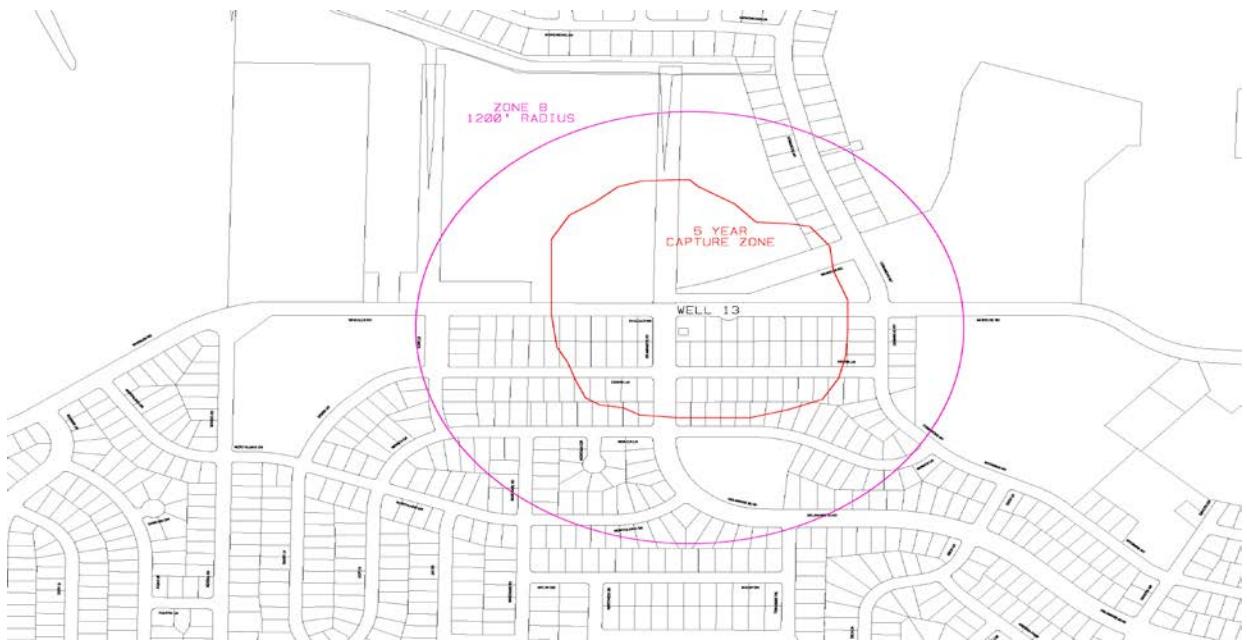
The location of Well No. 12 and the surrounding Zone A and Zone B are shown in Sec. 28.102(11)(a).

## (a) Map of Wellhead District No. 12.

(12) Wellhead Protection District No. 13.

The location of Well No. 13 and the surrounding Zone A and Zone B are shown in Sec. 28.102(12)(a).

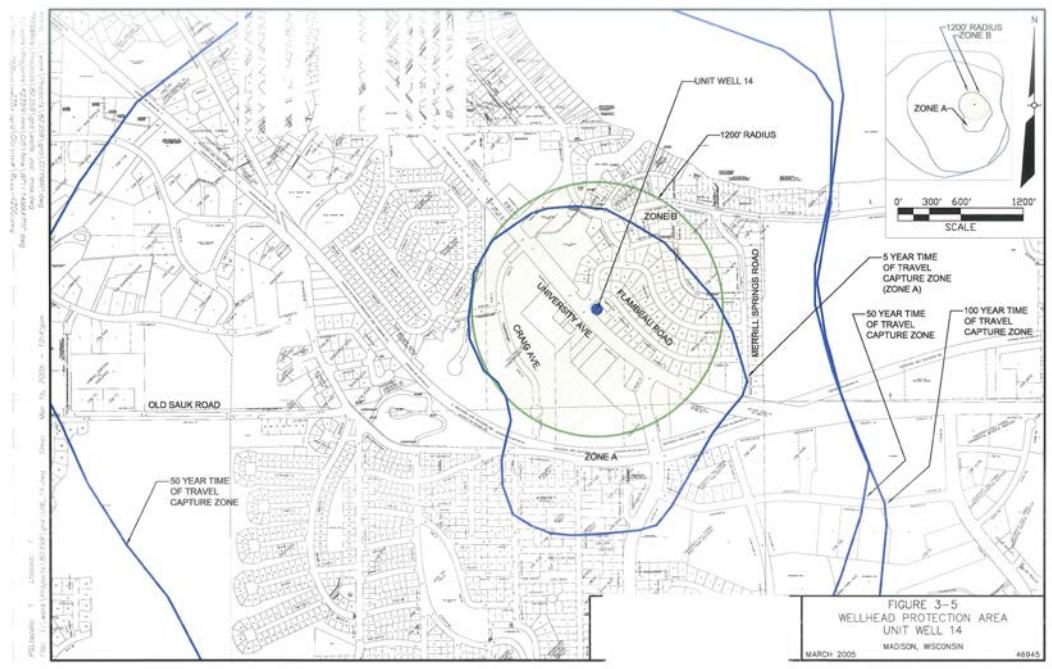
## (a) Map of Wellhead Protection District No. 13.



(13) Wellhead Protection District No. 14.

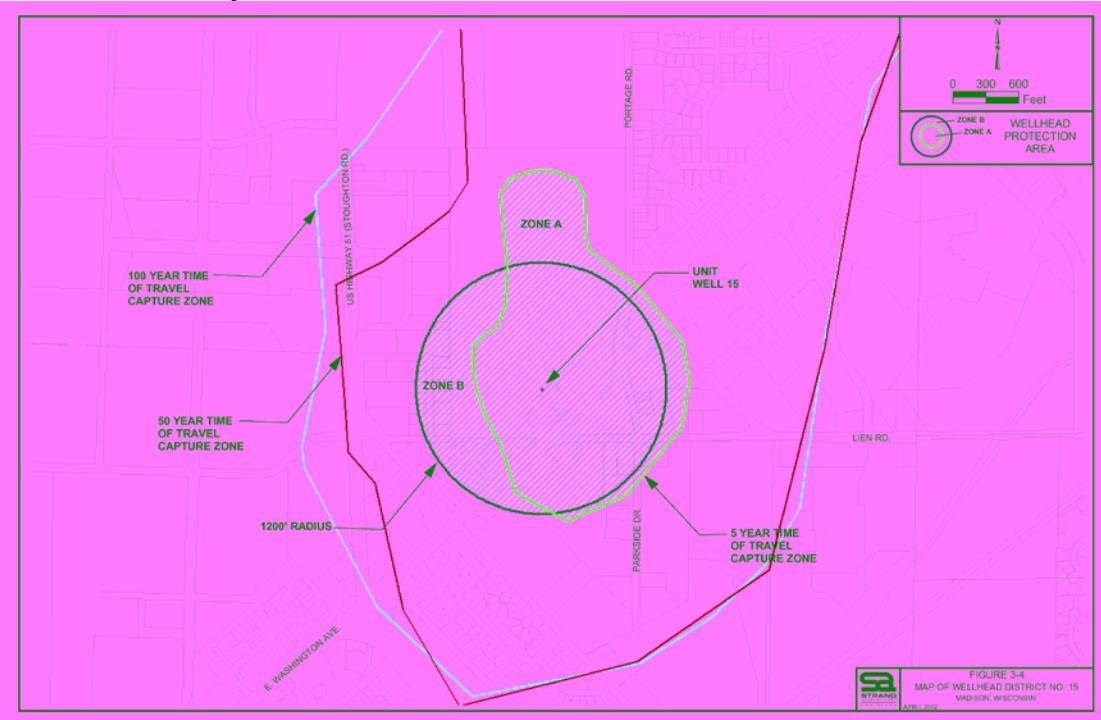
The location of Well No. 14 and the surrounding Zone A and Zone B are shown in Sec. 28.102(13)(a).

- (a) Map of Wellhead Protection District No. 14.

(14) Wellhead Protection District No. 15.

The location of Well No. 15 and the surrounding Zone A and Zone B are shown in Sec. 28.102(14)(a).

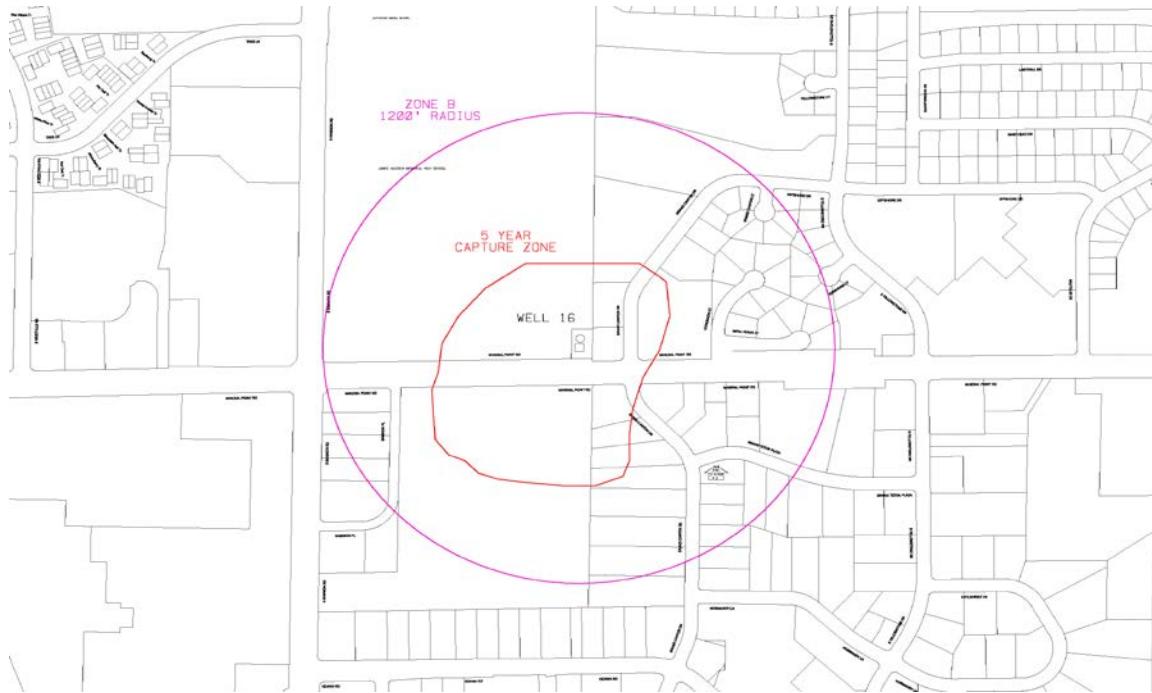
- (a) Map of Wellhead Protection District No. 15.



(15) Wellhead Protection District No. 16.

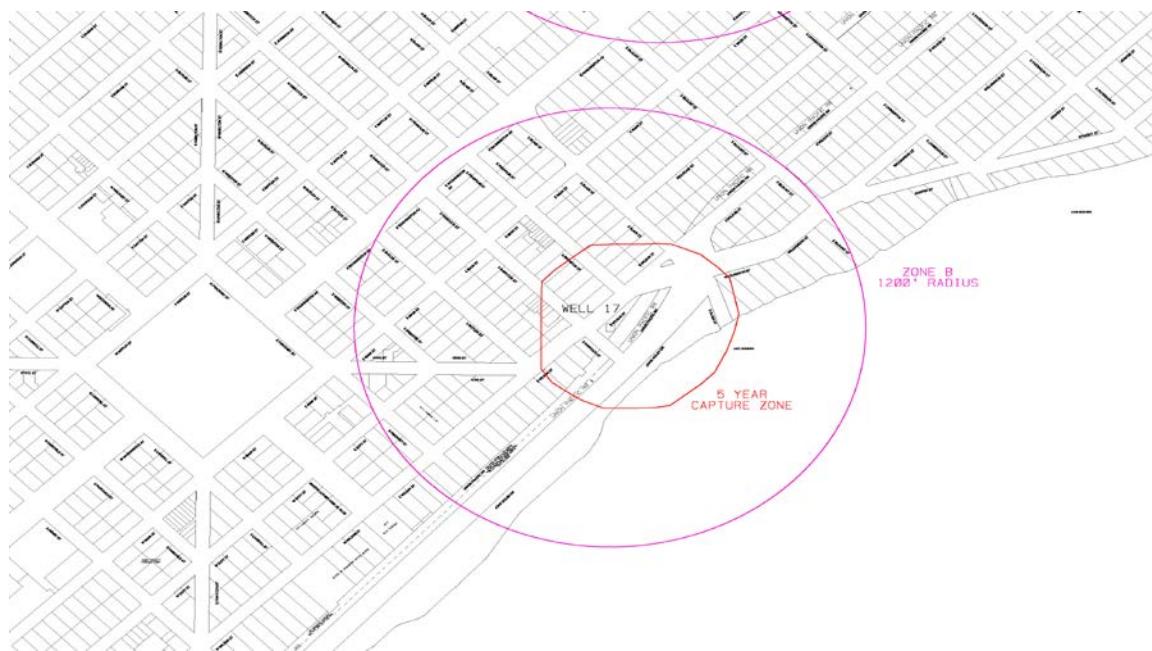
The location of Well No. 16 and the surrounding Zone A and Zone B are shown in Sec. 28.102(15)(a).

## (a) Map of Wellhead Protection District No. 16.

(16) Wellhead Protection District No. 17.

The location of Well No. 17 and the surrounding Zone A and Zone B are shown in Sec. 28.102(16)(a).

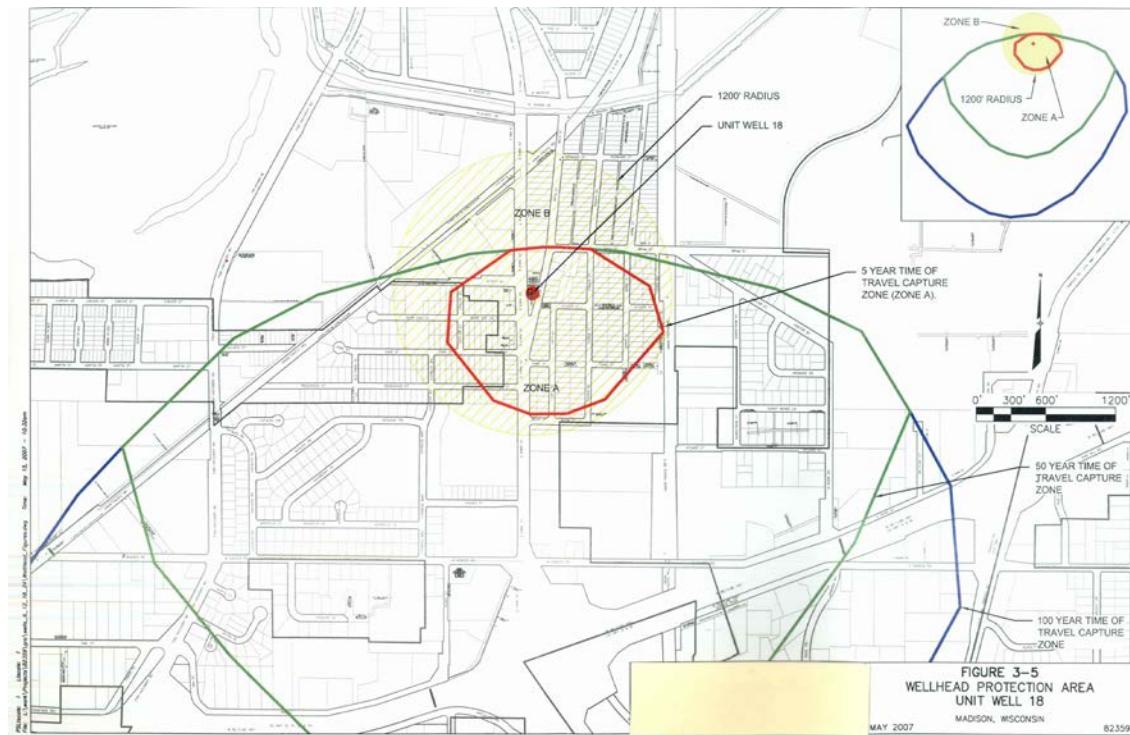
## (a) Map of Wellhead Protection District No. 17.



(17) Wellhead Protection District No. 18.

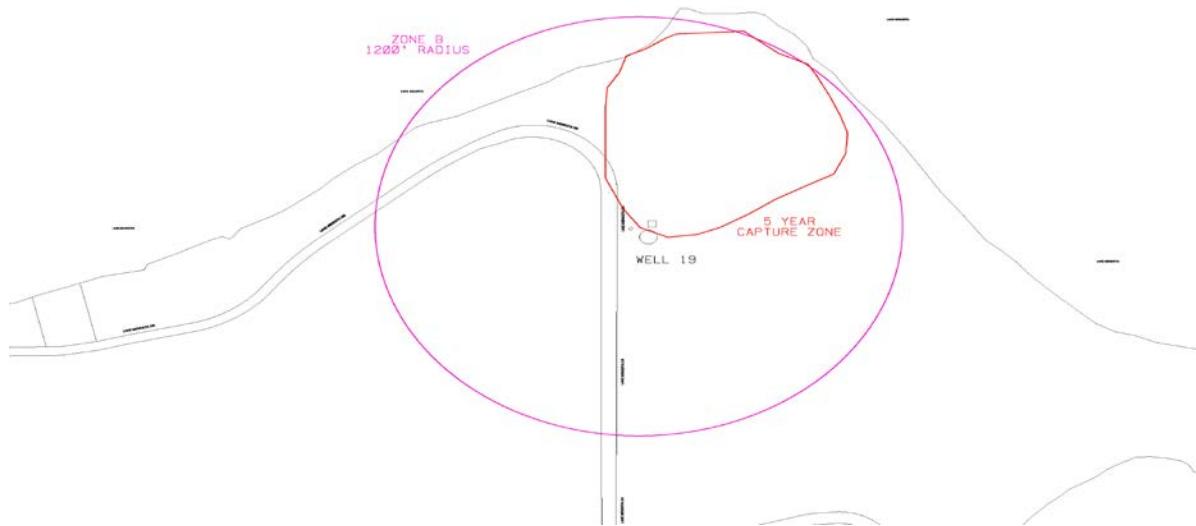
The location of Well No. 18 and the surrounding Zone A and Zone B are shown in Sec. 28.102(17)(a).

- (a) Map of Wellhead Protection District No. 18.

(18) Wellhead Protection District No. 19.

The location of Well No. 19 and the surrounding Zone A and Zone B are shown in Sec. 28.102(18)(a).

- (a) Map of Wellhead Protection District No. 19.



(19) Wellhead Protection District No. 20.

The location of Well No. 20 and the surrounding Zone A and Zone B are shown in Sec. 28.102(19)(a).

## (a) Map of Wellhead Protection District No. 20.

(20) Wellhead Protection District No. 23.

The location of Well No. 23 and the surrounding Zone A and Zone B are shown in Sec. 28.102(20)(a).

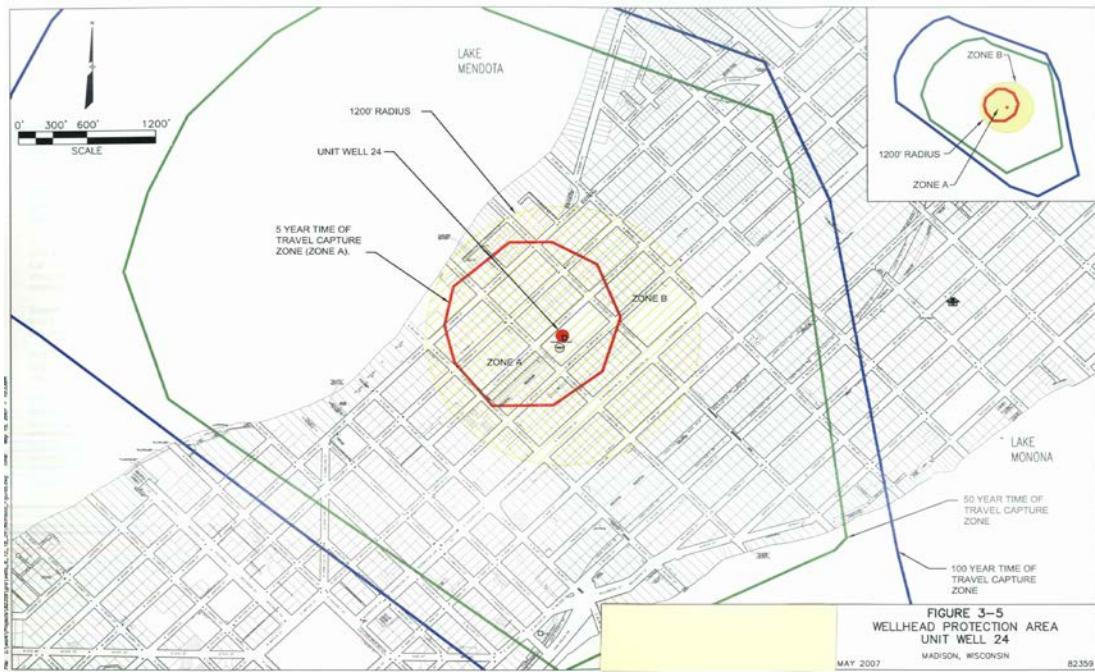
## (a) Map of Wellhead Protection District No. 23.



(21) Wellhead Protection District No. 24.

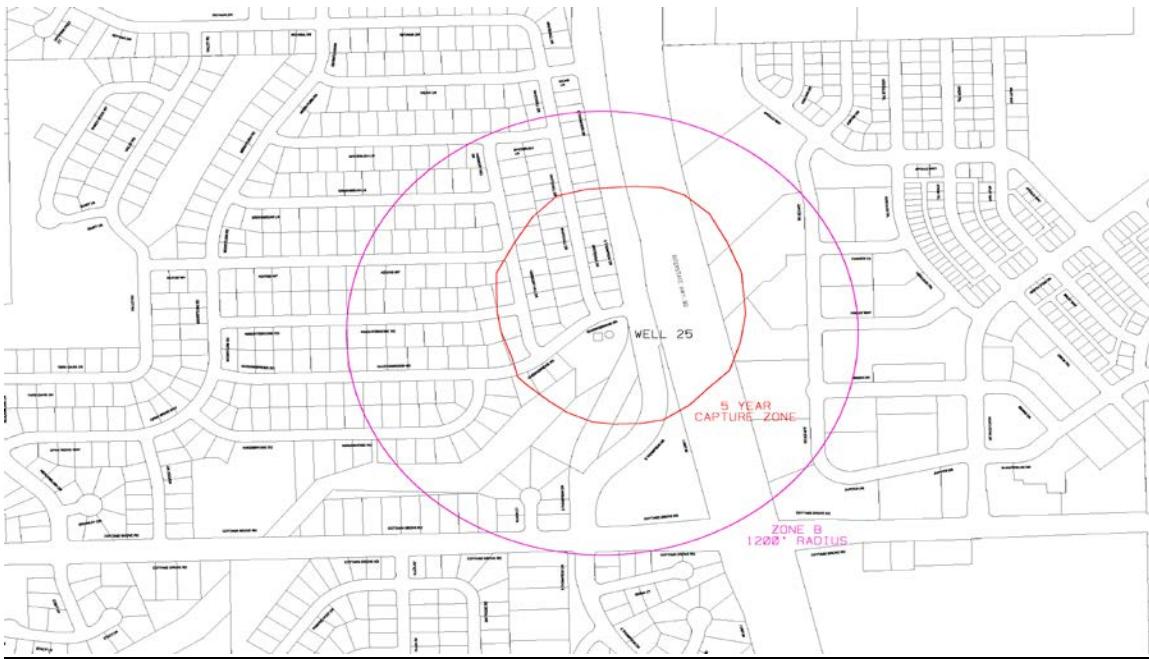
The location of Well No. 24 and the surrounding Zone A and B are shown in Sec. 28.102(21)(a).

## (a) Map of Wellhead Protection District No. 24.

(22) Wellhead Protection District No. 25.

The location of Well No. 25 and the surrounding Zone A and Zone B are shown in Sec. 28.102(22)(a).

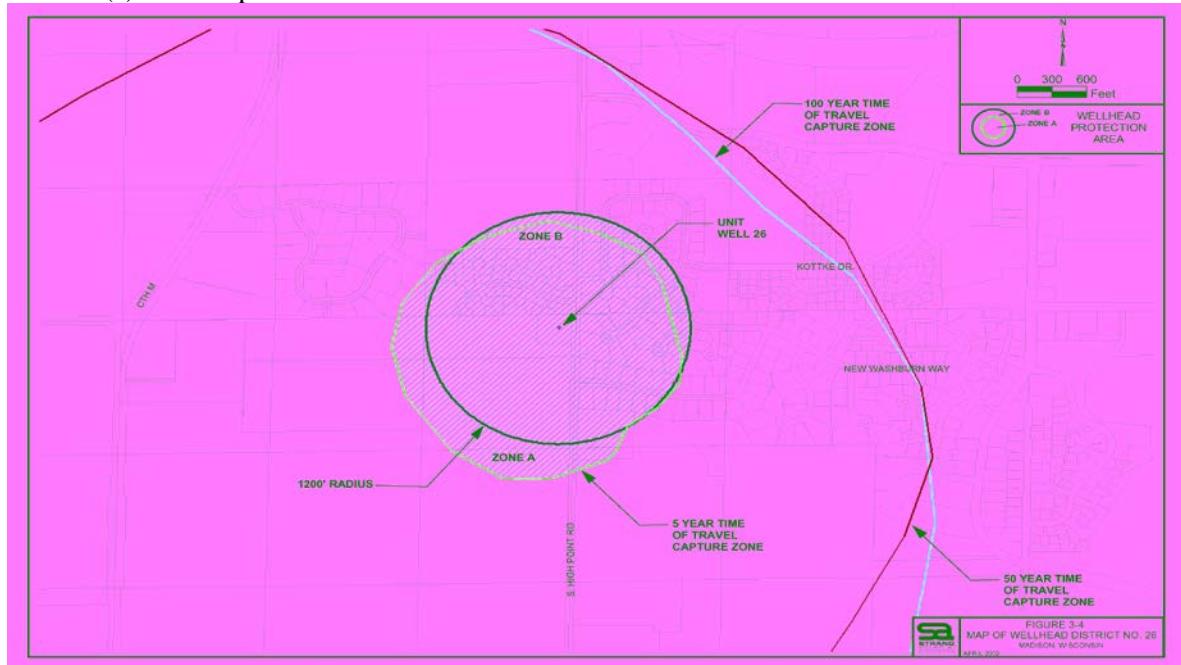
## (a) Map of Wellhead Protection District No. 25.



(23) Wellhead Protection District No. 26.

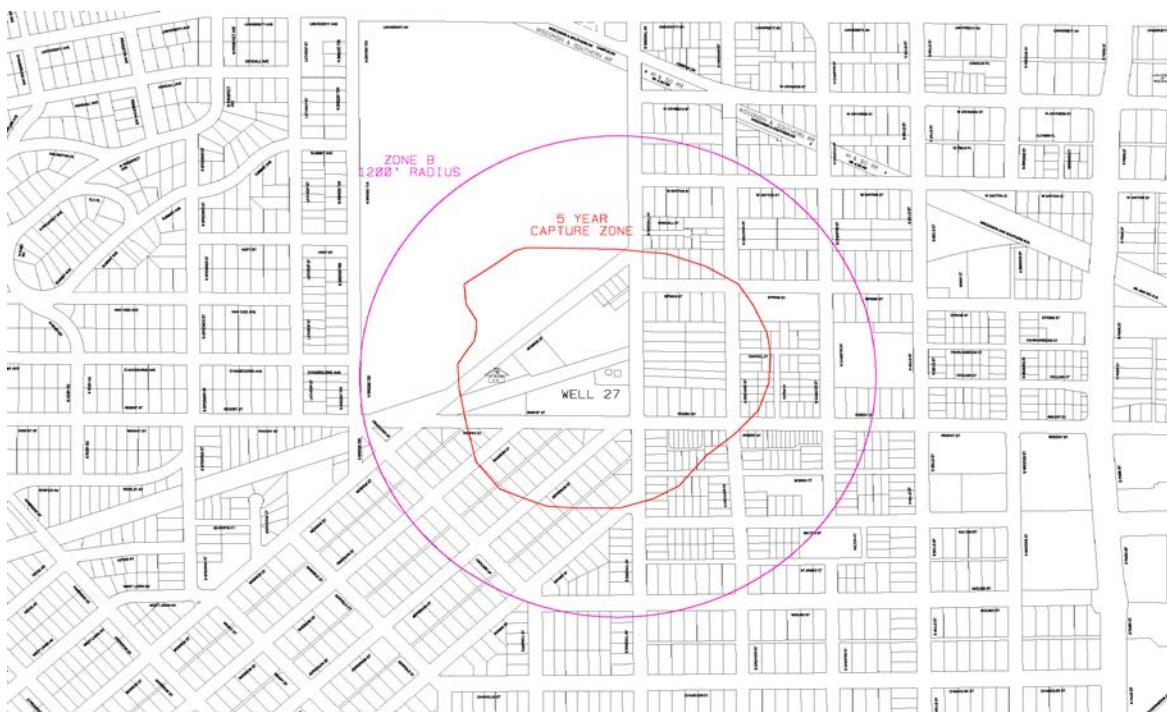
The location of Well No. 26 and the surrounding Zone A and Zone B are shown in Sec. 28.102(23)(a).

## (a) Map of Wellhead District No. 26.

(24) Wellhead Protection District No. 27.

The location of Well No. 27 and the surrounding Zone A and Zone B are shown in Sec. 28.102(24)(a).

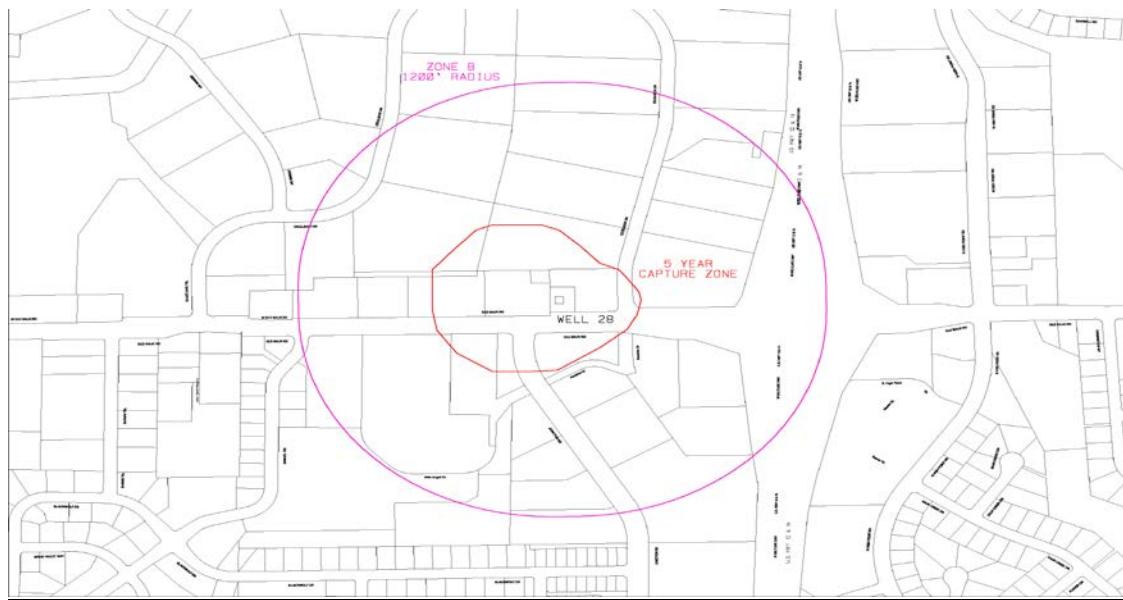
## (a) Map of Wellhead Protection District No. 27.



(25) Wellhead Protection District No. 28.

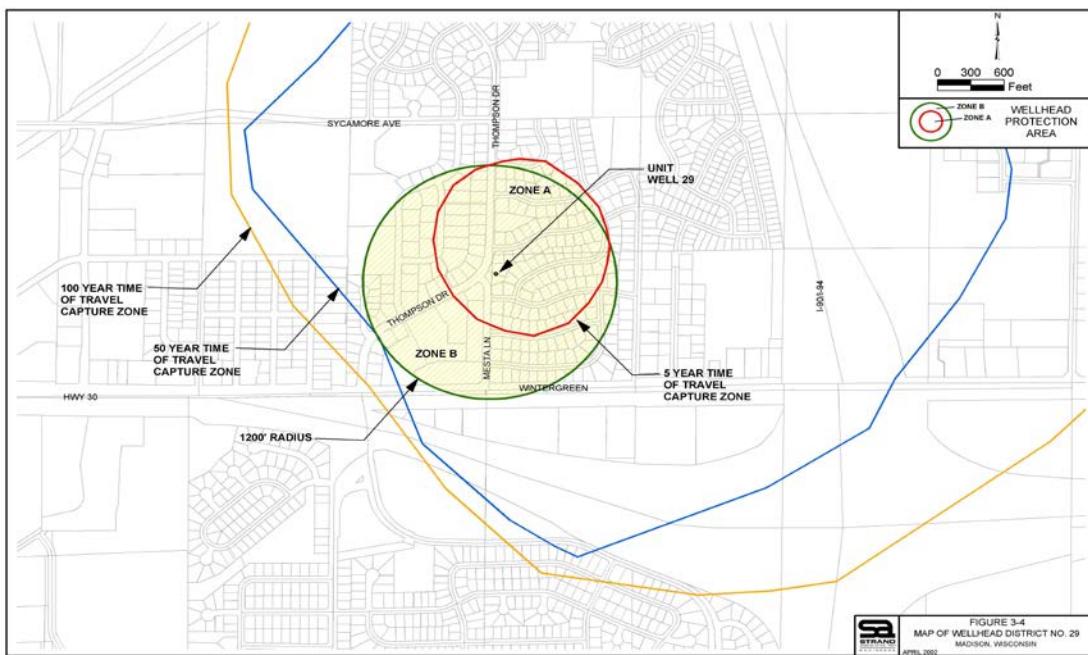
The location of Well No. 28 and the surrounding Zone A and Zone B are shown in Sec. 28.102(25)(a).

- (a) Map of Wellhead Protection District No. 28.

(26) Wellhead Protection District No. 29.

The location of Well No. 29 and the surrounding Zone A and Zone B are shown in Sec. 28.102(26)(a).

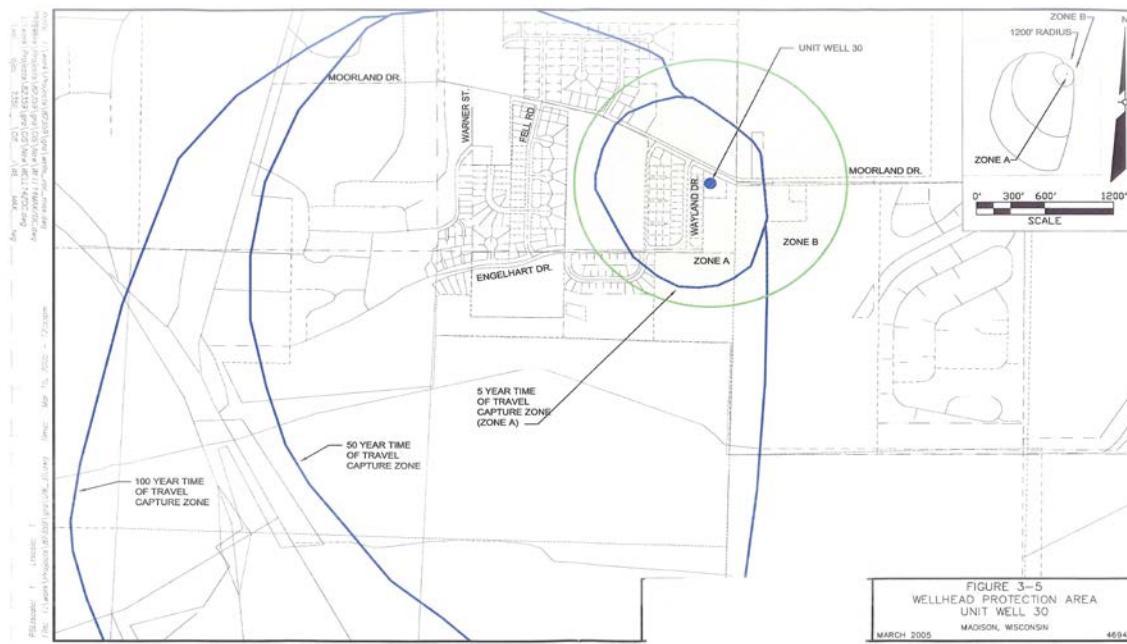
- (a) Map of Wellhead Protection District No. 29.



(27) Wellhead Protection District No. 30.

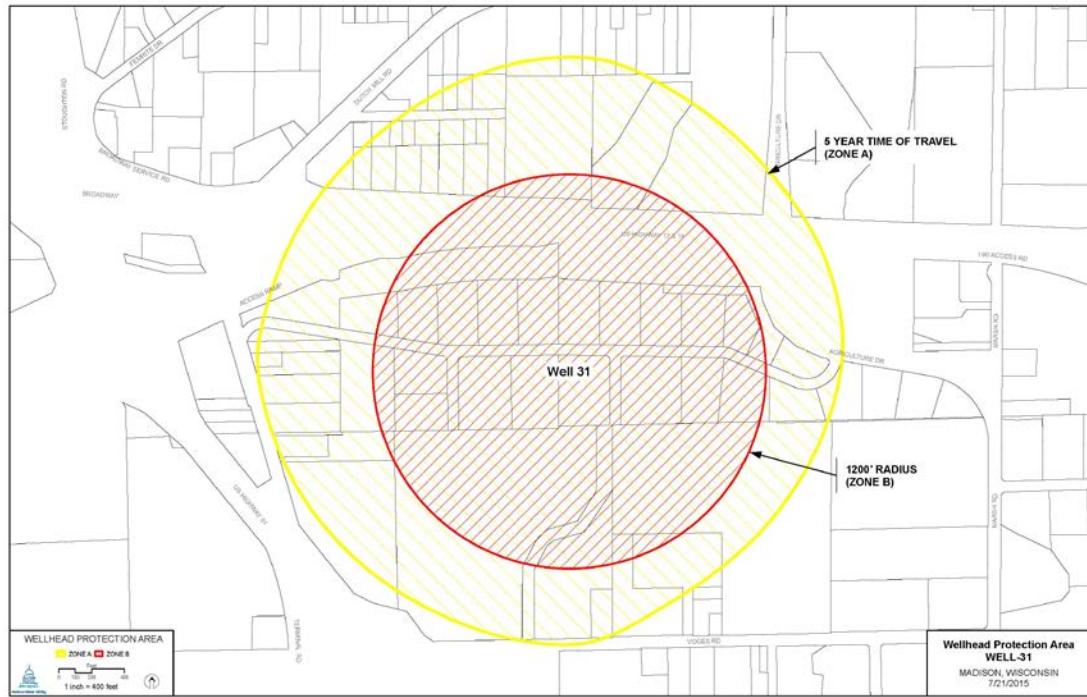
The location of Well No. 30 and the surrounding Zone A and Zone B are shown in Sec. 28.102(27)(a).

## (a) Map of Wellhead Protection District No. 30.

(28) Wellhead Protection District No. 31.

The location of Well No. 31 and the surrounding Zone A and Zone B are shown in Sec. 28.102(28)(a).

## (a) Map of Wellhead Protection District No. 31.



(Sec. 28.102(28) Cr. by ORD-15-00098, 9-11-15)

(Sec. 28.102 Am. by ORD-15-00116, 10-28-15)

**28.103 WETLAND OVERLAY DISTRICT.**(1) Statement of Purpose.

The Wetland Overlay District is established to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(2) Map Designation.

The Wetland Overlay District is shown on the official zoning district maps identified in Subchapter 28B.

(3) Permitted Uses.

- (a) The following activities and uses do not require the issuance of a zoning certificate, provided that no wetland alteration occurs:
1. Hiking, fishing, trapping, swimming and non-motorized boating
  2. Construction and maintenance of duck blinds
- (b) The following activities and uses may involve wetland alterations only to the extent specifically provided below:
1. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.
  2. The maintenance, repair, replacement and reconstruction of existing highways and bridges, roads, and electric, telephone, water, gas, sewer and railroad lines, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
  3. The replacement and reconstruction of existing publicly-owned radio and television towers, provided that neither the existing nor the replaced or reconstructed tower is in a shoreland, as defined in Sec. 28.211.

(4) Conditional Uses.

The following conditional uses may be allowed in the Wetland Overlay District, including wetland alterations only to the extent specifically provided below. The Southern District Office of the Wisconsin Department of Natural Resources shall be notified of the conditional use proposal at least ten (10) days prior to the hearing and shall be notified of the City's decision within ten (10) days after the decision is made.

- (a) The construction of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to permitted uses provided that:

1. The road cannot as a practical matter be located outside the wetland;
2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
4. Road construction activities are carried out in the immediate area of the roadbed only; and
5. Any wetland alteration must be necessary for the construction or maintenance of the road.

- (b) The construction and maintenance of nonresidential buildings provided that:

1. The building is used solely in conjunction with a use permitted in the Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals.
2. The building cannot as a practical matter be located outside the wetland.

3. The building does not exceed five hundred (500) square feet in floor area; and
  4. No filling, flooding, draining, dredging, ditching, tiling, or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- (c) The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, game and wildlife preserves, fish and wildlife habitat improvement projects, and public boat launching ramps, provided that:
1. Any private recreation or wildlife habitat area shall be used exclusively for that purpose.
  2. Only that filling and excavating which is necessary for the development of public boat launching ramps, public trails, swimming beaches or the construction of park shelters or similar structures is allowed.
  3. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the standards in Paragraph (4)(a) above.
  4. Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas shall only be for the purpose of improving wildlife habitat or otherwise enhancing wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities, provided that:
1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland.
  2. Only that filling or excavating which is necessary for such construction or maintenance is allowed; and
  3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (e) The construction and maintenance of railroad lines, provided that:
1. The railroad lines cannot, as a practical matter, be located outside the wetland.
  2. Only that wetland alteration which is necessary for such construction or maintenance is allowed; and
  3. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (f) The 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.
- (g) The practice of silviculture, including the planting, thinning and harvesting of timber and limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
- (h) The pasturing of livestock and the construction and maintenance of fences for such pasturing including limited excavating and filling necessary for such construction or maintenance.
- (i) The cultivation of agricultural crops, if cultivation can be accomplished without filling, flooding, draining, dredging, ditching, tiling, or excavating except limited filling and excavating necessary for the construction and maintenance of fences.
- (j) The 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 permissible under Chapter 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks, where possible.

- (k) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland.
- (5) Prohibited Uses. Any use not listed in paragraphs (3) or (4) above is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with para. (7) below and the other requirements of this chapter. 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 are prohibited.
- (6) Development Approvals. In the Wetland Overlay District, a zoning certificate shall be obtained from the Zoning Administrator before any new development or any change in the use of an existing building, structure or use of land commences. An application for a zoning certificate for lands in the Wetland Overlay District shall include the information required below for a site plan, as well as the specifications and dimensions for any areas of proposed alteration.
- (a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.
- (b) Legal description of the property and a general description of the proposed use or development.
- (c) Whether or not a private water or sewage system is to be installed
- (d) The site plan shall be drawn to scale and submitted as a part of the application form and shall contain the following information:
1. Dimensions and area of the lot.
  2. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
  3. Location of any existing or proposed on-site sewage systems or private water supply systems.
  4. Location of the ordinary high water mark of any abutting navigable waterways.
  5. Location and landward limit of all wetlands.
    - a. Existing and proposed topographic and drainage features and vegetative cover.
    - b. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas.
    - c. Location of existing or future access roads; and
    - d. Specifications and dimensions for areas of proposed wetland alteration.
- (7) Amendment of Wetland Overlay Zoning. Any amendment to the text or map of the Wetland Overlay District shall comply with Sec. 28.182 and with the following:
- (a) A copy of each proposed text or map amendment shall be submitted to the Southern District Office of the Department of Natural Resources within 5 days of the referral of the proposed amendment to the Plan Commission.
- (b) The Southern District Office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (c) In order to insure that the shoreland protection objectives in Wis. Stat. § 281.31 will be accomplished by the amendment, the Common Council may not rezone a wetland in the Wetland Overlay District, where the proposed rezoning may result in a significant adverse impact upon any of the following:
1. Storm water and floodwater storage capacity.
  2. Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.

3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
  4. Shoreline protection against soil erosion.
  5. Fish spawning, breeding, nursery or feeding grounds.
  6. Wildlife habitat; or
  7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (d) Where the Southern District Office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the standards listed above, the Department shall notify the City Clerk of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The Southern District Office of the Department of Natural Resources shall be provided with:
1. A copy of the recommendations and report of the Plan Commission on the proposed text or map amendment within ten (10) days after the submission of these recommendations to the Common Council; and
  2. Written notices of the Common Council's action on the proposed text or map amendment within ten (10) days after the action is taken.
- (f) If the DNR notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the standards listed in (c) above, that proposed amendment, if approved by the Common Council, may not become effective until more than thirty (30) days have elapsed since written notice of the Common Council approval was mailed to the DNR. If within the thirty (30) -day period the DNR notifies the Common Council that it intends to adopt a superseding wetland zoning ordinance for the City under Wis. Stats. § 62.231(6), the proposed amendment may not become effective until the ordinance adoption procedure under Wis. Stats. § 62.231(6), is complete or otherwise terminated.
- (8) **Nonconformities.**  
Except as provided below, all provisions in Subchapter 28N shall apply.
- (a) Notwithstanding Section 28.191(1)(a), this subchapter does not prohibit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of this ordinance or amendment or of any environmental control facility in existence on May 7, 1982 related to that structure. Wis. Stats. § 28.191(1)(a) shall apply to any environmental control facility that was not in existence on May 7, 1982, but which was in existence on the effective date of this ordinance or amendment. All such work must be done in a manner designed to minimize the adverse impacts upon the natural functions of the wetland.
- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for a period of twelve (12) months, any future use of the property or structure shall conform to the requirements of this ordinance.
- (c) The maintenance and repair of any nonconforming boathouse which extends beyond the ordinary high water mark shall comply with Wis. Stats. § 30.121.

**28.104 TRANSIT ORIENTED DEVELOPMENT OVERLAY DISTRICT.**(1) Statement of Purpose.

The TOD District is intended to support investment in and use of public transit and bicycle connections. It does this by fostering development that intensifies land use and economic value around transit stations and by promoting a mix of uses that will enhance the livability of station areas.

The district is also intended to:

- (a) Provide increased mobility choices.
- (b) Improve pedestrian connections, traffic and parking conditions.
- (c) Minimize parking requirements by encouraging shared parking and alternative modes of transportation.
- (d) Foster high-quality buildings and public spaces that help create and sustain long-term economic vitality.

(2) Applicability.

The TOD District is an overlay district that may be applied around an identified transit stop or station, as determined by a station area plan. Boundaries shall be as shown on the zoning map. Station area plan shall be prepared by planning staff, and approved by the Plan Commission and Common Council. The plan shall establish the standards for the overlay district.

(3) Relationship to Other Regulations.

Properties located within a TOD overlay district are subject to the provisions of the primary zoning district and the TOD overlay district. Where the provisions of the overlay district conflict with the primary zoning district, the provisions of the overlay district shall apply.

(4) Prohibited Uses.

The following uses are prohibited in the TOD district:

- (a) Auto body shop.
- (b) Auto service station, convenience market.
- (c) Auto repair station.
- (d) Auto sales or rental.
- (e) Car wash.
- (f) Storage facility, personal indoor storage.
- (g) Vehicle access sales and service windows.

(5) Minimum Intensity and Frontage Use.

The following standards shall apply to new buildings and additions exceeding fifty percent (50%) of the original building's floor area. These standards may be modified or eliminated by an adopted Transportation Overlay District.

- (a) New buildings shall be a minimum of two (2) stories in height.
- (b) Floor area ratio (FAR) for nonresidential and/or mixed-use buildings shall be a minimum of 1.0. Public gathering spaces, outdoor seating areas and areas for public art may be counted towards building square footage in calculating the minimum FAR. Individual phases of a phased development may be less than this minimum, provided the entire development meets the minimum requirement. This requirement shall not apply to the expansion of buildings existing on the effective date of this section, in such buildings, the FAR shall not be less than the existing FAR.
- (c) Where residential uses are proposed, minimum density shall be fifteen (15) units per acre. Density shall be calculated based on the total area of the development site devoted to residential use, including residential units in mixed-use buildings.
  - 1. A new building with less than the required FAR or residential density may be allowed on a developed zoning lot where an existing building will remain, provided that:
    - a. Total lot coverage and FAR for the zoning lot are not reduced; and

- b. The new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that improve the aesthetic appeal of the site.
  - (d) A minimum of fifty percent (50%) of ground floor frontage along primary streets shall be designed for retail use, with a floor-to-ceiling height of at least ten (10) feet and with sixty percent (60%) facade transparency between two (2) and eight (8) feet from ground level. Building entrances on primary streets are encouraged.
  - (e) All parking structures shall be lined with other allowed uses at ground floor level along a minimum of seventy-five percent (75%) of the primary street frontage.
- (6) **Multiple Use Guidelines.**  
Development proposals on sites over five (5) acres should include a mix of uses, including residential uses, office uses, retail and other commercial uses, manufacturing uses, and civic and institutional uses.
- (7) **Public Space Requirement.**  
Development proposals on sites of ten (10) or more acres shall set aside a minimum of five percent (5%) of the project site as open space, which may be designed as a square, plaza, terrace or green, with a variety of landscaped and paved surfaces, public art, and seating areas. This requirement may be modified or eliminated by an adopted Transit Overlay District.
- (8) **Parking Standards.**  
No minimum off-street auto and bicycle parking is required, except where parking minimums are specified in a station area plan. Parking maximums established in Subchapter 28J shall apply, except where more specific requirements are established in an adopted Transit Overlay District.
- (9) **Exemptions.**  
Where an existing building or its accessory parking does not conform to the TOD overlay district requirements or serves an existing nonconforming use, the building may be expanded without fully meeting the requirements of this section as long as the expansion does not increase the nonconformity.

## **28.105 NEIGHBORHOOD CONSERVATION OVERLAY DISTRICTS.**

- (1) **Statement of Purpose.**  
Madison is endowed with many distinctive neighborhoods. Recognizing that these neighborhoods contribute significantly to the character and identity of Madison, the City seeks to conserve these areas as a matter of policy. The Neighborhood Conservation District Ordinance is a means to conserve the essential physical character of these neighborhoods.  
By establishing a Neighborhood Conservation District, and tailoring the regulations to the attributes of the built environment that make the place distinctive, neighborhoods can prevent insensitive development, and promote better harmony between new and existing structures. This ordinance enables neighborhoods to conserve and enhance the physical characteristics that come together to produce a distinctive environment.
- (2) **Applicability.**  
(a) The requirements of the Neighborhood Conservation Overlay Districts apply to all development, exterior alterations, additions and demolitions of structures on all zoning lots located in such districts, in addition to all requirements of the underlying primary zoning districts.  
(b) In the event of a conflict between the provisions of the Neighborhood Conservation Overlay Districts and the underlying primary zoning district, the provisions of the Neighborhood Conservation Overlay Districts shall apply.

(3) Eligibility Criteria.

To be considered for designation as a Neighborhood Conservation District, an area shall meet the following minimum criteria:

- (a) The proposed area includes at least eight (8) contiguous block-faces or two thousand, six hundred forty (2,640) lineal feet of contiguous street frontage.
- (b) The proposed area possesses consistent, identifiable built or natural environment characteristics to be conserved.
- (c) At least seventy-five percent (75%) of the lots in the proposed district have been developed with a principal structure for at least twenty-five (25) years.
- (d) The proposed requirements for a Neighborhood Conservation District are consistent with the Comprehensive Plan and existing neighborhood plans.
- (e) The proposed area contains at least one of the following features:
  - 1. Distinctive building attributes: scale, mass, distinctive architectural characteristics, e.g., front porches, height, roof styles.
  - 2. Distinctive land use patterns: mixed uses, parks/open spaces, or unique uses or activities.
  - 3. Distinctive streetscape characteristics: lighting, street layout, materials, and landscaping.
  - 4. Distinctive lot features: lot layouts and sizes, setbacks, alleys, and landscaping.
- (f) A Neighborhood Conservation Overlay District shall not be placed in an existing local historic district or Urban Design District.

(4) Designation Process.

- (a) All requests for creation of a Neighborhood Conservation District shall be initiated by a resident, owner, or commercial tenant and shall be submitted to the Director of the Department of Planning and Community and Economic Development.
- (b) The Director of the Department of Planning and Community and Economic Development shall determine whether the proposed area is consistent with the eligibility standards in Sec. 28.105(3).
- (c) If the proposed Neighborhood Conservation District is consistent with Sec. 28.105(3), notice of an informational meeting regarding the District designation process shall be sent to all owners and occupants of the proposed District.
- (d) Within thirty (30) days of the informational meeting, a survey shall be sent to all owners and occupants of the proposed District regarding the desirability of the proposed District. If more than one (1) informational meeting is held, the survey shall be sent within thirty (30) days of the last meeting.
  - 1. If any property is added to the proposed District prior to the final recommendation of the Plan Commission, the survey shall be sent to all owners and occupants in the area that was added, and the results shall be submitted to the Common Council.
- (e) The Director of the Department of Planning and Community and Economic Development shall prepare a report on the results of the survey. The report shall only include survey responses received within twenty-eight (28) days from the date the survey is mailed shall be included in the report. The report shall be submitted to the Plan Commission and Common Council.
- (f) A resolution authorizing a Neighborhood Conservation Study shall be introduced to the Common Council and referred to the Plan Commission. If authorized by a resolution adopted by the Common Council, a Neighborhood Conservation Study shall be undertaken.

- (g) A Neighborhood Conservation Study shall explore the feasibility and potential benefits of establishing a Neighborhood Conservation District for an area. The study shall be prepared by the Department of Planning and Community and Economic Development, working with the residents, property owners and business representatives of the proposed district.
1. At the time the Neighborhood Conservation Study is initiated, written notice shall be given to all owners and occupants in the area proposed for study. Because the exact geographic limits of a Neighborhood Conservation District may include properties that were not anticipated to be in the district at the initiation of the study, failure to provide the above notice shall not affect the validity of a Neighborhood Conservation District that is created.
  2. The Department of Planning and Community and Economic Development shall maintain a registry of persons interested in future notification regarding a particular Neighborhood Conservation District.
- (h) A Neighborhood Conservation Study shall include:
1. Maps indicating the proposed district boundaries, and the land uses within the proposed district.
  2. An identification of the distinctive attributes of the area's built or natural environment to be preserved and enhanced.
  3. An evaluation of the extent to which the objectives of the proposed Neighborhood Conservation District may be achieved through the application of a standard zoning district.
  4. A list of design requirements for the proposed district that will preserve its distinctive character. In addition to the features in (3)(e), above, requirements may include but are not limited to the following:
    - a. Setbacks.
    - b. Orientation.
    - c. Height and width.
    - d. Scale and massing.
    - e. Architectural features, including but not limited to fenestration, roof pitch, and building materials.
- (i) Creation of a Neighborhood Conservation Overlay District. If a Neighborhood Conservation District is proposed following the completion of the Neighborhood Conservation Study, it shall include the geographic boundaries, and the specific requirements to be used in reviewing development proposals. A Neighborhood Conservation District ordinance shall be considered pursuant to the procedures in Sec. 28.182.
- (j) Every twenty (20) years after the effective date of the ordinance, the Department of Planning and Community and Economic Development shall survey the owners, residents, and commercial tenants and report to the Plan Commission and Common Council on the results of the survey and suggested changes to the ordinance.

**28.121 FLOODPLAIN OVERLAY DISTRICTS.**(1) Statement of Purpose.

Pursuant to Wis. Stat. § 62.23(7), this ordinance is intended to regulate floodplain development to:

- (a) Protect life, health, and property.
- (b) Minimize expenditures of public funds for flood control projects.
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
- (d) Minimize business interruptions and other economic disruptions.
- (e) Minimize damages to public facilities in the floodplains.
- (f) Minimize the occurrence of future flood blight areas in the floodplain.
- (g) Discourage the victimization of unwary land and homebuyers.
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in the floodplain if there is any practicable alternative to locate the activity, use, or structure outside the floodplain.

(2) Areas to be Regulated.

This Subchapter regulates all areas that could be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(3) Establishment of Floodplain Zoning Districts.

The regional floodplain area is divided into four (4) districts as follows:

- (a) The F1 Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE zones as shown on the FIRM.
- (b) The F2 Flood Fringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE zones on the FIRM.
- (c) The F3 General Floodplain District (GFP) consists of those areas that may be covered by floodwater during the regional flood.
- (d) The F4 Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(4) Floodplain Maps.

See Sec. 28.022(3), Zoning Districts and Maps, for listing of floodplain maps and determination of floodplain boundaries.

(5) Removal of Lands From Floodplain.

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation; the fill is contiguous to land outside the floodplain, and the map is amended using the procedures established for zoning map amendments in Sec. 28.182.

(6) Warning and Disclaimer of Liability.

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain use areas will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the City of Madison or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(7) General Development Standards.

## (a) No development shall be allowed in floodplain areas which will:

1. Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

2. Cause any increase in the regional flood height due to floodplain storage area lost.
- (b) Obstructions or increases greater than 0.00 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines, and water surface profiles.
- (c) The Zoning Administrator shall deny permits where it is determined that the proposed development will obstruct flow or cause any increase in the regional flood heights based on the adopted Flood Insurance Rate Map or other adopted map, unless amendments are made using the procedures established for zoning map amendments in Sec. 28.182.
- (d) All proposed building sites in subdivisions or new developments in flood prone areas shall be reasonably free from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages; and to ensure that utility and mechanical is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions and all new development shall be reviewed for compliance with the above standards. All proposals (including manufactured home parks) shall include regional flood elevation and floodway data.

(Sec. 28.121(7) Am. by ORD-13-00086, 5-29-13)

(8) Watercourse Alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Southern District Office of the DNR and the appropriate office of FEMA and required the applicant to secure all necessary state and federal permits. The standards of sub. (7) must be met and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as practicable, but not later than six months after the date of the watercourse alteration or relocation, and pursuant to Sec. 28.182, the City shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(9) Development Under Wis. Stat. chs. 30 and 31.

Development which requires a permit from the Department of Natural Resources, under Wis. Stat. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed provided the necessary local permits are obtained and necessary amendments are made to the floodplain zoning ordinance are made according to Sec. 28.182.

(10) Nonconforming Uses.

The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this ordinance may continue subject to the conditions set forth in Sec. 28.126(2).

(11) Compliance Required.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.

(12) Floodproofing.

- (a) To withstand flood velocities, forces, and other factors associated with the regional flood, floodproofing measures shall be designed that will protect the structure or development to the flood protection elevation and such measures shall either be certified by a registered professional engineer or architect, or meet or exceed the following standards:
1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  2. The bottom of all openings shall be no higher than one foot above grade; and
  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.

- (b) All flood-proofing measures shall be designed to:
1. Withstand floor pressures, depths, velocities, uplift and impact forces and other regional flood factors.
  2. Protect structures to the flood protection elevation.
  3. Anchor structures to foundations to resist flotation and lateral movement; and
  4. Minimize or eliminate infiltration of flood waters; and
  5. Minimize or eliminate discharges into flood waters.
- (c) Flood-proofing measures may include the following:
1. Installation of watertight doors, bulkheads and shutters.
  2. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.
  3. Use of paints, membranes or mortars to reduce seepage of water through walls.
  4. Addition of mass or weight to structures to prevent flotation.
  5. Placement of essential utilities above the flood protection elevation.
  6. Installation of pumping facilities and/or subsurface drainage systems to relieve foundation wall and basement floor pressures and to lower water levels in structures.
  7. Construction of water supply wells and waste treatment systems to prevent the entry of flood waters.
  8. Installation of cutoff valves on sewer lines or the elimination of gravity basement drains.
- (13) Public or Private Campgrounds. Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:
- (a) The campground is approved by the Department of Health Services;
  - (b) A land use permit for the campground is issued by the zoning administrator;
  - (c) The campground elevation in relation to the river system is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;
  - (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
  - (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated by the officials identified in sub. d to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
  - (f) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
  - (g) The camping units shall not occupy any site in the campground for more than one hundred-eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;
  - (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred-eighty (180) days and shall ensure compliance with all the provisions of this section;
  - (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

- (j) All camping units that remain in place for more than one hundred-eighty (180) consecutive days must meet the applicable requirements in either Secs. 28.122, 28.123 or 28.124 for the floodplain district in which the structure is located;
  - (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued and;
  - (l) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- (14) Application Requirements for Permits and Zoning Certificates.
- (a) Site Development Plan. Within the Floodplain Districts, all permit applications shall include a site development plan drawn to scale and containing the following information:
    1. Name and address of the applicant, property owner, and contractor.
    2. Legal description, proposed use, and whether the development is new construction or a modification.
    3. Location, dimensions, area and elevation of the lot.
    4. Location of the ordinary high-water mark of any abutting navigable waterways.
    5. Location of any structures with distances measured from the lot lines and center line of all abutting streets highways.
    6. Location of any existing or proposed on-site sewage systems or private water supply systems.
    7. Location and elevation of existing or future access roads.
    8. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps.
    9. The elevation of the lowest floor of proposed buildings and any fill using North American Vertical Datum (NAVD).
    10. Data sufficient to determine the regional flood elevation in NAVD at the location of the development and to determine whether or not the requirements of the Floodway District or the Flood Fringe District apply.
    11. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 28.121(7). This may include any of the information noted in Sec. 28.122(3).
  - (b) Hydraulic and Hydrologic Studies to Analyze Developments. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department
    1. Zone A Floodplains.
      - a. Hydrology.
        - i. The appropriate method shall be based on the standards in Wis. Admin. Code ch. NR 116.07(3), *Hydrologic Analysis: Determination of Regional Flood Discharge*.
      - b. Hydraulic Modeling. The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
        - i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
        - ii. Channel sections must be surveyed.
        - iii. Minimum four (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

- iv. A maximum distance of five hundred (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.
  - v. The most current version of HEC-RAS shall be used.
  - vi. A survey of bridge and culvert openings and the top of road is required at each structure.
  - vii. 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 five hundred (500) feet.
  - viii. 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.
  - ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order 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 feet.
- c. **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.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
2. **Zone AE Floodplains.**
- a. **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, Hydrologic Analysis: Determination of Regional Flood Discharge.
- b. **Hydraulic Model.**  
The regional flood elevation shall be based on the standards in Wis. Admin. Code ch. NR 116.07(4), *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
- i. **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 FIS model upstream and

downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii.

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 review.

iii.

Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv.

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.

v.

All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi.

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 top widths 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.

c.

Mapping.

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i.

Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRM and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii.

Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii.

Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv.

If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v.

The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi.

All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section

lookup table shall be included to relate to the model input numbering scheme.

- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(Sec. 28.121 Am. by ORD-14-00146, 9-12-14)

## **28.122 F1 FLOODWAY DISTRICT.**

### **(1) Applicability.**

The provisions of this section shall apply to all floodway areas on the floodplain zoning maps and to those portions of the F3 General Floodplain District determined to be in the floodway area.

### **(2) Permitted Uses.**

The following open space uses are permitted in the F1 Floodway District:

- (a) Agricultural uses, including general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, including parking and loading areas and airport landing strips.
- (c) Nonstructural recreational uses, including golf course, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching 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.
- (d) Uses or structures accessory to open space uses or classified as historic structures.
- (e) Public utilities, streets, and bridges.
- (f) Extraction or deposition of sand, gravel or other materials.
- (g) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply within Wis. Stats. chs. 30 and 31.

### **(3) Standards for Developments in Floodway.**

#### **(a) General.**

1. Any development in the floodway shall comply with the provisions of Section 28.121(7) and have a low flood damage potential.
2. Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 28.121(7)(a) and (b):
  - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
  - b. An analysis calculating the effects of this proposal on regional flood height.
3. The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream based on the data submitted for Subparagraph 2.b. above. (Am. by ORD-13-00086, 5-29-13)

#### **(b) Structures. Structures accessory to permitted open space uses, classified as historical areas, or functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:**

1. Not designed for human habitation and do not have a high flood damage potential and is constructed to minimize flood damage;
2. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, at the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or other devices provided they permit the automatic entry and exit of floodwaters; (Am. by ORD-13-00086, 5-29-13)

3. Must be anchored to resist flotation, collapse, and lateral movement; and
  4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation.
- (c) Public Utilities, Streets, and Bridges.  
Public utilities, streets and bridges may be allowed by permit, provided that:
  1. Adequate flood-proofing measures are provided to the flood protection elevation; and
  2. Construction meets the standards in Sec. 28.121(7)(a) and (b).
- (d) Fills or Deposition of Materials.  
Fills or deposition of materials may be allowed by permit, provided that:
  1. The requirements of Sec. 28.121(7)(a) and (b) are met.
  2. No material is deposited in navigable waters unless a permit has been granted by the Department of Natural Resources pursuant to Wis. Stat. ch. 30, and a permit pursuant to 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.
  3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion; and
  4. The fill is not classified as a solid or hazardous material.
- (4) Prohibited Uses.  
All uses not listed as permitted uses in sub. (2) above are prohibited with the floodway district and in the floodway portion of the general floodplain district including the following uses:
  - (a) The storage of any material that is buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
  - (b) Any uses not in harmony with or which may be detrimental to uses permitted in the adjoining districts.
  - (c) All private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with public recreational areas and Wisconsin Department of Natural Resources approved campgrounds, that meet the applicable provisions of Wis. Admin. Code ch. SPS 383.
  - (d) All public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and NR 812.
  - (e) All solid and hazardous waste disposal sites.
  - (f) All wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b).
  - (g) All sanitary sewer or water lines except those to service existing or proposed development located outside the floodway which complies with the regulation for the floodplain area occupied.
  - (h) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses.

(Sec. 28.122 Am. by ORD-14-00146, 9-12-14)

**28.123 F2 FLOOD FRINGE DISTRICT.**(1) Applicability.

The provisions of this section shall apply to all areas within the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area. The F2 Flood Fringe District shall also include the A-zones so designated on the floodplain zoning district maps and for which floodways are delineated and mapped.

(2) Permitted Uses.

The following uses are permitted in the F2 Flood Fringe District and to those portions of the F3 General Floodplain District determined to be in the flood fringe area: Any building, structure or use otherwise allowed as permitted or conditional uses in the underlying primary zoning district, except for mobile home parks and solid waste disposal sites.

(3) Standards for Development in Flood Fringe.

All of the provisions of Sec. 28.121(7)(a) and (b) shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of Sec. 28.126.

(a) Residential Uses. Any structure or building used for human habitation, including a manufactured home, which is to be erected, newly-constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of Sec. 28.126.

1. The elevation of the lowest floor shall be placed on fill at or above the flood protection elevation (which is a point two feet above the regional flood elevation) except where Subparagraph 2. below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The DNR may authorize other flood-proofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.
2. The basement or crawlway floor may be placed at the regional flood elevation provided it is flood-proofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.
3. Contiguous dry land access, as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land which is outside of the floodplain except as provided in sub. 4.
4. In developments where existing street or sewer line elevations make compliance with sub. 3 impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  - a. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - b. The municipality has a DNR-approved emergency evacuation plan.

(b) Accessory Structures or Uses.

Accessory structures shall be constructed on fill with the lowest floor at or above the Regional Flood Elevation.

- (c) Commercial Uses. Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe shall meet the requirements for residential uses above. Storage yards, surface parking lots and such uses may be at lower elevations, subject to the requirements of subparagraph e. below provided an adequate warning system exists to protect life and property.
- (d) Manufacturing and Industrial Uses. Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Sec. 28.121(12). Subject to the requirements in subparagraph (e) below, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Storage or Processing of Materials. The storage or processing of 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 for the particular area or flood-proofed. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with the local comprehensive floodplain development plans and:
1. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction or repair of such facilities shall only be permitted if they are designed to comply with Sec. 28.121(12).
  2. Minor roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
- (g) Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, flood-proofed pursuant to Sec. 28.121(12) to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Wis. Adm. Code ch. SPS 383.
- (h) Wells. All public or private wells shall be designed to minimize or eliminate infiltration of flood water into the system, flood-proofed pursuant to Sec. 28.121(12) and shall meet the applicable provisions of Wis. Adm. Code chs. NR 811 and 812.
- (i) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.
- (j) Deposition of Materials. Any deposited material must meet all the provisions of this ordinance.
- (k) Manufactured Homes.
1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an excavation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    - a. Have the lowest floor elevated to the flood protection elevation; and
    - b. Be anchored so they do not float, collapse or move laterally during a flood.
  3. Outside of existing manufactured home parks, including manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the requirements for residential uses in para. (3)(a) above.

(l) **Mobile Recreational Vehicles.**

All mobile recreational vehicles that are on site for one hundred-eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in (k)2. and 3. above. 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.

(Sec. 28.123 Am. by ORD-14-00146, 9-12-14)

**28.124 F3 GENERAL FLOODPLAIN DISTRICT.**(1) **Applicability.**

The F3 General Floodplain District consists of the land which has been or may be hereafter covered by flood water during the regional flood and encompasses both the F1 Floodway and F2 Flood Fringe Districts. The provisions of this district shall apply to all floodplains mapped as A, AO or AH zones.

(2) **Permitted Uses.**

The following uses are permitted in the F3 General Flood Plain District, provided a determination shall be made as to what portion of the floodplain is within the floodway or flood fringe as provided in Sec. 28.124(4):

- (a) Uses permitted in the F1 Floodway District are permitted in that portion determined to be within the floodway.
- (b) Uses permitted in the F2 Flood Fringe District are permitted in that portion determined to be within the flood fringe.

(3) **Standards for Development.**

Once it is determined according to Subdivision (4) below that a proposed use is located within a floodway, the provisions of Subsection 28.122 above shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Subsection 28.123 above shall apply. The rest of this subchapter applies to either district.

- (a) In AO/AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

1. At or above the flood protection elevation; or
2. Two (2) feet above the highest adjacent grade around the structure; or
3. The depth as shown on the FIRM.

- (b) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

(4) **Determining Floodway and Flood Fringe.**

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood-proofing measures, and the flood zone as shown on the FIRM.

- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the DNR for evaluation of the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine the boundaries of the floodway:

1. A hydrologic and hydraulic study as specified in Sec. 28.121(14)(b).

2. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
3. Specifications for building construction and materials, flood-proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

(Sec. 28.124 Am. by ORD-14-00146, 9-12-14)

**28.125 F4 FLOOD STORAGE DISTRICT.**(1) Applicability.

The F4 Flood Storage District consists of 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 district 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 floodplain elevations. The provisions of this section shall apply to all areas within the F4 Flood Storage District as shown on the Dane County Flood Storage Maps.

(2) Standards for Development in Flood Storage District.

In addition to the Standards for development in Sec. 28.123(3), the following standards shall apply.

- (a) Development in a flood storage district shall not cause an increase greater than 0.00 of a foot in the height of the regional flood. (Am. by ORD-13-00086, 5-29-13)
- (b) No development shall be allowed that would remove flood storage volume, unless an equal volume of storage, as defined by the predevelopment ground surface and the regional flood elevation, shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- (c) No area in the floodplain may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside the floodplain.
- (d) If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district is rezoned to the flood fringe district. At such time, the floodplain study and map for the waterway shall be revised to revert to the higher regional flood discharge calculated without floodplain storage.

(3) Permitted Uses.

Any use allowed as permitted or conditional uses in the Madison Zoning Ordinance, except for mobile home parks and solid waste disposal sites.

**28.126 NONCONFORMITIES.**

- (1) General Floodplain District.  
If these standards conform with Wis. Stat. § 62.23(7)(h), they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- (2) Conditions.  
The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance 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 ordinance. 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.
  - (b) Maintenance is not considered a 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.
  - (c) The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
  - (d) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (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 ordinance;
  - (e) The City 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;
  - (f) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would be equal to or exceed fifty percent (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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(a)3. 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 fifty percent (50%) provisions of this paragraph; (Am. by ORD-13-00086, 5-29-13)
  - (g) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(3)(a);
  - (h) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds fifty percent (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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 28.123(3)(a);

- (i) Except as provided in subparagraph (j) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
- (j) 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 in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
  - 1. Residential Structures.
    - a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Sec. 28.121(12)(a).
    - b. Shall 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.
    - c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
    - d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
    - e. In AO Zones, the lowest floor must meet one of the following requirements, whichever is greater:
      - i. At or above the flood protection elevation;
      - ii. Two (2) feet above the highest adjacent grade around the structure; or
      - iii. The depth as shown on the FIRM.
    - f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
  - 2. Nonresidential Structures.
    - a. Shall meet the requirements of Sec. 28.126(2)(j).
    - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Sec. 28.121(12)(a).
    - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 28.124(3).
- (k) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Sec. 28.122(3), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 28.121(12) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of 28.126(2)(j)1. 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.

(3) Floodway District.

- (a) Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district unless such addition or modification:
1. Has been granted a permit or variance that meets all ordinance requirements.
  2. Meets the requirements of Section 28.126(1) and (2). (Am. by ORD-13-00086, 5-29-13)
  3. Shall not increase the obstruction to flood flows or regional flood height; and
  4. Any addition to the existing structure shall be floodproofed, pursuant to Sec. 28.121(12), by means other than the use of fill, to the flood protection elevation; and
  5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of the flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one (1) square inch for every one (1) square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade.
    - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
    - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - d. The use must be limited to parking, building access or limited storage.
- (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 the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in the Floodway District shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code ch. SPS 383.
- (c) No new well or modification to an existing well, used to obtain potable water, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code chs. NR 811 and NR 812.

(4) Flood Fringe District.

- (a) The provisions of Sec. 28.126(1) and (2) shall apply to all nonconforming uses and structures.
- (b) Additions or modifications shall not be allowed to any nonconforming structure or any structure with a nonconforming use unless such addition or modification has been granted a permit or variance. In addition, the addition or modification shall meet the requirements of Subdivision 28.123(3) above except where Paragraph (c) below is applicable.

- (c) Where compliance with the provisions of Paragraph (b) above 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 Zoning Board of Appeals may grant a variance from those provisions of Paragraph (a) above for additions or modifications using the criteria listed below. Additions or modifications which are protected to elevations lower than the flood protection elevation may be permitted provided:
1. No floor is allowed below the regional flood elevation for structures with residential or commercial uses.
  2. Human lives are not endangered.
  3. Public facilities, such as water or sewer, shall not be installed.
  4. Flood depths shall not exceed two (2) feet.
  5. Flood velocities shall not exceed two (2) feet per second; and
  6. The structure shall not be used for storage of materials described in Sec. 28.123(3)e.
- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Wis. Admin. Code ch. SPS 383.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Wis. Admin. Code chs. NR 811 and NR 812.

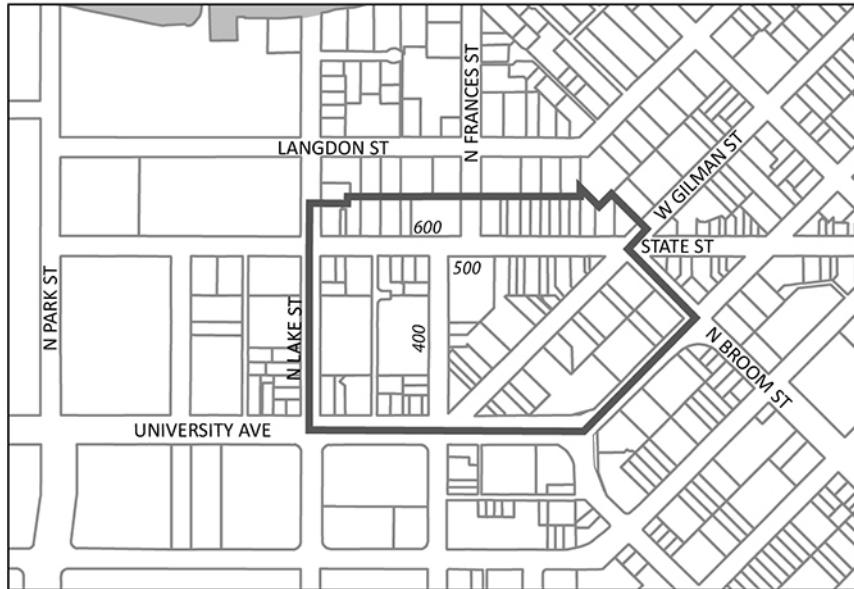
(5) Nonconformities in Flood Storage Areas.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage district unless the standards in Sec. 28.125 (1) and (2) are met. (Am. by ORD-13-00086, 5-29-13)

(Sec. 28.126 Am. by ORD-14-00146, 9-12-14)

### **28.127 ALCOHOL OVERLAY DISTRICT.**

- (1) Applicability. The Alcohol Overlay district is depicted on the map below. This ordinance applies to all addresses within the boundaries depicted on the map.
- (a) Alcohol Overlay District map.



- (2) Permitted and Conditional Uses. Table 28H-1 lists permitted and conditional uses in the Alcohol Overlay District which supersede the regulations in the underlying zoning district.
- (a) "P" means permitted in the districts where designated.
- (b) "C" means allowed as conditional uses in the districts where designated, in compliance with all applicable standards.
- (c) "P/C" means permitted or conditional, depending on specific requirements in Supplemental Regulations, Subchapter 28J.
- (d) "Y" means there are specific requirements in Subchapter 28J associated with a use.

**Table 28H-1**

	Alcohol Overlay District	Supplemental Regulations
<b>Food and Beverages</b>		
Brewpub	C	Y
Nightclub	P/C	Y
Restaurant	P	
Restaurant-nightclub	P/C	Y
Restaurant-tavern	P	Y
<b>Retail Sales and Services</b>		
Liquor store		
<b>Accessory Uses and Structures</b>		
Accessory retail alcohol sales		

- (3) Annual Review. The effect of this ordinance shall be reviewed every year. A report shall be prepared by the Alcohol Policy Coordinator with assistance from the Zoning Administrator and Madison Police Department. The report shall be shared with the Alcohol License Review Committee, Plan Commission, and Common Council. The report will be due December 1 of each year, with the first report due December 1, 2015. This report should include information regarding:
- (a) The number and types of establishments in each district;
  - (b) The number of nonconforming uses in the Alcohol Overlay District;
  - (c) The number and kind of any conditional uses approved in each district;
  - (d) Feedback provided by the public, including business owners, throughout the calendar year;
  - (e) Feedback from the Madison Police Department regarding any public safety issues arising from or impacted by this ordinance; and,
  - (f) Feedback from the Zoning Administrator regarding any land use issues arising from or impacted by this ordinance.

In addition, the report should include any other information gathered by City staff that may be relevant to the various committees and Common Council regarding the impact of this ordinance across the City and in the new Alcohol Overlay District.

- (4) This section is effective July 1, 2014 and shall expire and be of no legal effect on July 1, 2019, unless extended by the Common Council prior to the expiration date. The Common Council shall be notified of this provision by City staff at least one hundred twenty (120) days prior to this date.

(Cr. by ORD-14-00083, 4-16-14)

**SUBCHAPTER 28I: GENERAL REGULATIONS****28.131 ACCESSORY BUILDINGS AND STRUCTURES ON LOTS USED EXCLUSIVELY FOR RESIDENTIAL AND MIXED-USE PURPOSES.**

- (1) All accessory buildings and structures on lots in any district used exclusively for residential and mixed-use purposes shall comply with the following requirements:
  - (a) Maximum Area Per Lot. Total area of accessory buildings measured at ground floor: ten percent (10%) of lot area but no more than one thousand (1,000) square feet. A larger total building area may be allowed by conditional use approval.
  - (b) Maximum Size of Accessory Building. No individual structure shall exceed five hundred seventy-six (576) square feet in TR districts and eight hundred (800) square feet in other districts at ground level except by conditional use approval. Accessory buildings shall not exceed the size of the principal building.
  - (c) Maximum Height. The height of the principle building or fifteen (15) feet, whichever is lower. The following are exempt from this requirement:
    1. The maximum height of accessory dwelling units shall be determined by the district requirements for zoning districts where such units are allowed.
    2. The maximum height of carriage houses within historic district may be the same as the original height.
  - (d) Maximum Percentage of Rear Yard Setback. Accessory buildings may occupy a maximum of fifty percent (50%) of the area of the rear yard setback.
  - (e) Placement. Accessory buildings may be located in the following locations:
    1. Within the building envelope.
    2. In a rear yard setback, a minimum of three (3) feet from any property line.
    3. In a side yard setback, if located behind the rear plane of the principal building at the time of construction, a minimum of three (3) feet from any property line.
    4. In the side or rear yard setback of a corner lot, a minimum distance from the street side lot line equal to the setback required for a principal building in the district.
    5. In the rear yard setback of a reversed corner lot, no closer to the street side lot line than the front yard setback of the adjacent property, for the first twenty-five (25) feet from the common property line. Beyond this distance, the minimum setback shall be equal to the setback required for a principal building in the district.
    6. A minimum of three (3) feet from any principal building and any other accessory building. (Cr. by ORD-13-00007, 1-15-13)

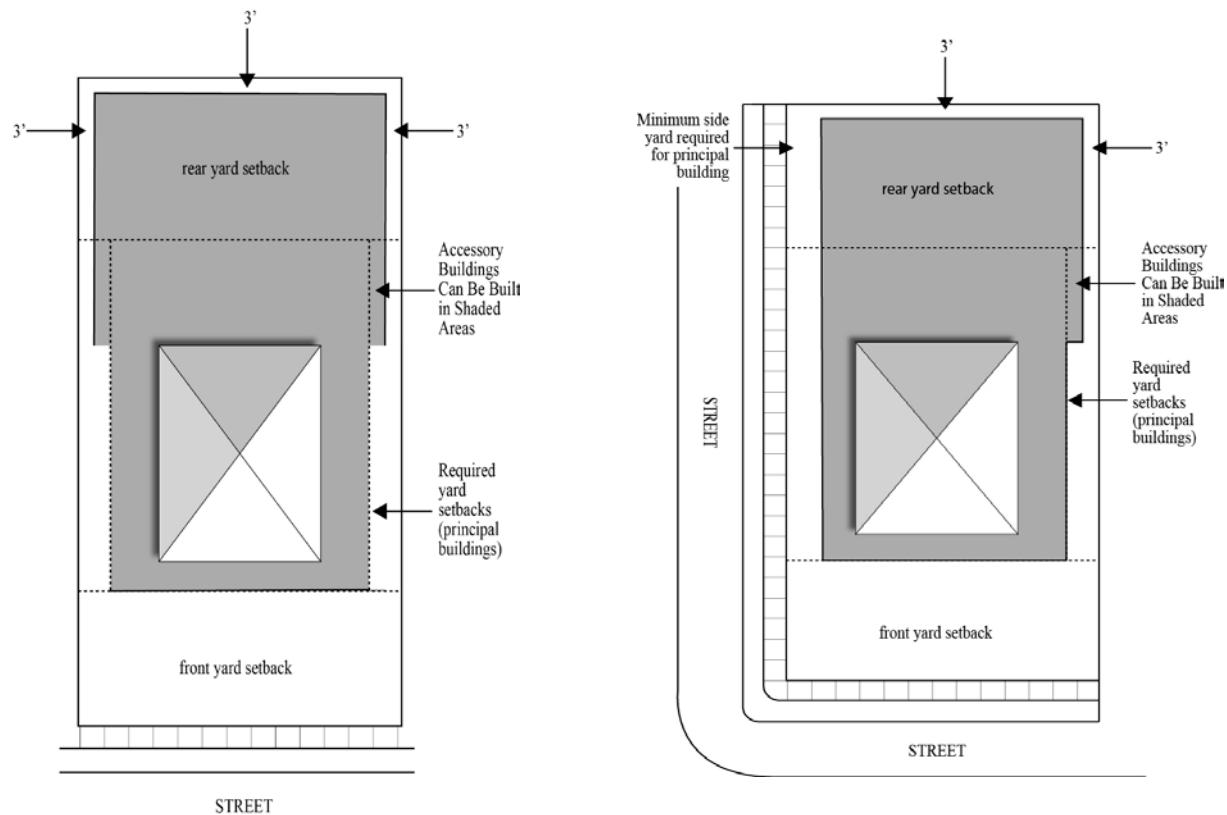


Figure I1: Accessory Building Placement  
Accessory buildings may be located in shaded areas.

Figure I2: Accessory Building Placement for Corner Lots.  
Accessory buildings may be located in shaded areas.

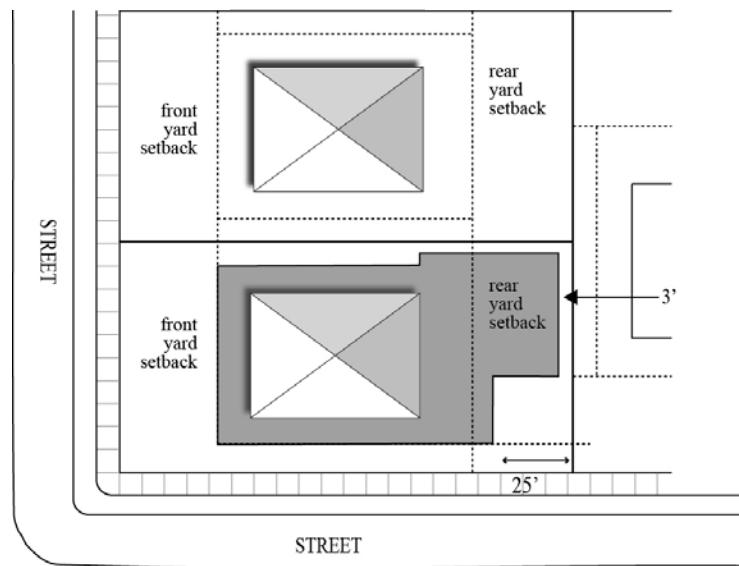


Figure I3: Accessory Building Placement for Reverse Corner Lots.  
Accessory buildings may be located in shaded areas.

(Am. by ORD-13-00007, 1-15-13)

- (f) Shared Garages. A detached garage may be constructed across a lot line by abutting property owners, where a garage is permitted within three (3) feet of the lot line, provided that:
1. A joint driveway shall lead to the garage; and
  2. The property owners shall provide a joint access and maintenance agreement for the use of the garage.
- (g) Side and Rear Yard Garage Replacement. A detached garage located in a side or rear yard may be replaced within the existing setbacks provided that:
1. The garage is replaced within one (1) year of demolition.
  2. The location and size of the existing or demolished garage shall be verified by the Zoning Administrator.
  3. The replaced garage shall not exceed twenty-four (24) feet in length or width.
  4. Neither the length, width, or height of the replaced garage shall be more than two (2) feet greater than the length, width, or height of the demolished garage.
  5. No side of the enlarged structure is moved closer to any lot line with which there is a non-conforming setback.
  6. The replaced garage shall not exceed the maximum size allowed under Sub. (2)(b) above.
- (h) Garages in Embankments in Front Yards. Where the mean natural grade of a front yard is more than eight (8) feet above curb level, a private garage may be erected within the front yard setback, provided that:
1. The garage shall be located at least five (5) feet from the front lot line; and
  2. At least one-half (1/2) of the height of the garage shall be below the mean grade of the front yard.
- (2) Reserved for Future Use. (Rep. by ORD-15-00116, 10-28-15)

**28.132 ENCROACHMENTS INTO SETBACK AREAS.**(1) Permitted Setback Encroachments.

The following structures or features are allowed encroachments in setback areas. For those encroachments with siting limitations, the maximum distance in feet that that the encroachment shall extend into the setback is provided. No subterranean encroachments are allowed except as noted in Table 28I-1.

**Table 28I-1.**

Structure or Feature	Front Yard Setback	Side Yard Setback	Rear Yard Setback
Accessibility accommodations	✓	✓	✓
Accessory sheds, tool rooms, doghouses, and similar buildings or structures		✓	✓
Air conditioning condensing unit		✓	✓
Arbors and trellises	✓	✓	✓
Awnings	✓	✓	✓
Basement storm doors providing access to below-grade stairs		✓	✓
Balconies			6
Bay windows, max. one story in height	3	2	3
Bicycle-sharing facility	✓	✓	✓
Chimneys, flues	2	2	2
Cisterns, rain barrels		3	3
Compost bins		3 from prop. line or building	3 from prop. line or building
Eaves and gutters	3	2	3
Egress window wells	Minimum egress req.	Minimum egress req.	Minimum egress req.
Decks, uncovered, elevated over 3 feet above adjacent ground level			6
Decks, uncovered, elevated not more than 3 feet above adjacent ground level	✓	✓	✓
Emergency electric generator		✓	✓
Fences, walls, hedges	✓	✓	✓
Fire escapes		1/3 width of yard; up to 3 ft.	6
Flagpoles or garden ornaments	✓	✓	✓
Garages, detached		✓	✓
Laundry drying equipment	✓	✓	✓
Licensed radio towers <75 feet and receiving devices			✓
Open porches	7		
Porches, open or enclosed, attached to single-family or two-family dwelling			✓
Recreational equipment	✓	✓	✓
Recreational equipment, major			✓
Solar energy systems	✓	✓	✓
Platforms, uncovered, needed for building access	4	4	4
Steps	✓	Minimum egress req.	✓
Storage locker (personal)	✓	✓	✓
Swimming pools, hot tubs, whirlpools, or similar structures			3 from prop. line
Underground parking			✓

(Am. by ORD-13-00143, 9-11-13; ORD-16-00051, 5-25-16; ORD-16-00093, 11-9-16; ORD-16-00109, 12-14-16)

(2) Other Encroachment Requirements.

- (a) One (1) story bay windows shall not occupy, in the aggregate, more than one-third (1/3) of the front or side wall or one-half (1/2) of the rear wall of the building, and shall be located entirely within planes drawn from either main corner of the wall, making an interior angle of twenty-two and one-half (22.5) degrees in the horizontal plane with the wall.
- (b) Compost bins also shall comply with the requirements of Sec. 7.361, MGO.
- (c) Uncovered entrance platforms necessary to comply with current ingress and egress regulations shall be no wider than six (6) feet. Steps from the platform may extend into the setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the setback area for the distance needed to meet minimum building code requirements for risers and treads.
- (d) Accessibility accommodations as follows:
  1. Wheelchair ramps when the maximum size of the ramp is not greater than the minimum requirements for ramps under Wis. Admin. Code § SPS 321.045. All ramps that are in front or side yard setbacks and are more than three (3) feet from the level of the adjoining ground shall have skirting covering the opening under the ramp and a landscape buffer shall be provided along the base of the ramp.
  2. Off-street parking and loading spaces only if any vehicle parked in the space displays a current parking identification card or license plate for persons with disabilities, issued to a resident at the address; the space has access from a public street, and all other applicable off-street parking requirements are met. If a person requiring a parking space for people with disabilities no longer resides in the dwelling unit, the off-street parking and loading space shall be made to conform to the zoning code either by removal or being rendered incapable of use as an off-street parking or loading space.
- (e) Single-story unheated open or enclosed porches attached to single-family or two-family dwellings may encroach into the rear yard setback if the porch extends no more than fourteen (14) feet from the exterior wall of the building and is no more than sixteen (16) feet wide. In the case of a home with a walk-out basement to the rear yard, the porch may have an additional basement level. (Cr. by ORD-13-00143, 9-11-13)
- (f) For egress window wells that project into the sideway setback area, the lowest point of the top edge of the egress well shall be at least six (6) inches above the adjoining grade. (Cr. by ORD-15-00082, 8-12-15)
- (g) Rear Yard. The rear yard shall be the lesser of thirty-five percent (35%) of the lot depth or thirty-five (35) feet. A one-story garage projection for garage purposes only may project thirty percent (30%) of the least depth into a required rear yard, provided the balance of the rear yard shall remain unoccupied and unobstructed from the ground upward. (Cr. by ORD-14-00133, 8-13-14; Renum. by ORD-15-00082, 8-12-15)
- (h) Underground Parking. In any district, underground parking may extend into the rear yard setback if it is located completely below pre-construction existing grade or under a slope of no greater than one (1) to three (3) feet to the lot line and is completely covered by landscape. (Cr. by ORD-16-00051, 5-25-16)

**28.133 ENVIRONMENTAL PROTECTION STANDARDS.**

- (1) General Standards.
- (a) All uses shall be conducted so as to prevent or substantially minimize any nuisance, hazard, or commonly recognized offensive conditions, including creation or emission of dust, gas, smoke, noise, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, heat, cold, glare, or night illumination.
  - (b) No use shall result in the harmful discharge of any waste materials across the boundaries of the subject property or into the ground, into any sanitary or storm sewer system, into any water body or water system, or into the atmosphere.
  - (c) The Zoning Administrator may require evidence of adequate controls on any potential nuisances or hazards prior to issuing a zoning or occupancy certificate.
- (2) Activities Which May Be Potential Hazards or Nuisances.
- (a) Productive Processes. All activities involving the production, processing, cleaning, servicing, testing or repair of materials, goods or products shall be conducted in such a manner whereby there shall be no danger of fire or explosion, no offensive noise, vibration, smoke, dust, odor, glare or heat, and no objectionable influence detrimental to the public health, safety, comfort or general welfare of the immediate neighborhood or community.
  - (b) Explosives. Laboratory scale quantities of division 1.1 to 1.3 explosives and forbidden explosives as defined by the United States Department of Transportation in 49 CFR §173.50 and §173.54, respectively, as amended from time to time, are allowed outside the IG zoning district when stored according to National Fire Protection Association standards and provided that the total amount of all said explosives are two (2) pounds or less per building. Laboratory scale quantities of explosive chemicals must be stored in containers, in quantities no greater than their original shipment quantities.
  - (c) Fissionable Non-Fissile Material. The storage, utilization or manufacture of fissionable non-fissile material is allowed in zoning districts other than the Industrial-General District when such use is accessory to a principal use allowed within the zoning district and when licensed or registered, as may be required by state or federal law.
  - (d) Fissile Material. The storage, utilization or manufacture of more than one (1) gram of fissile material is permitted only in the Industrial-General (IG) district and only when not less than three hundred (300) feet of a boundary of any other zoning district. However, utilization of fissile material outside the IG district is allowed when the use of such material is in nuclear gauges or calibration instruments, for medical purposes or fission chambers operated by a college or university for instructional purposes and only when said uses are licensed or registered, as may be required by state or federal law.
- (3) Drainage Courses.
- (a) Statement of Purpose. This subsection is established to promote the public health, safety and general welfare of the community by regulating and restricting the development of areas along or in drainageways, channels, streams and creeks. The regulations which follow are intended to protect and to preserve the location, character and extent of such drainageways, channels, streams and creeks, and to protect persons and property from the hazards of development in areas which may be subject to inundation.

(b) General Regulations.

1. No building or structure shall be erected within a drainage course. For the purpose of this and the following paragraphs, a drainage course shall include any area such as drainageways, channels, streams and creeks, designated as such on the zoning map and any area designed or intended for use for drainage purposes as shown in a recorded subdivision.
2. No filling of land shall be permitted within a drainage course, or on any lands within two hundred (200) feet, or more than two hundred (200) feet when so designated on the zoning map, of the center line of such drainage course, except upon issuance of a certificate by the City Engineer that such filling will not obstruct the flow of water or otherwise reduce the water carrying capacity of such drainage course, or impair the design and character of such drainage course.
3. No excavating of land shall be permitted within a drainage course, or on any lands within two hundred (200) feet, or more than two hundred (200) feet when so designated on the zoning map, of the center line of such drainage course, except upon issuance of a certificate by the City Engineer that such excavating will not divert water from the established channel, will not cause flooding of lands outside such drainage course, will not cause any erosion, and will not otherwise impair the design and character of such drainage course.
4. No relocation, enclosure or bridging of a drainage course shall be permitted except upon issuance of a certificate by the City Engineer that the location,



character and extent of such relocation, enclosure or bridging of the drainage course shall be in the public interest.

5. The City Engineer may require the submittal of any such information which he or she considers essential for the proper enforcement of the above regulations.

## **28.134 HEIGHT AND BULK REGULATIONS.**

### **(1) Height Measurements.**

- (a) For accessory buildings and structures, height is measured from the average elevation of the approved grade at the front of the building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the midpoint of the ridge of a gable, hip, or gambrel roof. The average height shall be calculated by using the highest ridge and its attendant eave. The eave point used shall be where the roof line crosses the side wall.
- (b) For principal buildings and structures, height is the average of the height of all building facades. For each facade, height is measured from the midpoint of the existing grade to the highest point on the roof of the building or structure. No individual facade shall be more than fifteen percent (15%) higher than the maximum height of the zoning district.
- (c) For new buildings, alterations, additions, or replacement of existing buildings, height shall be measured from the natural grade prior to redevelopment. Natural grade shall be determined by reference to a survey or other information as determined by the Zoning Administrator. (Am. by ORD-13-00007, 1-15-13)
- (d) Height in the DC, UOR, UMX, DR1 and DR2 districts shall be measured from the highest point along a building setback line paralleling any street adjacent to the site. In these districts accessible roofs, including the minimum structure necessary to provide access, shall not be counted as a story. However, this provision shall not be applied in violation of the Capitol View Preservation Section 28.134(3).

### **(2) Height Limit Exceptions.**

The following structures are permitted to exceed the maximum height regulations within any district where the use is allowed: church spires, belfries, cupolas and domes, water towers, flagpoles, chimneys, communication towers and elevator penthouses. All structures shall comply with the provisions of sub. (3) below. (Am. by ORD-13-00189, 11-26-13)

### **(3) Capitol View Preservation.**

No portion of any building or structure located within one (1) mile of the center of the State Capitol Building shall exceed the elevation of the base of the columns of said Capitol Building or one hundred eighty-seven and two-tenths (187.2) feet, City datum. Provided, however, this prohibition shall not apply to any church spires, flagpoles, communication towers, elevator penthouses, screened air conditioning equipment on existing buildings and chimneys exceeding such elevation, when approved as conditional uses. For the purpose of this subsection, City datum zero (0.00) feet shall be established as eight hundred forty-five and six-tenths (845.6) feet above sea level as established by the United States Coast and Geodetic Survey.

### **(4) Airport Height Restrictions.**

The regulations contained in the Dane County Code of Ordinances regulating the height and bulk of obstructions to aerial navigation apply to buildings and structures in and around the Dane County Regional Airport. The City of Madison does not enforce these regulations.

### **(5) Public Utility Exemptions.**

- (a) The following public utility uses, which are essential in most districts, shall be permitted in any zoning district: poles, wires, cables, conduits, vaults, pipelines, laterals or any other similar distributing equipment for a public utility. However, where such public utility uses are proposed to be located across unplatting lands, conditional use approval is required.
- (b) The regulations in this ordinance governing lot size, bulk requirements, and access to improved public streets shall not apply to any lot designed or intended for a public utility and public service use when approved by the Plan Commission.

**28.135 LOT DIVISION, CREATION AND ACCESS.**(1) Division of Improved Zoning Lots.

Lot division shall be governed by the provisions of Chapter 16, MGO, and the following regulations:

- (a) An improved zoning lot shall not be reduced in size or divided into two (2) or more separate lots unless each lot that results from such reduction or division meets all requirements of the zoning district in which it is located.
- (b) Lot divisions shall comply with the minimum lot size requirements of each zoning district, except that non-buildable lots such as outlots are exempt from minimum lot requirements.

(2) Access to Public Street.

Every zoning lot shall front on an improved public street, with a minimum of thirty (30) feet of street frontage, with the following exceptions:

- (a) Lots located in an approved planned multi-use site or planned development district;
- (b) Residential lots not fronting directly onto a public street may be permitted provided that the lots front onto a public or private park and are accessed from a dedicated public alley and meet the following conditions:

1. The lots and park are shown on an approved subdivision plat or Certified Survey Map;
2. The lots are addressed and have vehicular access from the public alley;
3. The residences constructed on the lots abutting the parking should have entry doors facing the park;
4. The park abutting the lots contains an improved walkway or path that provides pedestrian access for the public to the front of the residences abutting lots in the same fashion as a sidewalk adjacent to a street;
5. The residences provide the minimum required front yard of the zoning district as measured from the lot line formed by the park; and
6. The park abuts a public street.

(Am. by ORD-13-00176, 10-23-13)

(3) Development of Deep Residential Lots.

- (a) Statement of Purpose. This subsection is established to allow the intensive development of certain deep residential lots which could not otherwise be fully developed under this or any other development control ordinance. The intensive development of a deep lot is not a matter of right but instead a privilege granted to the developer by the City when the Plan Commission makes a finding that such development is in the public interest.

- (b) General Regulations. The Plan Commission may allow, after a public hearing and notice as set forth in Sec. 28.183 and consideration of the standards set forth in Sec. 28.183(6), the development of a deep residential zoning lot into not more than four (4) zoning lots, provided that :

1. The front lot(s) shall have a width not less than that required in the district in which it is located.
2. The rear lot shall have frontage onto an improved public street for a width not less than thirty (30) feet.
3. The strip of land of land between the improved public street and the remainder of the rear lot shall not contain any buildings or structures and said strip of land shall not be used to satisfy any area, yard, or usable open space requirement for the rear lot.
4. All of the lots proposed shall have the minimum required lot area.
5. The house numbers for all lots shall be on a sign visible from the public street.

- (c) A building permit for residential construction shall be issued for any zoning lot legally created, pursuant to this section, prior to the effective date of this ordinance.

**28.136 USE OF TRAILERS AND CONTAINERS.**

Trailers and containers used for over-the-road hauling shall not be used for or converted for office, commercial, residential or storage use in any district.

**28.137 ZONING LOTS AND PLANNED MULTI-USE SITES.**(1) Residential Zoning Lots.

Except in the case of multifamily complexes and planned multi-use sites within the Mixed-Use Center District, no more than one (1) principal detached residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same zoning lot with any other nonresidential principal building or use.

(2) Planned Multi-Use Sites.

The purpose of this subsection is to allow efficient and economical design and greater coordination and flexibility in the development of a variety of building types and land uses, while ensuring substantial compliance with the basic intent of the Zoning Code and Subdivision Regulations.

- (a) A planned multi-use site, as defined, shall have a plan and reciprocal land use agreement approved by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development recorded in the office of the Dane County Register of Deeds.
- (b) An existing planned multi-use site may not be changed without approval by the Traffic Engineer, City Engineer and Director of Planning and Community and Economic Development, or approval of the Plan Commission.
- (c) The uses allowed within a planned multi-use site are limited to those uses that are allowed within the zoning district(s) in which the site is located.
  1. A property containing a non-conforming residential use shall not be made part of a planned multi-use site.
- (d) Every planned multi-use site shall front on a public street.
- (e) A planned multi-use site containing more than forty thousand (40,000) square feet of floor area and where twenty-five thousand (25,000) square feet of floor area is designed or intended for retail use or for hotel or motel use, shall require conditional use approval following a recommendation on the design of any specific proposal by the Urban Design Commission. (Am. by ORD-15-00012, 1-28-15; ORD-15-00033, 4-8-15)
- (f) All new retail establishments with a total floor area of forty thousand (40,000) square feet or more that are part of a planned multi-use site are subject to review by the Urban Design Commission under the provisions of Sec. 33.24(4)(f). (Am. by ORD-15-00033, 4-8-15)
- (g) A plan for building placement, shared parking and access and any easement documents necessary to facilitate those plans shall be submitted. Plans shall show the following:
  1. The arrangement of buildings, parking facilities, internal circulation of pedestrians and vehicles, access to individual development sites from public streets and internal drives, and the location of storm drainage facilities, open spaces and any ground-mounted signage.
  2. Identification of uses within the site and the gross square footage of building sites, either for the overall development or for the individual sites within the planned multi-use site.
  3. The general arrangement of individual lots, outlots, tracts, easements, and all dedications to the public resulting from the planned development. The planned multi-use site plan may be used as a preliminary subdivision plat if it includes all of the information required for a preliminary plat under Sec. 16.23(7)(a), MGO.

(Am. by ORD-13-00191, 11-26-13)

**28.138 LAKEFRONT DEVELOPMENT.**

- (1) Statement of Purpose. This subsection is established to further the maintenance of safe and healthful conditions by preserving and enhancing water quality, habitats, viewsheds, and other

environmental and aesthetic qualities of lakes through the regulation of zoning lots abutting lakes within the City.

(2) Applicability.

- (a) With the exception of (b) below, all new principal buildings, additions to principal building totaling in excess of five hundred (500) square feet during any ten (10) year period, or any accessory building on zoning lots abutting Lake Mendota, Lake Monona, Lake Wingra, Monona Bay, and associated bays, shall require conditional use approval and shall meet the requirements of this subsection.
- (b) Conditional use approval and the requirements of this subsection shall not apply to any part of a zoning lot abutting Lake Mendota, Lake Monona, Lake Wingra, Monona Bay, and associated bays that is more than three hundred (300) feet from the Ordinary High Water Mark (OHWM) or is separated from the OHWM by a street or public right of way.

(3) General Regulations.

- (a) Upon the filing of an application for a conditional use, the development plan shall show a complete inventory of shoreline vegetation in any area proposed for building, filling, grading or excavating. In addition, the development plan shall indicate those trees and shrubbery which will be removed as a result of the proposed development. The cutting of trees and shrubbery shall be limited in the strip thirty-five (35) feet inland from the normal waterline. On any zoning lot not more than thirty percent (30%) of the frontage shall be cleared of trees and shrubbery. Within the waterfront setback requirements tree and shrub cutting shall be limited by consideration of the effect on water quality, protection and scenic beauty, erosion control and reduction of the effluents and nutrients from the shoreland.
- (b) Any building development for habitation shall be served with public sanitary sewer.
- (c) Filling, grading and excavation of the zoning lot may be permitted only where protection against erosion, sedimentation and impairment of fish and aquatic life has been assured.
- (d) Where the City's adopted Comprehensive or other Plans includes a pedestrian walkway or bike path along the shoreline, the proposed development shall not interfere with its proposed location.
- (e) Construction of marine retaining walls or bulkhead may be permitted providing such construction does not protrude beyond the established shoreline of the adjacent properties. Said retaining walls and bulkheads will be permitted only for the purpose of preventing shoreline recession. The filling and grading of the shoreline shall occur only in the construction of such retaining walls or bulkheads.
- (f) Lot coverage within thirty-five (35) feet of the OHWM shall not exceed twenty percent (20%). Public paths within this area shall not be included in the lot coverage limit.
- (g) In addition to complying with the above standards, boathouses shall not be constructed for human habitation.

(4) Lakefront Zoning Lots Where the Principal Use is One (1) or Two (2) Family Residential.

- (a) Lakefront Yard Setback. The yard that abuts the lake shall be referred to as the "lakefront yard." The lakefront yard is not the front yard and shall be a side or rear yard for the purposes of the zoning code. The minimum depth of the lakefront yard setback from the Ordinary High Water Mark shall be calculated using one of three (3) following methods, provided that in no case shall principal buildings be located closer to the OHWM than twenty-five (25) feet.
  1. The average setback of the principal building on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another; or
  2. If the subject property only abuts one developed lot, the setback of the existing principal residential structure on that abutting lot; or
  3. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side (whichever is less), or thirty percent (30%) of lot depth, whichever number is greater (see illustration).

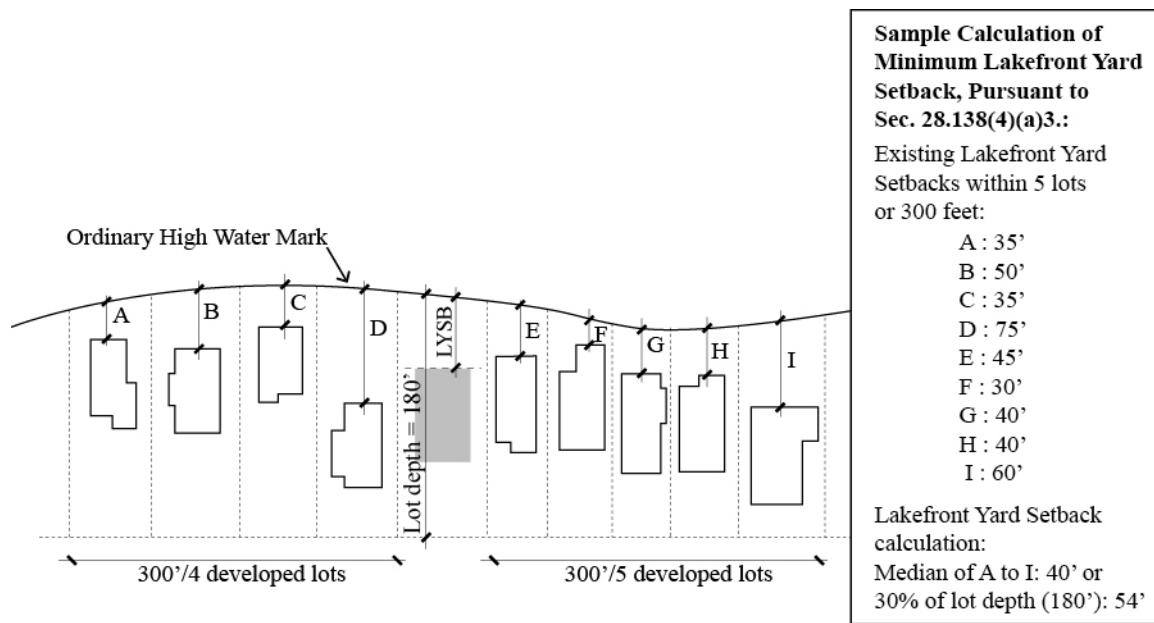


Figure I4: Lakefront Yard Setback.

(Am. by ORD-13-00190, 11-26-13)

(5) Lakefront Zoning Lots Where the Principal Use is Other Than One (1) or Two (2) Family Residential or Public Park Land.

- (a) Lakefront Yard Setback. The yard that abuts the lake shall be referred to as the "lakefront yard." The lakefront yard is not the front yard and shall be a side or rear yard for the purposes of the zoning code. (Am. by ORD-13-00190, 11-26-13)
- (b) The minimum setback from the OHWM shall be calculated using one of the following two (2) methods, provided that in no case shall a new principal building be located closer to the OHWM than seventy-five (75) feet.
  1. The average setback of the principal buildings on the two (2) adjoining lots, provided that the setbacks of those buildings are within twenty (20) feet of one another, or
  2. The median setback of the principal building on the five (5) developed lots or three hundred (300) feet on either side, whichever is less, or thirty percent (30%) of lot depth, whichever number is greater.
- (c) Where the existing principal building setback is less than the lakefront average or median setback as identified in paragraphs 1. and 2. above, an addition to the existing principal building may only be constructed provided that:
  1. The addition shall not be located closer to the OHWM than the lakefront setback of the existing principal building; and
  2. The addition shall not exceed fifty percent (50%) of the width of the principal building façade facing the lake.

**28.139 DEVELOPMENT ADJACENT TO PUBLIC PARKS.**

- (1) Nonresidential development immediately adjacent to the boundary of a City-owned public park shall be reviewed as a conditional use. The purpose of this requirement is to assess the impact of proposed development on natural resources, drainage patterns, pedestrian traffic and recreational uses of the park. Conditional use applications shall include the following:
- (a) A complete inventory of vegetation in any area proposed for development within one hundred (100) feet of the park boundary.
  - (b) Any proposed cutting of trees or removal of vegetation within one hundred (100) feet of the park boundary. Removal of vegetation may be limited within thirty-five (35) feet of the park boundary.
  - (c) Grading and drainage within thirty-five (35) feet of the park shall be reviewed for its effect on drainage patterns and vegetation within the park.

(Am. by ORD-14-00068, 4-16-14)

**28.140 USABLE OPEN SPACE.**

- (1) Usable open space shall be provided on each lot used in whole or in part for residential purposes, as set forth in each district.
- (a) Usable open space at ground level shall be in a compact area of not less than two hundred (200) square feet, with no dimension less than eight (8) feet and no slope grade greater than ten percent (10%).
    1. Where lot width is less than forty (40) feet, the minimum dimension of usable open space may be reduced to six (6) feet.
  - (b) Usable open space shall not include areas occupied by buildings, driveways, drive aisles, off-street parking, paving and sidewalks, except that paved paths no wider than five (5) feet, and pervious pavement designed for outdoor recreation only may be included as usable open space.
  - (c) Within the Central Area, as defined, where usable open space requirements cannot be met due to limited existing lot area, or building/parking placement, required landscaped areas may be used to meet the usable open space requirement, provided that said landscaped areas are a minimum of five (5) feet in width.
  - (d) Within the TR-U1 and TR-U2 Districts and within all Mixed-Use, Employment, Downtown and Urban Districts:
    1. Roof decks, porches, and balconies may be used to meet up to seventy-five percent (75%) of the minimum open space requirements, provided that:
      - a. Roof decks shall have a minimum dimension of fifteen (15) feet and shall be free of any obstructions, improved and available for safe and convenient access to all occupants of the building.
      - b. Porches shall have a minimum width of fifteen (15) feet and minimum depth of six (6) feet and shall be free of any obstructions, improved, and available and be available to all occupants as a source of ingress and egress to the building.
      - c. Balconies shall have a minimum dimension of six (6) feet and shall be free of any obstructions, improved, and available for safe and convenient access to all occupants of the building.
      - d. Private balconies and private porches shall have a minimum dimension of four and one-half (4½) feet.

(Am. by ORD-16-00107, 12-14-16)

- (e) Within the TSS and MXC Districts, roof decks and balconies may be used to meet up to one hundred percent (100%) of the minimum open space requirements, provided that the dimensions set forth in sub. (d) 1. and 2 are met. (Cr. by ORD-14-00148, 9-12-14; ORD-16-00039, 4-8-16)

**28.141 PARKING AND LOADING STANDARDS.**(1) Statement of Purpose.

This section establishes minimum and maximum parking requirements, and standards for the layout and design of parking spaces, lots and structures. It also includes shared parking incentives, and reduction of off-street parking in favor of transit or other travel modes. The standards in this section are intended to:

- (a) Encourage reduction of surface parking as a means of reducing dependence on private automobiles and reducing the pollution and congestion that are associated with automobile use.
- (b) Encourage reduction of impervious surface to control run-off.
- (c) Encourage reduction of surface parking as a means of fostering more compact development patterns and encouraging transit, bicycle and pedestrian circulation.
- (d) Minimize the adverse effects of off-street parking and loading on adjacent properties.
- (e) Minimize spillover on-street parking in neighborhoods.
- (f) Encourage shared parking arrangements that will support mixed-use development and compact development patterns.
- (g) Encourage bicycle circulation by providing bicycle connections, adequate parking, and storage space for bicycles.
- (h) Encourage parking locations that do not disrupt Madison's traditional streetscape.

(2) Organization of this Section.

Certain districts do not require off-street parking, as set forth in Table 28I-2. Where off-street parking is required, Table 28I-3 establishes the minimum number of automobile parking spaces required, the maximum number of automobile parking spaces permitted, and the minimum number of bicycle parking spaces required, for the uses indicated. Off-street parking may be waived or reduced under specific conditions, as set forth in Table 28I-4.

(3) No Minimum Parking Required.

In the Central area, as defined, and the following districts, there is no specified minimum requirement for off-street parking of automobiles, with the exceptions specified in Table 28I-2 below. Maximum parking and bicycle parking requirements apply as specified in Table 28I-3. For conditional uses, parking requirements may be established as a condition of approval.

**Table 28I-2. Districts With No Minimum Automobile Parking Requirements; Exceptions.**

District/Area	Parking Requirement	Exceptions
Central Area	No minimum	
Neighborhood Mixed-Use (NMX)	No minimum	1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet floor area. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Limited Mixed-Use (LMX)	No minimum	
Traditional Shopping Street (TSS)	No minimums	1. Buildings, uses, or additions exceeding ten thousand (10,000) square feet floor area for an individual establishment or twenty-five thousand (25,000) square feet floor area for a mixed-use or multi-tenant building. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Mixed-Use Center (MXC)	No minimum	
Commercial Center (CC)	No minimum	
Traditional Employment (TE)	No minimum	1. Buildings, uses, or additions exceeding twenty-five thousand (25,000) square feet floor area. 2. Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern, or brewpub.
Employment Campus (EC)	No minimum	
Suburban Employment Center (SEC)	No minimum	
Industrial - Limited (IL)	No minimum	
Commercial Corridor-Transitional (CC-T)	No minimum	Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern or brewpub.
Suburban Employment (SE)	No minimum	Restaurants, restaurant-taverns, taverns, restaurant-nightclub, nightclub, and brewpubs if located within three hundred (300) feet of another restaurant, restaurant-tavern, tavern or brewpub.
Industrial - General (IG)	No minimum	

(Am. by ORD-14-00168, 12-3-14; ORD-15-00033, 4-8-15)

(4) Off-Street Parking Requirements, Applicability.

Table 28I-3 establishes the minimum number of automobile parking spaces required, the maximum number of automobile parking spaces permitted, and the minimum number of bicycle parking spaces required, for the uses indicated. Compliance with this Section is required in the case of any change in use or occupancy. Where the Zoning Administrator determines the minimum or maximum parking requirement, consideration shall be given to the expected number of public visiting the site, as well as the number of persons employed or residing on the site.

- (a) Number of Employees. Where number of employees is used to determine parking, it shall be based on the number of employees on the maximum working shift at the time the occupancy permit is requested. Parking requirements based on number of employees will not change unless new construction or expansion is proposed.
- (b) Floor Area Calculation. Floor area used to calculate parking and loading requirements is defined as the sum of the gross horizontal areas of the floors or parts of a building devoted to the use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. It does not include porches, garages, or space in a basement or cellar when used for storage or incidental uses.
- (c) Bicycle Space Minimum. A minimum number of two (2) bicycle spaces (the equivalent of one two-sided bike rack) is required for nonresidential uses.
- (d) Computation. Fractional space requirements of up to one-half (1/2) space shall be rounded down to the next whole number and greater than one-half (1/2) rounded up to the next whole number.
- (e) Parking Requirements For Persons With Disabilities. The provisions contained in Wis. Stat. §§ 101.12, 346.503, and 346.56 and any related Wisconsin Administrative Code sections are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (f) Unspecified Uses. Where buildings are constructed without uses specified, the use with the highest parking requirement among all uses specified for the zoning district where the site is located shall be used to calculate off-street parking requirements.
- (g) Unlisted Uses. For uses not listed in Table 28I-3, the Zoning Administrator also may consider the following:
  1. Documentation regarding the actual parking and loading demand for the proposed use.
  2. Evidence in available planning and technical studies relating to the proposed use.
  3. Required parking and loading for the proposed use as determined by comparable jurisdictions.
  4. Examination of the parking and loading requirements for uses most similar to the proposed use.

**Table 28I-3. Off-Street Parking Requirements.**

<b>Use</b>	<b>Automobile Minimum</b>	<b>Automobile Maximum</b>	<b>Bicycle Minimum</b>
<b>Residential – Family Living</b>			
Single-family detached dwellings	1 (location only)	4 outside spaces	0
Two-family dwelling – two-unit	1 (location only)	4 outside /d.u.	0-
Two-family dwelling - twin	1/d.u. (location only)	4 outside /d.u.	0-
Three-family dwelling	1/d.u. (location only)	2 per dwelling	1/d.u
Single-family attached dwelling	1 per dwelling	2 per dwelling	1 per dwelling
Multi-family dwelling	1 per dwelling	2.5 per dwelling	1 per unit up to 2-bedrooms, $\frac{1}{2}$ space per add'l bedroom; 1 guest space per 10 units
Accessory dwelling unit	0	2 per dwelling	0
Manufactured home, mobile home	0	(see lot coverage)	0
Caretaker's dwelling	0	2 per dwelling	0
<b>Residential - Group Living</b>			
Adult family home	1	4	1 per dwelling
Community living arrangement	determined by Zoning Administrator based on number of rooms/employees	150% minimum	1 per dwelling unit plus 1 per 3 rooms
Cohousing community	determined by Zoning Administrator	150% minimum	1 per dwelling
Housing cooperative	same as dwelling type prior to conversion to co-op	1 per bedroom	1 per bedroom plus 1 guest space per 4 bedrooms units
Lodging house	determined by Zoning Administrator based on number of rooms/employees	1 per bedroom	1 per lodging room plus 1 guest space per 4 lodging rooms
Dormitory, fraternity or sorority	1 per 10 lodging rooms, or as established in Campus Master Plan	1 per bedroom	1 per bedroom plus 1 guest space per 4 bedrooms
Assisted living, congregate care, skilled nursing facility	1 space per 10 dwelling units or lodging rooms; 1 per 5 beds	1 per dwelling unit	1 per 4 units + 1 per 5 employees
Convent, monastery or similar residential group	see place of worship	1 per bedroom	1 per bedroom
<b>Civic and Institutional Uses</b>			
Cemetery, mausoleum	determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator
Day care center nursery school	1 per 15 clients plus 1 per 2 employees	200% of minimum	1 per 5 employees
Library, museum	0	1 per 400 square feet floor area	1 per 2,000 square feet floor area
Mission house	see place of worship	1 per 400 square feet floor area	1 per 400 square feet floor area
Parks and playgrounds	none, except where required for specific facilities, as determined by Zoning Administrator	none, except where required for specific facilities as determined by Zoning Administrator	none, except where required for specific facilities as determined by Zoning Administrator

<b>Use</b>	<b>Automobile Minimum</b>	<b>Automobile Maximum</b>	<b>Bicycle Minimum</b>
Place of worship	1 per 10 seats or 15 lineal feet of seating area in the main worship space. If no fixed seats, 1 per 70 sq. ft. of floor area in main worship space	150% of minimum	1 per 50 seats or 75 lineal feet of seating area or 1 per 350 feet of floor area in main worship space
Public safety facilities	determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator
Schools, public and private Schools, arts, technical or trade	1 space per classroom + 1 space per 5 students of legal driving age based on the maximum number of students attending classes at any one time	1 space per classroom + 1 space per 3 students of legal driving age based on the maximum number of students attending classes at any one time	1 space per 5 students
Colleges, universities	1 per classroom and 1 per 5 students based on the maximum number of students attending classes at any one time; or as established in campus Master Plan	1 per classroom and + 1 per 3 students based on the maximum number of students attending classes at any one time; or as established in Campus Master Plan	1 per classroom and 1 per 5 students, or as established in Campus Master Plan
<b>Mixed Commercial-Residential Uses</b>			
Live/work unit	1/d.u. +1 per 2 employees	2 outside	1 per dwelling
Mixed-use	calculated based on separate components (see shared parking standards)	calculated based on separate components (see shared parking standards)	calculated based on separate components (see shared parking standards)
<b>Office Uses</b>			
Offices Artist, photographer studio, etc. Insurance office, real estate office, sales office	1 per 400 sq. ft. floor area	1 per 250 sq. ft. floor area	1 per 2,000 sq. ft. floor area
Telecommunications center	1 per 2 employees	1 per employee	1 per 10 employees
<b>Medical Facilities</b>			
Clinic, medical, dental or optical Medical laboratory Physical, occupational or massage therapy Veterinary clinic, animal hospital	1 per 2-employees	1 per 200 sq. ft. floor area	1 per 5 employees
Hospital	1 per 4 beds or based on a parking study or Campus Master Plan	determined by Zoning Administrator	1 per 2,000 sq. ft. floor area
<b>Retail Sales and Services</b>			
Animal daycare	1 per 15 clients	200% minimum	1 per 5,000 sq. ft. floor area

<b>Use</b>	<b>Automobile Minimum</b>	<b>Automobile Maximum</b>	<b>Bicycle Minimum</b>
General retail Animal boarding facility, kennel Bank, financial institution Business sales and services Laundromat, self-service Liquor store Package delivery service Payday loan business Post office Service business; service business with showroom or workshop Small appliance repair	1 per 400 sq. ft. floor area	1 per 200 sq. ft. floor area	1 per 2,000 sq. ft. floor area
Building materials	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 4,000 sq. ft. interior floor area
Drive-through sales and services, primary and accessory	0 or as determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator
Dry cleaning, commercial laundry	1 per 2 employees	1.25 per employee	1 per 4,000 sq. ft. floor area
Farmers' market	0	determined by Zoning Administrator	determined by Zoning Administrator
Furniture and household goods sales Garden center, outdoor Greenhouse, nursery	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 5,000 sq. ft. outdoor sales, display
Mortuary, funeral home	1 per 200 square feet of assembly area	1 per 100 square feet of assembly area	1 per 2,000 sq. ft. assembly area
Outdoor uses, commercial	1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. of outdoor sales, display	1 per 5,000 sq. ft. outdoor sales, display
<b>Food and Beverages</b>			
Catering	1 per 2 employees	1 per employee	1 per 5 employees
Coffee shop, tea house Restaurant, Restaurant-tavern, tavern, brewpub	15% of capacity of persons	40% of capacity of persons	5% of capacity of persons
<b>Commercial Recreation, Entertainment and Lodging</b>			
Bed and breakfast establishment	1 per 2 bedrooms in addition to requirement for dwelling	200% of minimum	1 per 2 bedrooms
Health/sports club	10% of the capacity of persons	20% of the capacity of persons	5% of the capacity of persons
Hostel	0	1 per bedroom	1 per bedroom
Hotel, inn, motel	.75 per bedroom	1.5 per bedroom	1 per 10 bedrooms
Indoor recreation	determined by Zoning Administrator (number employees & use characteristics)	determined by Zoning Administrator	5% of the capacity of persons
Lodge, private club, reception hall	15% of the capacity of persons	40% of the capacity of persons	5% of the capacity of persons

<b>Use</b>	<b>Automobile Minimum</b>	<b>Automobile Maximum</b>	<b>Bicycle Minimum</b>
Outdoor recreation	determined by Zoning Administrator	determined by Zoning Administrator	determined by Zoning Administrator
Theater, assembly hall, concert hall	20% of the capacity of persons in the auditorium, or as established in Campus Master Plan (if applicable)	40% of the capacity of persons in the auditorium	5% of the capacity of persons in the auditorium
<b>Adult Entertainment</b>			
Adult entertainment establishment, adult entertainment tavern	20% of capacity of persons	40% of capacity of persons	5% of capacity of persons
<b>Automobile Services</b>			
Auto service station, body shop, repair station	1 per 2,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay	1 per 1,000 sq. ft. of floor area excluding service bays + 2 spaces per service bay	1 per 5 employees
Auto convenience store	1 per 1,000 sq. ft. of floor area	1 per 500 sq. ft. of floor area	1 per 1,000 sq. ft. floor area
Auto sales and rental Note: rental vehicles on site may be stacked	1 per 1,000 sq. ft. floor area + 2 spaces per service bay, if any	1 per 500 sq. ft. floor area + 4 spaces per service bay	1 per 5 employees
Automobile storage and towing (excluding wrecked or junked vehicles)	determined by Zoning Administrator (number trucks and storage area size)	determined by Zoning Administrator	1 per 5 employees
Car wash	determined by Zoning Administrator	determined by Zoning Administrator	1 per 5 employees
<b>Public Utility and Public Service Uses</b>			
Electric power production	determined by Zoning Administrator	determined by Zoning Administrator	1 per 10 employees
Electric substations, gas regulator stations, telecommunications facilities, sewerage system lift stations, water pumping stations and other public utility uses	0	determined by Zoning Administrator	0
<b>Transportation Uses</b>			
Bus or railroad passenger depot, railroad or intermodal freight yard, motor freight terminal, railroad yard or shop, taxi or limousine dispatching, maintenance and storage	0	determined by Zoning Administrator	1 per 5 employees 50 % short-term 50% long-term
Airport	determined by Zoning Administrator	determined by Zoning Administrator	Short-term: 1 per 10 employees Long-term: 1 per 50 long-term automobile parking spaces provided

<b>Use</b>	<b>Automobile Minimum</b>	<b>Automobile Maximum</b>	<b>Bicycle Minimum</b>
<b>Limited Production, Processing and Storage</b>			
Artisan workshop	0	1 per employee/artist	1 per 5 employees
Bakery, wholesale Bottling plant Laboratories - research, development and testing Limited production and processing Mail order house Printing and publishing Recycling collection center, drop-off station	1 per 2 employees	1 per employee	1 per 5 employees
Contractor's yard	1 per 500 sq. ft. office or sales area + 1 per 3,000 sq. ft. storage area	1 per 250 sq. ft. office or sales area + 1 per 1,500 sq. ft. storage area	1 per 5,000 sq. ft. floor area
Storage - personal indoor facility	0	1 per employee	1 per 10 employees
<b>Industrial Uses</b>			
Brewery General manufacturing Hazardous waste collection, storage or transfer Light manufacturing Recycling center	1 per 2 employees	1 per employee	1 per 10 employees
Asphalt, concrete batching or ready-mix plant Concrete, asphalt and rock crushing facility Extraction of gravel, sand, other raw materials Motor vehicle salvage	determined by Zoning Administrator	determined by Zoning Administrator	1 per 10 employees
Lumberyard	1 per 1,000 sq. ft. floor area + 1 per 1,000 sq. ft. of outdoor sales, display	1 per 500 sq. ft. floor area + 1 per 500 sq. ft. of outdoor sales, display	1 per 10 employees
Recycling center	1 per 2 employees	1 per employee	1 per 10 employees
<b>Agricultural Uses</b>			
Animal husbandry Cultivation	0	1 per employee	1 per 5 employees
Intensive agriculture On-site agricultural retail, farm stand	determined by Zoning Administrator	determined by Zoning Administrator	1 per 5 employees

(Am. by ORD-13-00007, 1-15-13; ORD-14-00143, 9-12-14; ORD-16-00052, 5-25-16)

- (5) **Adjustments to Minimum Number of Required Spaces.** Where minimum parking is required, the following adjustments may be made, as outlined in Table 28J-4.

**Table 28I-4. Minimum Parking Adjustments/Reductions.**

	<b>Adjustment</b>
<b>Deferred provision of parking</b>	Any use may defer installation of all or a portion of the required parking until such parking is needed. The approved site plan shall depict the minimum number of required parking spaces. Deferral will be re-evaluated with a change in use or an addition to an existing use.
<b>Shared parking</b>	The Zoning Administrator may authorize a reduction in the minimum number of parking spaces required upon a determination that the hours of peak use among multiple uses will result in lower parking demand, using the method outlined in Subsection 28.141(7).
<b>Parking reduction</b>	A reduction in the minimum number of parking spaces required may be granted through the following procedures: <ol style="list-style-type: none"> <li>1. For non-residential uses, the applicant may reduce the parking requirement by the greater of (5) parking spaces or ten percent (10%) of the required parking.</li> <li>2. A further reduction of up to 20 spaces may be approved by the Zoning Administrator.</li> <li>3. A reduction of more than 20 spaces but less than 25% of the required parking may be approved by the Director.</li> <li>4. A reduction of more than 20 spaces and 25% or more of the required parking requires conditional use approval.</li> </ol> A parking reduction request must be initiated by the owner, who must submit information to support the argument for reducing the required number of spaces. Factors to be considered include but are not limited to: availability and accessibility of alternative parking, impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or an addition to an existing use.
<b>Bicycle parking reduction</b>	The amount of required bicycle parking may be reduced by the Zoning Administrator under the following circumstances: <p style="margin-left: 20px;">A bicycle parking reduction shall be initiated by the owner, who shall submit information to support a reduction. Factors to be considered by the Zoning Administrator include but are not limited to: availability, proximity, and use characteristics of public bike parking in the public right of way within two hundred (200) feet of the subject property; existing or potential shared parking agreements; proximity to transit routes and/or multi-use paths; characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street bicycle parking, and whether the use is existing or is an addition to an existing use.</p>
<b>Shared car availability</b>	A reduction in residential parking may be approved by the Zoning Administrator if a shared or community car is available for use by residents on or within reasonable proximity of the site.
<b>Transit corridor proximity</b>	Within 600 feet of a high-frequency transit corridor, a reduction in minimum parking requirements of up to 50% may be approved as a conditional use, with due consideration of the frequency of transit service and adequacy of pedestrian and bicycle linkages to transit stops or stations.
<b>Off-site parking availability</b>	Parking for nonresidential uses may be reduced by one space for each space in a public parking lot or public parking structure located within 1,320 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.
<b>Moped substitution</b>	Moped parking is not required. However, three (3) moped spaces may be substituted for one (1) required automobile parking space. Where provided, moped parking shall meet the standards in Sub. 28.141(12).
<b>Bicycle substitution</b>	Four (4) bicycle parking spaces above the minimum number required may be substituted for one (1) required automobile parking space.

(6) Parking in Excess of the Maximum Number of Spaces.

- (a) Underground or structured parking may exceed the maximum requirement in Table 28I-3.
- (b) Surface parking exceeding the maximum may be allowed as follows:
  - 1. For non-residential uses, the applicant may exceed the maximum parking requirement by the lesser of five (5) parking spaces or ten percent (10%) of the maximum parking requirement.
  - 2. An additional increase of up to twenty (20) spaces above the maximum requirement may be approved by the Zoning Administrator.
  - 3. An increase of more than twenty (20) parking spaces but not more than ten percent (10%) of the maximum parking requirement may be approved by the Director.
  - 4. An increase of more than twenty (20) parking spaces that is also more than ten percent (10%) of the maximum parking requirement may be approved by conditional use.
- (c) Approval of surface parking exceeding the maximum shall be granted only after considering the following:
  - 1. Documentation regarding the actual parking demand for the proposed use.
  - 2. The impact of the proposed use on the parking and roadway facilities in the surrounding area.
  - 3. Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.
  - 4. The availability of alternative forms of transportation and actions being taken by the applicant to enhance or promote those alternatives.
  - 5. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception.
  - 6. Whether the proposed use is new or is an alteration, addition or expansion of an existing use.
- (d) Zoning lots and uses that exceed maximum parking requirements as of the effective date of this ordinance may continue to maintain existing parking but shall not increase that parking without conditional use approval.

(7) Shared Parking Requirements.

The Zoning Administrator may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of peak operation do not overlap. Shared parking shall be located within one thousand three hundred twenty (1,320) feet of each use served.

- (a) Computation. The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:
  - 1. Multiply the minimum parking required for each individual use, as set forth in Table 28I-3, by the appropriate percentage indicated in the table, for each of the six (6) designated time periods.
  - 2. Add the resulting sums for each of the six (6) columns.
  - 3. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
  - 4. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.
- (b) Other Uses. If one or more of the uses proposing shared parking is not found in Table 28I-5, the applicant shall submit sufficient data to indicate the principal operating hours of the uses. Based upon this information, the Zoning Administrator shall determine the appropriate shared parking requirement for use in the calculation in (a) above.

- (c) Alternative Procedure. The Zoning Administrator may authorize a greater reduction in the total number of required parking spaces for two (2) or more uses where an applicant believes that Table 28I-5 does not adequately account for circumstances unique to the particular property or properties in question and the applicant submits, at a minimum, a parking study with a detailed description of the proposed uses, hours of operation, anticipated peak parking demand, and anticipated hours that such peak parking demand would occur. The Zoning Administrator may impose reasonable conditions to mitigate potential negative effects.

**Table 28I-5. Shared Parking Calculations.**

General Land Use Classification	Weekdays			Weekends		
	2:00 a.m. -- 7:00 a.m.	7:00 a.m. -- 6:00 p.m.	6:00 p.m.-- 2:00 a.m.	2:00 a.m.-- 7:00 a.m.	7:00 a.m. -- 6:00 p.m.	6:00 p.m.-- 2:00 a.m.
Office/Warehouse/Industrial	5%	100%	5%	0%	10%	0%
Retail sales and services	0%	90%	80%	0%	100%	60%
Restaurant (not 24 hour)	10%	70%	100%	20%	70%	100%
Residential	100%	60%	100%	100%	75%	90%
Theater	0%	40%	90%	0%	80%	100%
Hotel: guest rooms (calculate conference and restaurant facilities separately)	100%	55%	100%	100%	55%	100%
Conference / Convention Facilities	0%	100%	100%	0%	100%	100%
Place of Worship	0%	25%	50%	0%	100%	50%
School, Grades K-12	0%	100%	25%	0%	30%	10%
Community Center, Library, Museum	0%	100%	80%	0%	100%	80%

- (d) The shared parking spaces shall be maintained as long as the uses they serve are in operation.
- (e) The required number of bicycle parking spaces will be provided.
- (f) The property owner or owners shall sign and record, with the Dane County register of deeds, a written agreement, in a form satisfactory to the City Attorney, 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 Director.
- (8) Parking Design and Location.
- Parking for automobiles and other motor vehicles shall be designed according to the requirements of Sec. 10.08, MGO and the following standards.
- (a) Surfacing. All parking lots and driveways shall have paved or approved surfaces, as required in Sec. 10.08, MGO. The use of permeable paving, as defined, is encouraged for all parking spaces provided above the minimum number required by this chapter.
1. Residential drives serving single- to two-family dwellings may contain a grass center provided that the areas on which the vehicle's wheels touch are a minimum of twelve (12) inches in width.
- (b) Snow Removal. In winter months, required parking areas, including bicycle parking areas, shall be cleared of snow within a reasonable time. Areas used for snow storage shall be approved by the zoning administrator.

(c) Residential Parking Locations.

(See Figures I5, I6, and I7)

1. Parking is not permitted within front yard setbacks, or any street side yard setback, including the side yard setback extension into the rear yard, except on a driveway meeting the standards of Subsection (9) below.
2. Parking shall not be located on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.
3. Parking spaces may be located within:
  - a. an interior side yard setback.
  - b. a rear yard setback, except as in sub. 1 above. (Am. by ORD-14-00133, 8-13-14)
  - c. the building envelope.
4. Parking on a Through Lot. Through lots are defined as having two (2) front yards and no rear yard. Parking on a through lot may be located within the building envelope, or an interior side yard setback, but not in either front yard setback.
5. A maximum of forty percent (40%) of the front and rear yard setbacks may be paved and used for driveway and parking purposes provided lot coverage requirements are not exceeded.

- (d) Landscaping and Screening. All off-street parking areas shall be landscaped according to the standards of Sec. 28.142, with the exception of parking for single-family detached, two-family and three-family dwellings.

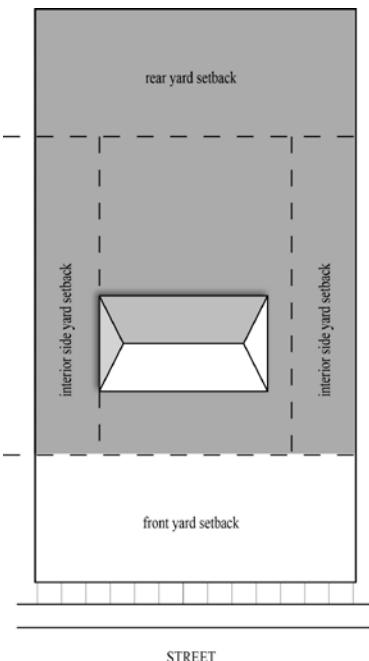


Figure I5: Residential Parking Locations: Interior Lot. Parking is allowed in shaded areas and on driveways in approved locations.

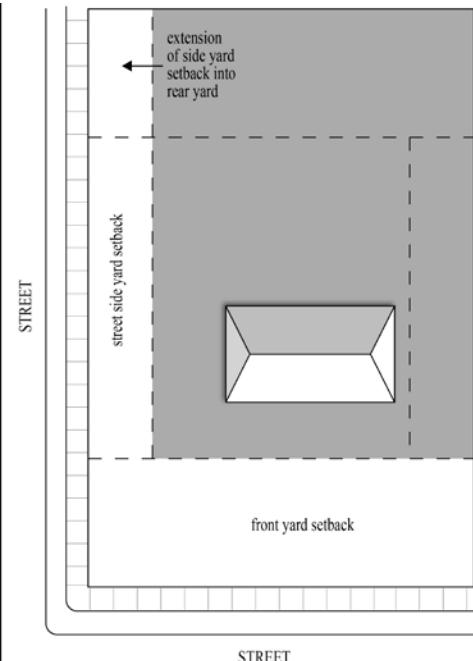


Figure I6: Residential Parking Locations: Corner or Reversed Corner Lot. Parking is allowed in shaded areas and on driveways in approved locations.

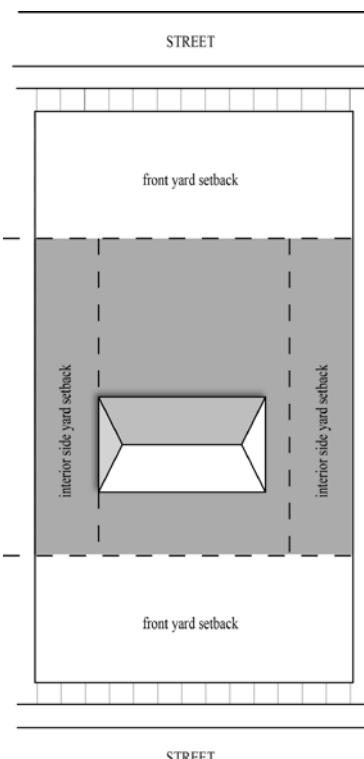


Figure I7: Residential Parking Locations: Through Lot. Parking is allowed in shaded areas and on driveways in approved locations.

(9) Residential Driveway Design and Location.

Driveways shall be designed according to the requirements of Sec. 10.08, MGO, and the following standards.

(a) Driveways shall be a minimum of eight (8) feet in width, except where otherwise specified in Sec. 10.08, MGO.

(b) Driveways may be located in the following locations:

1. Within a front yard setback or street side yard setback, including the extension of the side yard setback into the rear yard setback (see Figures I8 and I9). The driveway must lead only from a street to the nearest garage or to a parking area located in compliance with Subsection (8)(c) above. Maximum driveway width is the width of the garage entrance or parking area, up to a maximum of twenty-two (22) feet.

2. Driveways leading to an attached or detached garage at a single- or two-family dwelling may be located in the front setback area and be wider than the width of the garage entrance if the driveway width extension meets the following standards (see Figure I17):

i. The total width of the driveway and driveway width extension in the front yard setback does not exceed twenty (20) feet.

ii. The total

depth of the

driveway

width

extension

shall be no

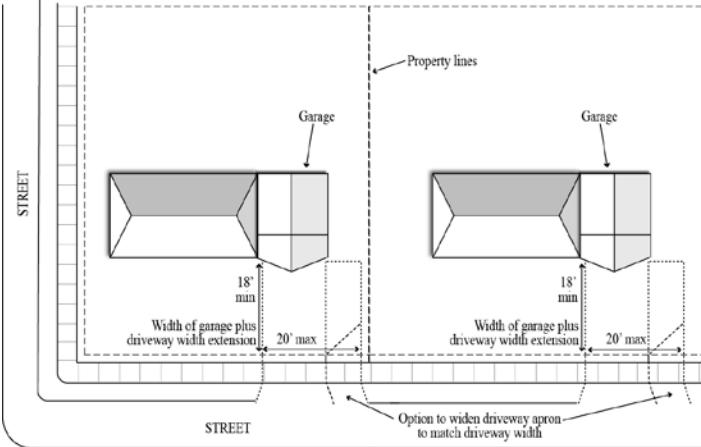
less than

eighteen

(18) feet,

and no

vehicle



parked in the driveway shall extend over or otherwise obstruct any portion of the public right-of-way.

iii. The driveway width extension shall only project toward the nearest interior side lot line, beyond the exterior side wall of the garage structure.

iv. Access to the driveway and driveway width extension shall be no wider than the width of the driveway and driveway width extension at the sidewalk or street property line.

(Sec. 28.141(9)(b)2. Cr. by ORD-17-00018, 2-20-17)

3. Within an interior side yard setback, leading to a garage or parking area located in compliance with Subsection (8)(c) above (see Figure I8). Maximum driveway width is ten (10) feet, which shall not be exceeded within the front yard setback. No setback between the driveway and the side lot line is required. (Renum. by ORD-17-00018, 2-20-17)

- (c) Two (2) driveways may be constructed within a front yard setback or, on a corner lot, within the street side yard setback, including the extension of the side yard setback into the rear yard setback, if the following standards are met (see Figure I10):
  - 1. Each driveway is a maximum of eleven (11) feet wide, or ten (10) feet within an interior side yard setback.
  - 2. Both driveways meet at a point outside the required front, street side or side yard extension setbacks.
  - 3. Both driveways lead to the same garage or to the same paved or graveled parking area located in compliance with Subsection (8)(c) above.
- (d) Two (2) driveways may be constructed to serve twin dwellings (two-family dwellings separated by a common wall). Each dwelling may have one (1) driveway that meets the requirement of par. (c) above, with a maximum width equal to the width of the garage entrance or parking area, not to exceed twenty-two (22) feet.
- (e) A maximum of two (2) curb cuts are permitted for any residential lot.
- (f) Driveways may be shared between two single- or two-family lots, provided that appropriate easements or other agreements are established. Shared driveways shall meet the minimum and maximum width requirements of this section.
- (g) Driveways shall be oriented in a perpendicular fashion to the street from which they take access, and shall cross required setbacks in a perpendicular fashion, to the extent feasible.
- (h) Driveways serving commercial or industrial uses shall not cross residentially-zoned properties, except where allowed by conditional use.

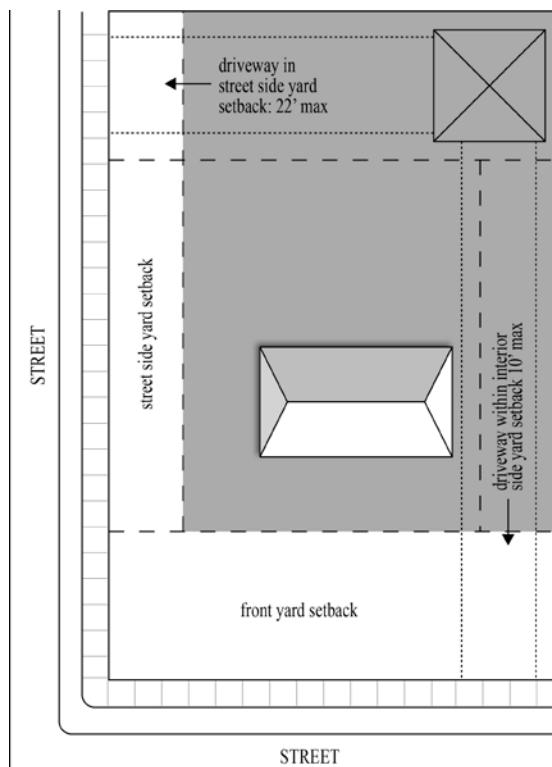


Figure I8: Interior and Street Side Yard Driveway  
Example: Detached Garage

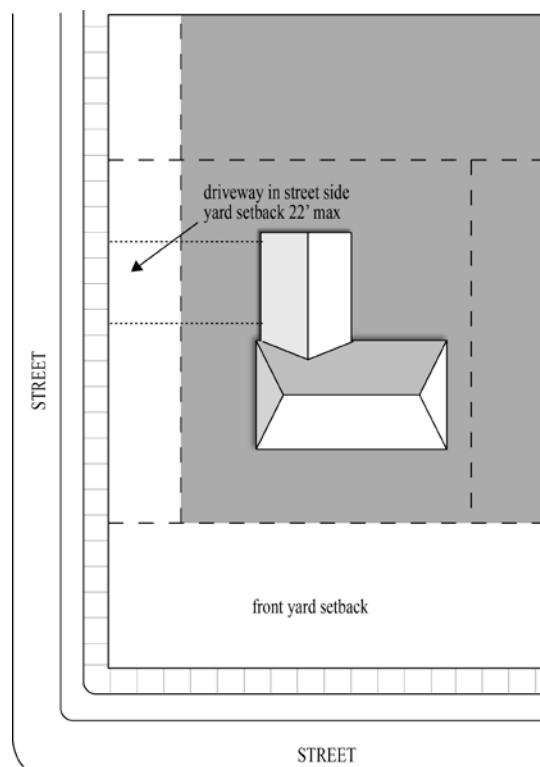


Figure I9: Street Side Yard Driveway Example:  
Attached Garage

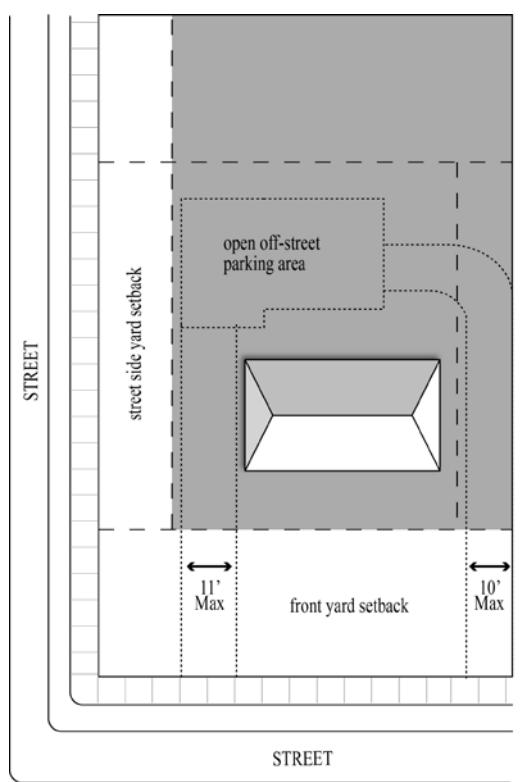


Figure I10: Two Driveways on a Residential Lot



(10) Restrictions on Residential Parking.

- (a) A maximum of one (1) commercial vehicle per dwelling unit may be parked outdoors on residential property if the vehicle is:
  1. Used by a resident of the dwelling unit.
  2. Has a manufacturer's gross vehicle weight rating of ten thousand (10,000) pounds or less and is less than twenty-one (21) feet in length.
- (b) Vehicles and/or equipment not normally associated with a residential use are specifically prohibited from being parked or stored on residential property. Such vehicles include, but are not limited to:
  1. Construction equipment, such as bulldozers, backhoes, skid steers, and forklifts.
  2. Dump and stake body style trucks.
  3. Cube type vans and trucks.
  4. Landscaping business equipment such as tractors, tree spades, graders and scrapers.
  5. Semi-trailers and tractors.
  6. Concession, vending and catering trailers.
  7. Commercial/Industrial equipment trailers and lifts.
  8. Tow trucks, wreckers or car carriers.
  9. Limousines.
- (c) A mobile recreational vehicle (RV) associated with residential uses may be parked as a passenger vehicle but shall not be utilized for living space or storage of goods, materials or equipment other than is considered part of the RV or essential to its function. (Am. by ORD-13-00086, 5-29-13)
- (d) All vehicles parked on a residential lot shall display current license plates and be in safe, functional and operable condition.

(11) Bicycle Parking Design and Location.

- (a) Parking Designation. Bicycle parking requirements are as shown in Table 28I-3 and shall be designated as long-term or short-term parking.
  1. For all residential uses, including those in combination with other uses, at least ninety percent (90%) of required resident bicycle parking shall be designed as long-term parking. Any guest parking shall be designed as short-term parking. Except as allowed in Secs. 28.141(11)(f)-(h) below, all bicycle parking shall be ground mount non-vertical, and have a six (6) foot vertical clearance.
  2. For all other uses, at least ninety percent (90%) of all bicycle parking shall be designed as short-term parking.
- (b) Required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within one hundred (100) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position. No fee shall be charged for resident bicycle parking where free auto or moped parking is provided on-site.
- (c) Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units. With permission of the Zoning Administrator, long-term bicycle parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site. No fee shall be charged for resident bicycle parking where free auto or moped parking is provided on-site.

- (d) Bicycle parking spaces shall be located on paved or pervious, dust-free surface with a slope no greater than three percent (3%). Surfaces shall not be gravel, landscape stone, or wood chips.
  - (e) Bicycle parking spaces shall be a minimum of two (2) feet by six (6) feet. There shall be an access aisle a minimum of five (5) feet in width. Each required bicycle parking space must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. (Am. by ORD-13-00007, 1-15-13)
  - (f) Up to twenty-five percent (25%) of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking.
  - (g) Bicycle parking not meeting dimensional or access aisle requirements may be installed but shall not count towards a minimum bicycle parking requirement.
  - (h) All racks shall accommodate cable locks and "U" locks including removing the front wheel and locking it to the rear fork and frame.
  - (i) Bicycle parking substituted for auto parking may be horizontal or vertical, as long as dimensional requirements are met.
  - (j) For multi-building development, bicycle parking shall be provided for each building.
- (12) **Moped Parking Design and Location.** Where moped or scooter off-street parking is provided, it shall meet the following standards:
- (a) Spaces shall be a minimum of three (3) feet by six (6) feet in size with a vertical clearance of six (6) feet and with a drive aisle of five (5) feet.
  - (b) The spaces may be located close to bicycle parking areas but kept separate and out of the way of conflict with other motor vehicle traffic. Moped parking shall not be located within front yard setback areas.
  - (c) Spaces shall be located and access should be provided such that the use or crossing of pedestrian facilities, including wheelchair ramps, by mopeds is discouraged and such that mopeds do not come into conflict with pedestrians on foot or in wheelchairs.
  - (d) Access to moped areas should be provided using a separate driveway via a curb cut and ramp or mountable curb with a reduced slope after taking into account traffic movements on the street from which safe access must be provided.
  - (e) Moped driveways may cross a sidewalk as may any driveway but must not use the sidewalk to provide access to moped stalls. Moped parking areas behind a sidewalk should be separated by a curb when possible.
- (13) **Off-Street Loading Requirements.** Any use which has a floor area of ten thousand (10,000) square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section. (Am. by ORD-15-00033, 4-8-15)
- (a) **Location.** All loading berths shall be located twenty-five (25) feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street side yard setback area. All loading areas shall be located on private property and shall not be located within, or interfere with, any public right-of-way.

- (b) Required number of spaces are based on the size of the establishment as follows, but may be reduced through conditional use approval:

<b>Size of Establishment</b>	<b>Number of Loading Spaces</b>
Office buildings and lodging:	
10,000 to 50,000 sq. ft. floor area	1 loading space
50,001 to 200,000 sq. ft. floor area	2 loading spaces
over 200,000 sq. ft. floor area	2 + 1 additional space per each 75,000 sq. ft. floor area above 200,000
Retail, service, commercial, wholesale and industrial uses	
10,000 to 20,000 sq. ft. floor area	1 loading space
20,001 to 100,000 sq. ft. floor area	2 loading spaces
over 100,000 sq. ft. floor area	2 + 1 additional space per each 75,000 sq. ft. floor area above 100,000

(Am. by ORD-13-00097, 6-12-13; ORD-15-00033, 4-8-15)

- (c) Size of Spaces. A required off-street loading space shall be at least ten (10) feet wide by at least thirty-five (35) feet in length for structures less than twenty thousand (20,000) square feet in floor area, and at least ten (10) feet wide by fifty (50) feet in length for larger structures. The above areas shall be exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet. (Am. by ORD-15-00033, 4-8-15)



- (d) Shared Loading. Two or more uses on adjacent zoning lots may share a loading area.
- (e) Uses for which off-street facilities are otherwise required but which are located in structures of less than twenty thousand (20,000) square feet of floor area may use drive aisles or other suitable areas on the same lot for loading purposes.
- (f) Surfacing. All open off-street loading areas shall be paved with a bituminous pavement or Portland cement concrete pavement in accordance with City of Madison standards and specifications.
- (g) Idling. Vehicles shall not have idling engines for more than five (5) minutes except when actively loading.

## 28.142 LANDSCAPING AND SCREENING REQUIREMENTS.

- (1) Statement of Purpose.  
The landscaping and screening requirements specified in this section are intended to:
  - (a) Protect and restore the natural environment throughout the development process.
  - (b) Reduce the negative environmental effects of development while fostering aesthetically pleasing development which will protect and enhance the appearance, character, health, safety and welfare of the community.
  - (c) Reduce the “heat island” effect of impervious surfaces such as parking lots by cooling and shading the surface area.
  - (d) Increase the compatibility of adjacent uses, by minimizing adverse impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions and other objectionable views, activities or impacts to adjacent or surrounding uses.
  - (e) Enhance the environment for successful plant establishment and growth.
  - (f) Enhance the green infrastructure of the city to help reduce air pollutants, create ambiance, mitigate the urban heat island effect and stormwater run-off issues.
- (2) Applicability.
  - (a) Subsections (3) through 10 apply to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots, except the construction of detached single-family and two-family dwellings and their accessory structures. The entire development site must be brought up to compliance with this section unless all of the following conditions apply, in which case only the affected areas need to be brought up to compliance:
    1. The area of site disturbance is less than ten percent (10%) of the entire development site during any ten-(10) year period.
    2. Floor area is only increased by ten percent (10%) during any ten-(10) year period. (Am. by ORD-15-00033, 4-8-15)
    3. No demolition of a principal building is involved.
    4. Any displaced landscaping elements must be replaced on the site and shown on a revised landscaping plan.
  - (b) Subsection (11) applies to all exterior construction and development activity, including the expansion of existing buildings, structures and parking lots and the construction of detached single-family and two-family dwellings and their accessory structures.

(Am. by ORD-16-00021, 3-7-16)

(3) Landscape Plan and Design Standards.

Landscape plans shall be submitted as a component of a site plan, where required, or as a component of applications for other actions, including zoning permits, where applicable. Landscape plans for zoning lots greater than ten thousand (10,000) square feet in size must be prepared by a registered landscape architect.

Overall composition and location of landscaped areas shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

## (a) Elements of the landscape plan shall include the following:

1. Plant list including common and Latin names, size and root condition (i.e. container or ball & burlap).
2. Site amenities, including bike racks, benches, trash receptacles, etc.
3. Storage areas including trash and loading.
4. Lighting (landscape, pedestrian or parking area).
5. Irrigation.
6. Hard surface materials.
7. Labeling of mulching, edging and curbing.
8. Areas of seeding or sodding.
9. Areas to remain undisturbed and limits of land disturbance.
10. Plants shall be depicted at their size at sixty percent (60%) of growth.
11. Existing trees eight (8) inches or more in diameter.
12. Site grading plan, including stormwater management, if applicable.

(b) Plant Selection. Plant materials provided in conformance with the provisions of this section shall be nursery quality and tolerant of individual site microclimates.

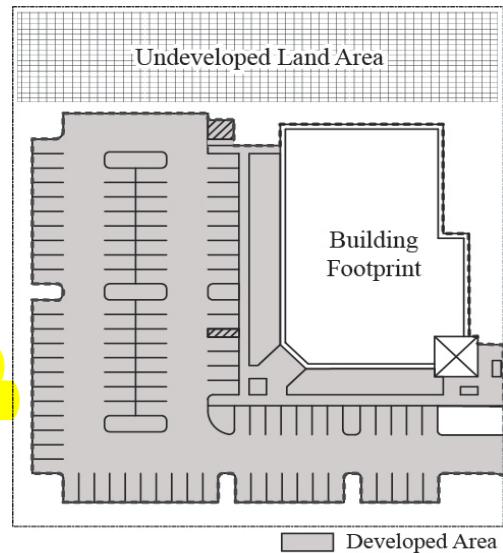
## (c) Mulch shall consist of shredded bark, chipped wood or other organic material installed at a minimum depth of two (2) inches.

(4) Landscape Calculations and Distribution.

Required landscaped areas shall be calculated based upon the total developed area of the property. Developed area, for the purpose of this requirement, is defined as that area within a single contiguous boundary which is made up of structures, parking, driveways and docking/loading facilities, but excluding the area of any building footprint at grade, land designated for open space uses such as athletic fields, and undeveloped land area on the same zoning lot.

## (a) Five (5) landscape points shall be provided for each three hundred (300) square feet of developed area. However,

1. For lots larger than five (5) acres, points shall be provided at five (5) points per three hundred (300) square feet for the first five (5) acres, and one (1) point per one hundred (100) square feet for all additional acres.



Figures I11: Developed Area for Calculating Landscape Requirements.

2. For the IL and IG districts, one (1) point shall be provided per one hundred (100) square feet.
- (b) Where required landscaping cannot be accommodated due to building placement on site, the Zoning Administrator may modify or waive the point requirements.
- (c) Landscape points are calculated as shown in the following table.

Plant type	Points	Minimum Size at Installation
Overstory deciduous tree	35	2½ inch caliper measured diameter at breast height (dbh) Minimum 12'-14' Hgt.
Tall Evergreen Tree (i.e. pine, spruce)	35	5-6 feet tall
Ornamental tree	15	1 1/2 inch caliper
Upright Evergreen shrub (i.e. arborvitae)	10	3-4 feet tall
Shrub, deciduous	3	#3 gallon container size Min. 12"-24"
Shrub, evergreen	4	#3 gallon container size Min. 12"-24"
Ornamental grasses/ perennials	2	#1 gallon container size Min. 8"-18"
Ornamental/decorative fencing or wall	4 per 10 ln. ft.	n/a
Existing significant specimen tree	14 per caliper inch dbh	Minimum size: 2 ½ inch caliper dbh Maximum points per tree: 200 *Trees must be within developed area and cannot comprise more than 40% (30%) of total required points
Landscape furniture for public seating and/or transit connections	5 points per "seat"	*Furniture be within developed area, publically accessible, and cannot comprise more than 5% of total required points

\*as determined by ANSI, ANLA--American standards for nursery stock. For each size, minimum plant sizes shall conform to the specifications as stated in the current American Standard for Nursery Stock.

- (d) Landscaping shall be distributed throughout the property along street frontages, within parking lot interiors, and as foundation plantings as specified in subsections (5) through (8) below, or as general site landscaping.
- (e) Planting beds or planted areas must have at least seventy-five percent (75%) vegetative cover mulched.
- (f) Canopy tree diversity requirements for new trees:
1. If the development site has fewer than five (5) canopy trees, no tree diversity is required.
  2. If the development site has between five (5) and fifty (50) canopy trees, no single species may comprise more than thirty-three percent (33%) of trees.
  3. If the development site has more than fifty (50) canopy trees, no single species may comprise more than twenty percent (20%).
- (g) Not more than four (4) of any one species of canopy tree shall be used to meet a canopy tree requirement.

(5) Development Frontage Landscaping.

Landscaping and/or ornamental fencing shall be provided between buildings or parking areas and the adjacent street(s), except where buildings are placed at the sidewalk. Landscape material shall include a mix of plant material meeting the following minimum requirements:

- (a) One (1) overstory deciduous tree and five (5) shrubs shall be planted for each thirty (30) lineal feet of lot frontage. Two (2) ornamental trees or two (2) evergreen trees may be used in place of one (1) overstory deciduous tree.
- (b) In cases where building facades directly abut the sidewalk, required frontage landscaping shall be deducted from the required point total.
- (c) In cases where development frontage landscaping cannot be provided due to site constraints, the zoning administrator may waive the requirement or substitute alternative screening methods for the required landscaping.
- (d) Fencing shall be a minimum of three (3) feet in height, and shall be constructed of metal, masonry, stone or equivalent material. Chain link or temporary fencing is prohibited.

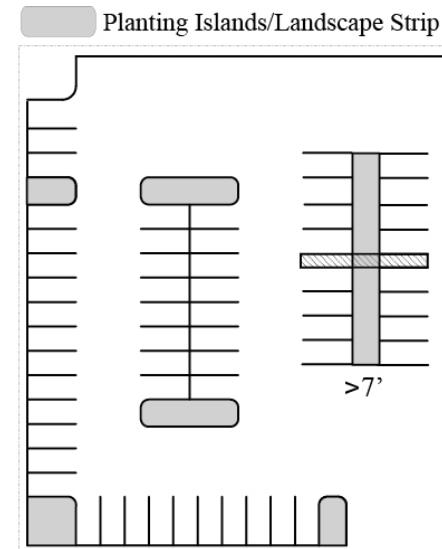
(6) Interior Parking Lot Landscaping.

The purpose of interior parking lot landscaping is to improve the appearance of parking lots, provide shade, and improve stormwater infiltration. All parking lots with twenty (20) or more parking spaces shall be landscaped in accordance with the following interior parking lot standards.

- (a) For new development on sites previously undeveloped or where all improvements have been removed, a minimum of eight percent (8%) of the asphalt or concrete area of the parking lot shall be devoted to interior planting islands, peninsulas, or landscaped strips. For changes to a developed site, a minimum of five percent (5%) of the asphalt or concrete area shall be interior planting islands, peninsulas, or landscaped strips. A planting island shall be located at least every twelve (12) contiguous stalls with no break or alternatively, landscaped strips at least seven (7) feet wide between parking bays.
- (b) The primary plant materials shall be shade trees with at least one (1) deciduous canopy tree for every one hundred sixty (160) square feet of required landscaped area. Two (2) ornamental deciduous trees may be substituted for one (1) canopy tree, but ornamental trees shall constitute no more than twenty-five percent (25%) of the required trees.



Figures I12-13: Development Frontage Landscaping Examples.



Figures I14: Interior Parking Lot Landscaping.

- No light poles shall be located within the area of seventy-five percent (75%) of mature growth from the center of any tree.
- (c) Islands may be curbed or may be designed as uncurbed bio-retention areas as part of an approved low impact stormwater management design approved by the Director of Public Works. The ability to maintain these areas over time must be demonstrated. (See Chapter 37, Madison General Ordinances, Erosion and Stormwater Runoff Control.)
- (7) **Foundation Plantings.** Foundation plantings shall be installed along building facades, except where building facades directly abut the sidewalk, plaza, or other hardscape features. Foundation plantings shall consist primarily of shrubs, perennials, and native grasses. The Zoning Administrator may modify this requirement for development existing prior to the effective date of this ordinance, as long as improvements achieve an equivalent or greater level of landscaping for the site.
- (8) **Screening Along District Boundaries.** Screening shall be provided along side and rear property boundaries between commercial, mixed-use or industrial districts and residential districts. Screening shall consist of a solid wall, solid fence, or hedge with year-round foliage, between six (6) and eight (8) feet in height, except that within the front yard setback area, screening shall not exceed four (4) feet in height. Height of screening shall be measured from natural or approved grade. Berms and retaining walls shall not be used to increase grade relative to screening height. For conditional uses, the Plan Commission may modify these requirements.
- (9) **Screening of Other Site Elements.** The following site elements shall be screened in compatibility with the design elements, materials and colors used elsewhere on the site, as follows:
- (a) **Refuse Disposal Areas.** All developments, except single family and two family developments, shall provide a refuse disposal area. Such area shall be screened on four (4) sides (including a gate for access) by a solid, commercial-grade wood fence, wall, or equivalent material with a minimum height of six (6) feet and not greater than eight (8) feet.
  - (b) **Outdoor Storage Areas.** Outdoor storage areas shall be screened from abutting residential uses with a building wall or solid, commercial-grade wood fence, wall, year-round hedge, or equivalent material, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
  - (c) **Loading Areas.** Loading areas shall be screened from abutting residential uses and from street view to the extent feasible by a building wall or solid, commercial-grade wood fence, or equivalent material, with a minimum height of six (6) feet and not greater than eight (8) feet. Screening along district boundaries, where present, may provide all or part of the required screening.
  - (d) **Mechanical Equipment.** All rooftop and ground level mechanical equipment and utilities shall be fully screened from view from any street or residential district, as viewed from six (6) feet above ground level. Screening may consist of a building wall or fence and/or landscaping as approved by the Zoning Administrator.
- (Am. by ORD-14-00001, 1-14-14)



Figure I15: Interior Parking Lot Landscaping Example.



Figures I16: Interior Parking Lot Landscaping Example.

(10) Maintenance.

The owner of the premises is responsible for the watering, maintenance, repair and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed free. Plant material that has died shall be replaced no later than the upcoming June 1.

(11) Fences, Walls and Hedges.

Fences and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this section. The owner shall be responsible for properly locating all property lines before construction or installation of any fence or hedge.

(a) Height in Residential Districts.

1. The maximum height of a screening fence or screening hedge within required interior side and rear setbacks in a residential zoning district shall not exceed six (6) feet. An ornamental fence or ornamental hedge may exceed six (6) feet in height. A screening fence or screening hedge of up to eight (8) feet in height may be placed on a district boundary line between a residential district and a mixed-use, commercial or employment district, or where adjacent to a public utility or public service use.
2. Screening fences around pools shall not exceed eight (8) feet.
3. Screening fences within the building envelope shall not exceed eight (8) feet.
4. The maximum height of a screening fence or screening hedge within a required front or street side yard setback shall not exceed four (4) feet, in height with the following exceptions:
  - a. A screening fence or screening hedge of up to six (6) feet in height may be placed within a street side yard setback behind the rear plane of the principal building.
  - b. The height of a screening fence or screening hedge within a street side yard setback may be increased to a maximum of six (6) feet in height if it is set back a minimum of four (4) feet from the street side yard property line.
5. The maximum height of an ornamental fence located in a front yard is five (5) feet if the fence is less than fifty percent (50%) opaque, and six (6) feet if the fence is less than twenty percent (20%) opaque.

(b) Height in Mixed-Use or Nonresidential Zoning Districts. The maximum height of a screening fence or screening hedge shall not exceed eight (8) feet except in required front or street side yard setbacks where the maximum height of a screening fence or screening hedge shall not exceed four (4) feet.(c) Height Measurement. Fence or hedge height shall be measured from natural or approved grade. In the case of grade separation, such as the division of properties by a retaining wall, fence or hedge height shall be determined based on measurement from the average point between highest and lowest grade. If the fence or hedge is set back from the retaining wall by a distance of at least four (4) feet, the height shall be measured from the base of the fence or hedge. Berms and retaining walls shall not be used to increase grade relative to screening height.

(d) Fences or hedges shall comply with the vision clearance triangle requirements of Subsection 27.05(2)(bb).

(e) Fences located in the front or street side yard setback areas must be made of materials such as wood, ornamental metal, brick, vinyl-coated chain link or stone. Uncoated chain link fences may be used in interior side or rear yards.

(f) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and

construction sites, and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit or up to one hundred eighty (180) consecutive days per calendar year.

(Sec. 28.142(11) Am. by ORD-14-00001, 1-14-14)

(Sec. 28.142 Am. by ORD-13-00148, 9-11-13)

## **28.143 MOBILE TOWER SITING REGULATIONS.**

### **(1) Statement of Purpose.**

The purpose and intent of this section is to strike a balance between the state and federal interest concerning the construction, modification and siting of mobile service facilities and mobile service support structures for use in providing personal wireless services, and the interest of the City in regulating local zoning. The goals of this section are to:

- (a) Protect residential areas and land uses from the potential adverse impacts of towers and antennas.
- (b) Minimize the total number of towers throughout the community.
- (c) Encourage the joint use of new and existing tower sites as a primary siting option rather than construction of additional single-use towers.
- (d) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

### **(2) New Construction and Substantial Modification of Facilities and Support Structures.**

- (a) An application for a permit to engage in the siting or construction of a new mobile service support structure and facilities or to engage in a Class 1 collocation shall be submitted in writing to the Building Inspection Division and shall contain the following:

1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility.
  4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (b) The Building Inspection Division Director or his or her designee shall inform the applicant within ten (10) days of receipt of the application if the application is not complete. Notification shall be in writing and shall specify in detail the information that was incomplete.
  - (c) Within ninety (90) days of receipt of a completed application, the Building Inspection Division Director or designee shall issue a written decision to approve or deny the application. However, the Director or designee and the applicant may agree in writing to an extension of the ninety-(90) day period.
  - (d) Decisions to deny an application shall be supported by substantial evidence. Such evidence shall be included in the written decision.

- (e) If an applicant provides an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Building Inspection Division Director or designee provides the applicant with substantial evidence showing that the engineering certification is flawed.
- (f) The decision of the Building Inspection Division Director or designee is a final decision appealable to circuit court.

(3) Abandonment.

If a mobile service support structure shall cease to be used for a period exceeding one year and a day, the owner or operator of said structure shall remove the structure upon the written request of the City Building Inspection Division Director at no cost to the City within ninety (90) days of said request. Prior to the issuance of any building or zoning permits, a performance bond shall be provided to guarantee that a support structure that has ceased being used for mobile service facilities purposes is removed. The bond amount shall be the lesser of twenty thousand dollars (\$20,000) or an amount based on a written estimate of a person qualified to remove such structures.

(4) Structural Requirements.

Every mobile service support structure and mobile service facility shall be designed and constructed so as to comply with the requirements of Chapter 17, MGO, and International Building Code (IBC) 3108, as amended from time to time. If, upon inspection, the Building Inspection Division Director concludes that a structure or facility fails to comply with such codes in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the structure or facility, the owner shall have thirty (30) days or such time as determined by the Building Inspection Division Director to bring such tower into compliance with said codes.

Failure to bring such structure or facility into compliance within said thirty (30) days or such time as determined by the Building Inspection Division Director shall constitute grounds for the removal of the structure or facility at owner's expense.

(5) Basic Tower and Building Design.

All new mobile service support structures and facilities, except exempt facilities as defined in subsection (8), below, shall be designed as follows:

- (a) Mobile service facilities and mobile service support structures shall be constructed out of metal or other nonflammable material.
- (b) Mobile service facilities and mobile service support structures shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- (c) Emergency back-up generators shall be completely enclosed on all sides. Other efforts to mitigate noise from such generators may be required.

(6) Location.

A good faith effort in achieving co-location shall be required of the requestor and host entity, subject to existing co-location contracts, and all of the following measures shall be implemented for new mobile service support structures and Class 1 Collocations:

(a) No mobile service support structure shall be installed closer than one-quarter (1/4) mile from another mobile service support structure, measured from the base of the existing structure to the base of the proposed structure, unless the applicant provides a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring:

1. Would not result in the same mobile service functionality, coverage, and capacity;
2. Is technically infeasible, or
3. Is economically burdensome to the mobile service provider.

For the purposes of this requirement, exempt mobile service facilities unavailable for co-location shall not be included in the one-quarter (1/4) mile computation.

(b) No mobile service support structure shall be located on a lot in a residence district, unless said lot is greater than two (2) acres in area and the principal use is other than residential.

(c) Mobile service support structures towers, guy wires, appurtenant equipment and buildings shall comply with the yard and set back requirements of the zoning district in which they are located.

(7) Co-located and Multiple-User Facilities.

- (a) An application for a permit to engage in Class 2 Collocation shall be submitted in writing to the Building Inspection Division and shall contain the following:
  1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility.
- (b) The Building Inspection Division shall inform the applicant within five (5) days of receiving the application if the application is not complete. Notification shall be in writing and shall specify in detail the information that was incomplete.
- (c) Within forty-five (45) days of receipt of a completed application, the Building Inspection Division Director or designee shall issue a written decision to approve or deny the application, except that the Building Inspection Division Director or designee and the applicant may agree in writing to an extension.
- (d) Decisions to deny an application shall be supported by substantial evidence. Such evidence shall be included in the written decision.
- (e) The decision of the Building Inspection Division Director or designee is a final decision appealable to circuit court.
- (f) Design for Co-Location. All new mobile service support structures shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible.  
Multi-user mobile service support structures shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users.

(8) Exempt Facilities.

- (a) Amateur radio towers installed, erected, maintained and/or operated in any residential zoning district, by a federally-licensed amateur radio operator, complying with the provisions contained in Chapter 17, MGO, so long as all the following conditions are met:
  1. The antenna use involved is accessory to the primary use of the property which is not a telecommunication facility.
  2. In a residential zone, no more than one support structure for licensed amateur radio operator is allowed on the parcel.
  3. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
- (b) Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.

(Sec. 28.143 Rep. & Rec. by ORD-13-00189, 11-26-13)

**28.144 DEVELOPMENT ADJACENT TO A LANDMARK OR LANDMARK SITE.**

Any development on a zoning lot adjoining a landmark or landmark site for which Plan Commission or Urban Design Commission review is required shall be reviewed by the Landmark Commission to determine whether the proposed development is so large or visually intrusive as to adversely affect the historic character and integrity of the adjoining landmark or landmark site. Landmark Commission review shall be advisory to the Plan Commission and the Urban Design Commission.

**28.145 LOTS WITH SPLIT ZONING.**

For any lot with two (2) or more zoning district designations, each portion of said lot shall be subject to the requirements of the district in which it is located.

**28.146 HISTORIC DISTRICT SUFFIXES.**

- (1) **Statement of Purpose and Applicability.** Historic District suffixes are created to provide an effective means of identifying zoning lots which are either located within a designated Historic District or upon which is located a designated landmark, pursuant to the provisions of Chapter 41, MGO. The appropriate suffix for a designated landmark or respective Historic District as created hereunder shall be appended to the current and any future zoning district classification of each zoning lot so affected and the suffix shall also be appended to zoning district classifications on Zoning District Maps maintained by the Zoning Administrator. The suffix designation has no effect upon the principal zoning district classification of said zoning lots. However, the applicable regulations of Chapter 41 which are referenced by the respective suffix shall apply to each said zoning lot in addition to the applicable requirements of the Zoning Code.
- (2) **HIST-L Designated Landmark.** The HIST-L suffix applies to all zoning lots on which a designated landmark is located pursuant to Sec. 41.07, MGO, and the owner of each such zoning lot is notified that the landmark located thereon and the landmark site shall be maintained in a condition consistent with the provisions of Chapter 41, in addition to the applicable requirements of the Zoning Code.
- (3) **HIST-MH Mansion Hill Historic District.** The HIST-MH suffix applies to all zoning lots located within the Mansion Hill Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.22, in addition to the applicable requirements of the Zoning Code.
- (4) **HIST-TL Third Lake Ridge Historic District.** The HIST-TL suffix applies to all zoning lots located within the Third Lake Ridge Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.23, in addition to the applicable requirements of the Zoning Code.

- (5) HIST-UH University Heights Historic District. The HIST-UH suffix applies to all zoning lots located within the University Heights Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.24, in addition to the applicable requirements of the Zoning Code.
- (6) HIST-MB Marquette Bungalows Historic District. The HIST-MB suffix applies to all zoning lots located within the Marquette Bungalows Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.25, in addition to the applicable requirements of the Zoning Code.
- (7) HIST-FS First Settlement Historic District. The HIST-FS Suffix applies to all zoning lots located within the First Settlement Historic District and the owners of such zoning lots are notified that any improvements thereon, whether present or proposed, shall be constructed, maintained, altered, and demolished or reconstructed in accordance with the applicable general provisions of Chapter 41 and the specific provisions of Sec. 41.26, in addition to the applicable requirements of the Zoning Code.

(Am. by ORD-15-00072, 7-29-15)

#### **28.147 NEGATIVE USE RESTRICTIONS PROHIBITED AS AGAINST PUBLIC POLICY.**

- (1) Purpose and Intent. The public health, safety and general welfare of the City are compromised when private parties impose negative use restrictions upon real property in the City which prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations upon such real property. Such negative use restrictions are separate and distinct from commercially reasonable non-compete clauses included in shopping center development agreements whereby a landlord may agree with a tenant that is a grocery store or drug store not to lease another space in the same shopping center to a second grocery store or drug store, respectively, in order to induce the first tenant to sign a long-term lease as an anchor tenant at such shopping center development.
- (2) Prohibitions. Notwithstanding Sec. 28.04(1)(c), a private agreement that purports to impose negative use restrictions upon real property in the City so as to prohibit or have the economic or practical effect of prohibiting the use of such real property for grocery store or drug store purposes after a grocery store or drug store owner or operator has terminated grocery store or drug store operations on such real property, when such use would otherwise be permitted (including as a conditional use) under the zoning ordinance, shall be against public policy, void, and unenforceable. The foregoing prohibition shall apply whether the private agreement is incorporated in a deed restriction, a restrictive covenant, a lease or memorandum of lease, or any other instrument. This prohibition applies to all such private agreements, including those created prior to the effective date of this section. In addition to any penalty imposed by Sec. 28.12(14), the City may institute appropriate action relating to any such private agreement pursuant to Wis. Stat. § 62.23(8). The penalty provisions of Sec. 28.12(14) shall not apply to such private agreements entered into prior to the effective date of this section.

**28.148 RADIO BROADCAST SERVICE FACILITY REGULATIONS.**(1) Statement of Purpose.

The purpose and intent of this section is to strike a balance between the state interest concerning the construction, modification and siting of Radio Broadcast Service Facilities, and the interest of the City in public health and safety. The regulations in this section, and elsewhere in these ordinances as they relate to Radio Broadcast Service Facilities, are determined to be the minimum necessary to protect public health and safety. The goals of this section are to

- (a) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- (b) Avoid potential harm or injury caused by the ability to trespass or climb on a tower.
- (c) Avoid potential harm or injury caused by ice or other debris falling from towers.

(2) Application.

An application for the placement, construction or modification of a radio broadcast service facility shall be made to the Building Inspection Division.

- (a) A Placement Plan shall be submitted at the time of application for a zoning certificate. The Plan shall show the proposed location of the Radio Broadcast Service Facility on the lot, the design of facility, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the Radio Broadcast Service Facility. Additional materials may be required.
- (b) The Placement Plan shall be approved by the Director of the Department of Planning and Community and Economic Development prior to installation of the facility
- (c) Any denial shall be in writing, and shall provide the applicant with substantial evidence which supports the reasons for the denial.

(3) Structural Requirements.

Every Radio Broadcast Service Facility shall be designed and constructed so as to comply with the requirements of Chapter 17, MGO, and International Building Code (IBC) 3108, as amended from time to time. If, upon inspection, the Building Inspection Division Director concludes that a tower fails to comply with such codes in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days or such time as determined by the Building Inspection Division Director to bring such tower into compliance with said codes.

Failure to bring such tower into compliance within said thirty (30) days or such time as determined by the Building Inspection Division Director shall constitute grounds for the removal of the tower or antenna at owner's expense.

(4) Basic Tower and Building Design.

All new Radio Broadcast Service Facilities, except exempt facilities as defined in subsection (7), below, shall be designed as follows:

- (a) Radio Broadcast Service Facilities shall be constructed out of metal or other nonflammable material.
- (b) Radio Broadcast Service facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(5) Location.

Radio Broadcast Service Facilities, towers, guy wires, appurtenant equipment and buildings shall comply with the yard and set back requirements of the zoning district in which they are located and, in addition thereto, all towers shall be set back at least one hundred (100) feet from any property devoted to residential use or two hundred (200) feet from any residential building, whichever is less.

(6) Abandonment.

If a Radio Broadcast Service Facility shall cease to be used for a period exceeding one year and a day, the owner or operator of said facility shall remove the facility upon the written request of the City Building Inspection Division Director at no cost to the City within ninety (90) days of said request. Prior to the issuance of any building or zoning permits, a performance bond shall be provided to guarantee that a facility that has ceased being used for telecommunication purposes is removed. The bond amount shall be the lesser of twenty thousand dollars (\$20,000) or an amount based on a written estimate of a person qualified to remove such structures.

(7) Exempt Facilities.

(a) Amateur radio towers installed, erected, maintained and/or operated in any residential zoning district, by a federally-licensed amateur radio operator, complying with the provisions contained in Chapter 17, MGO, so long as all the following conditions are met:

1. The antenna use involved is accessory to the primary use of the property which is not a telecommunication facility.
2. In a residential zone, no more than one support structure for licensed amateur radio operator is allowed on the parcel.
3. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(b) Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.

(Sec. 28.148 Cr. by ORD-13-00189, 11-26-13)

**28.149 REGULATION OF WIND ENERGY SYSTEMS.**

- (1) Statutory Authorization. The ordinance codified in this section is adopted pursuant to authority contained in Wis. Stat. §§ 62.23(7) & 66.0401 and Wis. Admin. Code ch. PSC 128.
- (2) Definitions. For the purposes of this section, all definitions contained within Wis. Stat. §§ 66.0401 & 66.0403, Wis. Admin. Code §§ PSC 196.378 and PSC 128.01 apply. In addition:
- “Large wind energy system” means a wind energy system that has a total installed nameplate capacity of more than three hundred (300) kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than one hundred (100) kilowatts.
- (3) Pre-application Notice.
- (a) At least ninety (90) days before an owner files an application to construct a large wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
1. Landowners within one (1) mile of a planned wind turbine host property.
  2. Political subdivisions within which the wind energy system may be located.
  3. Emergency first responders and air ambulance service providers serving a political subdivision within which the wind energy system may be located.
  4. The Wisconsin Department of Transportation.
  5. The Public Service Commission of Wisconsin.
  6. The Wisconsin Department of Natural Resources (DNR).
  7. The Wisconsin Department of Agriculture, Trade and Consumer Protection.
  8. The Office of the Deputy Undersecretary of the U.S. Department of Defense.
- (b) At least one hundred eighty (180) days before filing an application to construct a wind turbine with a “maximum blade tip height” exceeding six hundred (600) feet, the owner shall provide written notice of the planned wind energy system to the Public Service Commission.
- (c) For small wind energy systems, an owner shall provide written notice at least sixty (60) days prior to filing application to the City and adjacent landowners.
- (d) Written notice shall include:
1. A complete description of the wind energy system, including the number and size of the planned wind turbines.
  2. A map showing the planned location of all wind energy system facilities.
  3. Contact information for the owner.
  4. A list of all potential permits or approvals the owner anticipates may be necessary for construction.
  5. Whether owner seeks joint application with another jurisdiction.
- (4) Application Notice Requirements.
- (a) Upon filing an application, an owner shall use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one (1) mile of the proposed location of any wind energy system facility. For small wind energy system, notice shall only be provided to property owners and residents located adjacent to the wind energy system. The notification shall include all of the following:
1. A complete description of the wind energy system, including the number and size of the wind turbines.
  2. A map showing the locations of all proposed wind energy system facilities.
  3. The proposed timeline for construction and operation of the wind energy system.
  4. Locations where the application is available for public review.
  5. Owner contact information.
- (b) Upon receipt of an application, the City shall publish a class 1 notice, under Wis. Stat. ch. 985, that includes:
1. A brief description of the proposed wind energy system.
  2. The proposed location of the wind energy system.

- 3. The locations where the application is available for public review.
  - 4. The method for submitting public comments on the application to the City.
  - 5. The approximate schedule for review of the application.
- (5) Real Property Requirements.
- (a) Easements and leases shall be recorded in accordance with Wis. Stat. § 706.
  - (b) All leases and waivers of noise and shadow flicker shall hold harmless and indemnify the real property owner for violation by the owner of any federal state or local laws and damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.
- (6) Existing Property Uses.
- (a) An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under (3)(a), or if complete publicly-available plans for construction are on file with a political subdivision within thirty (30) days of the date the owner gives notice under (3)(a). However, for small wind energy systems, this subdivision applies only to existing land uses and enterprises that are located on adjacent nonparticipating properties.
  - (b) An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.
- (7) Siting.
- (a) An owner shall design and construct a large wind energy system using the wind turbine setback distances shown in Table 1:

**Table 1**

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right of Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines - Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

- (b) An owner shall design and construct a small wind energy system using the wind turbine setback distances shown in Table 2:

**Table 2**

<b>Setback Description</b>	<b>Setback Distance</b>
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right of Way	None
Overhead Communication and Electric Transmission or Distribution Lines - Not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

- (c) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
- (d) For wind energy systems within the Airport Affected Area, the maximum blade tip height shall not exceed the height limits in Sec. 78.05, Dane County Ordinances.
- (e) For wind energy systems within four thousand (4000) feet of a heliport the maximum blade tip height shall not exceed the total of five hundred (500) feet plus the height of the heliport landing area.
- (f) An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- (g) The owner of a nonparticipating residence or occupied community building may waive the setback distances from a non-participating residence or an occupied community building to a minimum setback of one-point-one (1.1) times the maximum blade tip height for large wind energy system or to 0 for a small wind energy system.
- (h) The owner of a nonparticipating residence or occupied community building may waive the setback distances from a non-participating property line or an occupied community building property line.
- (8) **Noise.**
- (a) The noise attributable to a wind energy system shall not exceed 50dBA between the hours of 6:00 a.m. and 10:00 p.m., and shall not exceed 45dBA at all other times.
- (b) For large wind energy systems, the owner shall evaluate compliance with the above noise limits pre- and post-construction as specified in PSC 128.50.
- (c) The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under (3)(a) or for which complete publicly-available plans for construction are on file with a political subdivision within thirty (30) days of the date on which the owner gives notice.
- (d) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
- (e) If the noise from a wind energy system contains noise other than that from normal operating conditions such as a whine, whistle, screech, or hum, the owner shall promptly act to permanently eliminate such noise. Until such time as the noise is permanently eliminated, the owner shall use operational curtailment to eliminate the noise.

- (f) Upon receipt of a noise complaint, the owner shall test for compliance with the noise limits above, except that testing is not required if the owner provides results of an accurate noise test completed within two (2) years of the date of the compliant showing compliance with the above noise limits at the location of the compliant.
  - (g) An owner of an affected nonparticipating residence or occupied community building may waive compliance with the above noise limits by written contract with the owner of the wind energy system. Such written contract shall be recorded and shall be an encumbrance on the real property and run with the land per Wis. Stat. § 706 until the wind energy system is decommissioned.
  - (h) Before entering into a contract under (g), an owner of a wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.
  - (i) Prior to the initial operation of a wind energy system, the owner of a wind energy system shall provide notice of the requirements of this section to any owner of a nonparticipating residence or occupied community building within one-half (0.5) miles of the constructed wind turbine that has not entered into a contract under (g). For a small wind energy system, this requirement applies to adjacent nonparticipating residences or occupied community buildings.
- (9) Shadow Flicker.
- (a) Shadow flicker requirements apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under (3)(a) or for which complete publicly-available plans for construction are on file with the City within thirty (30) days of the date on which the owner gives notice under (3)(a).
  - (b) An owner of a wind energy system shall work with an owner of a residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
  - (c) No wind energy system shall cause more than thirty (30) hours per year of shadow flicker at a nonparticipating residence or occupied community building. If this limit is exceeded, the owner of wind energy system shall use operational curtailment to bring the wind energy system into compliance.
  - (d) An owner of a large wind energy system shall provide shadow flicker computer modeling indicating that no nonparticipating residence or occupied community building will experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.
  - (e) An owner of a large wind energy system shall provide reasonable shadow flicker mitigation, at the owner's expense, for a nonparticipating residence or occupied community building experiencing twenty (20) hours or more per year of shadow flicker. The amount of shadow flicker shall be determined by the shadow flicker computer model or by records kept by the resident of a nonparticipating residence or the occupant of an occupied community building. Mitigation is required only when the owner of the wind energy system receives a complaint or request for mitigation from a nonparticipating residence or occupied community building that receives twenty (20) hours or more per year of shadow flicker. If mitigation is required, the owner of a large wind energy system shall allow the owner of the non-participating residence or the occupied community building to choose a preferred reasonable mitigation technique, including the installation of blinds or plantings at the wind energy system owner's expense.
  - (f) The owner of an affected nonparticipating residence or occupied community building may waive the shadow flicker limit or shadow flicker mitigation requirements by written contract with the owner of the wind energy system. Unless otherwise provided for in the contract, the waiver shall be an encumbrance on the real property, run with the land, and shall be recorded per Wis. Stat. § 706.

- (g) Before entering into a contract under (f) above, an owner of a large wind energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building.
  - (h) Before beginning operation of a large wind energy system, the owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within one-half (0.5) miles of a constructed wind turbine that has not entered into a contract under (f) above.
- (10) Signal Interference.
- (a) An owner of a wind energy system shall use reasonable efforts to avoid causing interference with commercial communications and personal communications in use when the wind energy system begins operation.
  - (b) No wind energy system shall be located within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. An owner shall provide documentation showing compliance.
  - (c) If interference with commercial or personal communications occurs, the owner of a large wind energy system shall use reasonable and commercially available technology to mitigate interference. Following consultation with the affected parties, the owner shall implement the affected party's preferred reasonable mitigation solution effective until the large wind energy system is decommissioned or the communication is no longer in use.
- (11) Stray Voltage. An owner of a wind energy system shall provide the City with results of pre-and post-construction testing for stray voltage if such testing is required pursuant to Wis. Admin. Code § PSC 128.17.
- (12) Construction and Operation.
- (a) Physical Characteristics.
    1. An owner shall not allow display of advertising or signage other than warnings, equipment information, or indicia of ownership on a wind turbine.
    2. Except for a safety feature or wind monitoring device, an owner shall not allow any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to be located on a wind turbine.
    3. An owner shall ensure that a wind turbine has an unobtrusive finish.
    4. An owner shall install and maintain lighting that meets FAA standards.
    5. An owner shall ensure that a wind energy system is not readily climbable except by authorized personnel.
    6. An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
    7. An owner shall place appropriate warning signage on or at the base of each wind turbine.
    8. An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that they are visible to low flying aircraft under fair weather conditions.
    9. For large wind energy systems, an owner shall post and maintain signs containing a twenty-four (24) hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. Signs shall be posted at every intersection of a wind energy system access road with a public road and at each wind turbine location.
  - (b) Electrical Standards.
    1. An owner shall construct, maintain and operate wind energy systems in a manner that complies with the national electrical safety code.

2. An owner shall construct, maintain and operate collector circuit facilities in compliance with both the national electrical safety code and Wis. Admin. ch. PSC 114.
  3. For large wind energy systems, an owner shall ensure that collector circuit facilities are located underground to the extent practicable. If collector circuit facilities are located overhead, owner shall not allow third-party facilities to be attached or bonded to the collector circuit grounding. The owner of the wind energy system shall establish a regular inspection schedule for all overhead facilities and shall ensure that any attached third-party facilities are promptly removed.
- (c) Construction, Operation and Maintenance.
1. An owner shall ensure that all wind energy systems are constructed, operated, repaired, maintained, and replaced as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
  2. An owner of a large wind energy system shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction and decommissioning of the wind energy system.
  3. An owner shall ensure that topography, soils, and vegetation are restored to their original condition following construction of a large wind energy system, unless otherwise provided in a contract signed by an affected landowner, considering modifications needed to comply with DNR requirements.
  4. An owner of a large wind energy system shall provide the City documentation of general liability insurance covering claims for property damage or bodily injury arising from the construction, operation, or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.
- (d) Emergency Procedures.
1. An owner of a wind energy system shall notify the City of the occurrence and nature of a wind energy system emergency within twenty-four (24) hours of the wind energy system emergency.
  2. An owner of a large wind energy system shall establish and maintain a liaison with the City Fire Department, City Police Department and other appropriate first responders to create emergency plans that include the following:
    - a. A list of the types of wind energy system emergencies that require notification of the City within twenty-four (24) hours.
    - b. Current emergency contact information for first responders and for the wind energy system owner, including names and phone numbers.
    - c. Procedures for handling different types of wind energy system emergencies, including written procedures that provide for shutting down the wind energy system or a portion of the system as appropriate.
    - d. Duties and responsibilities of the owner and of first responders in the event of a wind energy system emergency.
    - e. An emergency evacuation plan for the area within one-half (0.5) miles of any wind energy system facility, including the location of alternate landing zones for emergency services aircraft.
  3. An owner of a large wind energy system shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.

4. An owner of a large wind energy system shall distribute current copies of the emergency plan to the City, Madison Police Department, Madison Fire Department and other appropriate first responders identified by the City.
5. An owner of a large wind energy system shall provide the wind energy system's operator, supervisors, and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established in (e)2. above, train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective. As soon as possible after a wind energy system emergency, the owner shall review employee activities to determine whether the procedures were effectively followed.

(13) Decommissioning.

- (a) An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life, which is presumed to be when a large wind energy system generates no electricity for a continuous three hundred sixty (360) day period or a small wind energy system generates no electricity for a continuous five hundred forty (540) day period.
- (b) For large wind energy systems, the City shall grant one or more additional one hundred eighty day (180) extension periods if it is likely that the wind energy system will operate again in the future and if any of the following occur:
  1. The owner submits a plan to the City that demonstrates an ongoing good-faith effort to return the wind energy system to service and outlines the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.
  2. The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.
  3. The owner demonstrates that the wind energy system is being used for educational purposes.
- (c) The City may deny a request for an extension under (b) above if the wind energy system has not generated any electricity for a continuous period of five hundred forty (540) days or more and the City finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.
- (d) A large wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of five hundred forty (540) days and the owner has not requested an extension or the City has denied an extension under (c) above and any appeal rights have expired.
- (e) When decommissioning is required, the owner shall begin decommissioning within three hundred sixty (360) days after the wind energy system has reached the end of its useful life and shall complete the process, including the removal of the wind energy system, within five hundred forty (540) days after the wind energy system has reached the end of its useful life.
- (f) An owner of a wind energy system shall file a notice of decommissioning completion with the City and the Public Service Commission when a wind energy system that has been approved by the City has been decommissioned and removed. Within three hundred sixty (360) days of receiving such notice, the City shall determine whether the owner has satisfied the requirements of (a) above and any applicable site restoration requirements.

(14) Financial Responsibility.

- (a) Prior to construction of a large wind energy system with a nameplate capacity of one (1) or more megawatts, an owner shall provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability

of such financial assurances and funds throughout the expected life of the wind energy system and the decommissioning period. Such assurance must provide that the secured funds may be used only for decommissioning the wind energy system and are accessible only to the City.

- (b) Throughout the lifetime of a large wind energy system, the City may require, no more than once every five (5) years, an updated estimate of the actual and necessary costs to decommission the wind energy system and if such estimate is at least ten percent (10%) higher than the amount of financial assurance provided, the City may require a corresponding increase in the financial assurance.

(15) Site Restoration.

- (a) Except as provided in (b) below, if a large wind energy system is constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modification needed to comply with DNR requirements.
- (b) If a wind energy system was constructed on a brownfield, as defined in Wis. Stat. § 238.13(1)(a), the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in Wis. Stat. § 238.13(1)(d).

(16) Application.

- (a) All applicants for a wind energy system permit shall submit an application that includes the following:
1. A description of the wind energy system and maps showing the locations of all proposed wind energy facilities.
  2. A technical description of the wind turbines and wind turbine sites.
  3. The proposed timeline for construction of the wind energy system.
  4. Information regarding the anticipated impact of the wind energy system on local infrastructure.
  5. Information regarding the noise anticipated to be attributable to the wind energy system.
  6. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
  7. Information regarding the anticipated effects of the wind energy system on existing land uses within one-half (0.5) miles of the wind energy system.
  8. Information regarding the anticipated effects of the wind energy system on airports and airspace.
  9. Information regarding the anticipated effects of the wind energy system on line-of-sight communication.
  10. A list of all state and federal permits required to construct and operate the wind energy system.
  11. Information regarding the planned use and modification of roads within the City during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy activities and for conducting road repairs at the wind energy system owner's expense.
  12. A copy of all notices required under subsections (3) and (4)
  13. A copy of all emergency plans developed in collaboration with appropriate first responders under (12)(e) above.
  14. For large wind energy systems, a decommissioning and site restoration plan and any required financial assurance.
  15. Any additional information necessary to understand the construction, operation, or decommissioning of the proposed wind energy system.

16. The City shall notify the applicant in writing no later than forty-five (45) days after the application is filed whether the application is complete. The application is considered filed on the date the owner notifies the City in writing that all application materials have been filed. If the City determines that the application is incomplete, it shall provide notice to the owner of the reasons for such determination. The owner may file a supplement to an application based on the stated reasons for the determination that the application was incomplete and another forty-five (45) day completeness review period begins. If the City fails to make a determination of completeness and notify the owner within the required forty-five (45) days, the application is deemed complete.

(17) Decision.

- (a) Within ninety (90) days of determining that the application is complete, the Plan Commission shall issue a written decision with findings of fact based on evidence in the record. If an application is denied, the reason for denial shall be specified. The written decision, including the findings of fact, shall be provided to the owner and the Public Service Commission.
- (b) Upon written extension, the Plan Commission may extend the ninety (90) day period in (a) above by no more than an additional ninety (90) days if the Plan Commission needs additional information in order to review the application, if the applicant makes a material modification to the application or for other good cause specified by the Plan Commission. Any extension requires written authorization by the plan commission.
- (c) The owner shall record a duplicate original of the decision with the Dane County register of deeds.
- (d) Within ninety (90) days of the date a large wind energy system begins operating, the owner shall file, with the City and the Public Service Commission, an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system. Each wind turbine location shall have a unique identifier consistent with the information posted pursuant to (12)(a).

(18) Modification To Wind Energy System.

- (a) An owner of a wind energy system may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Plan Commission.

(19) Complaints.

- (a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this ordinance.
- (b) A complaint shall be made first to the owner of the wind energy system.
- (c) An owner shall use reasonable efforts to resolve complaints regarding a wind energy system at the owner's expense.
- (d) A complainant may petition the Plan Commission, pursuant to its continuing jurisdiction over a conditional use, for review of a complaint that is not resolved within forty-five (45) days of the day the owner receives the original complaint.
- (e) The Plan Commission's decision on a complaint is subject to appeal under Wis. Stat. § 66.0401(5).
- (f) Before construction of a large wind energy system, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within one-half (0.5) miles of any wind energy facility. The notice shall contain the requirements for submitting a complaint, a petition for review by the Plan Commission, and appeal to the Public Service Commission. The notice also shall contain the name and phone number of a contact person for the owner for the receipt of complaints. The owner also shall provide the Plan Commission with a copy of such notice.

- (g) For large wind energy systems, when an owner receives a complaint, he/she shall provide the complainant with a copy of the notice required in (f) and within thirty (30) days of receiving the complaint, the owner shall provide an initial response to the complainant.
  - (h) An owner of a large wind energy system shall make a good faith effort to resolve complaints within forty-five (45) days of receiving a complaint and shall notify the Plan Commission of any complaints that have not been resolved.
  - (i) An owner of a large wind energy system shall maintain a log of all complaints received regarding the wind energy system. The log shall include the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of the complaint log to the Plan Commission on a monthly basis.
- (20) Appeals.
- (a) Any person aggrieved by the decision of the Plan Commission to approve, deny, or modify a wind energy system may appeal the decision to the Common Council pursuant to Sec 28.183(5)(b). If a person remains aggrieved following appeal to the Common Council, he/she may appeal to the Public Service Commission within thirty (30) days of the Common Council decision. Alternatively, an aggrieved person may appeal directly to the Public Service Commission within 30 days of the Plan Commission decision to approve, deny, or modify a wind energy system. An owner who petitions for review by the Public Service Commission shall serve a copy of the petition on the City and on any other person specified in Wis. Admin. Code § PSC 2.07(3). Any person other than an owner who files a petition for review by the Public Service Commission shall service a copy of the petition on the owner, the City, and any other person specified in Wis. Admin. Code § PSC 2.07(3). The City shall make a copy of any such petition it receives available for public inspection and shall publish notice of such petition.

(Sec. 28.149 Cr. by ORD-14-00027, 2-18-14)

## **28.150 RESIDENTIAL DEVELOPMENT.**

For all new residential development allowed by this chapter, the applicant shall be required to dedicate land for park and recreation purposes or pay a fee in lieu of land dedication in accordance with the current standards in Sec. 16.23(8)(f), MGO, and pay Park Impact Fees in accordance with Sec. 20.08, MGO. Credit shall be given for any prior dedication or fee paid under those sections.

(Sec. 28.150 Cr. by ORD-15-00013, 1-28-15; Am. by ORD-16-00073, 9-15-16)





**SUBCHAPTER 28J: SUPPLEMENTAL REGULATIONS****28.151 APPLICABILITY.**

Supplemental regulations are established to address the unique characteristics of certain land uses. The standards and conditions listed for land uses in this chapter are applicable to both permitted uses and uses permitted by conditional use permit, as specified for each zoning district, unless otherwise noted.

Accessory Buildings and Structures. Shall comply with Sec. 28.131, MGO. (Am. by ORD-17-00024, 2-20-17)

Accessory Dwelling Unit in the TR-P District.

- (a) No more than one (1) accessory dwelling unit may be located on a lot.
- (b) The lot shall be a corner lot or abut an alley.
- (c) The lot shall have a minimum area of five thousand (5,000) square feet.
- (d) The lot shall have a minimum width of fifty (50) feet for corner lots and sixty (60) feet for interior lots.
- (e) An attached accessory dwelling unit shall be part of the single family dwelling on the same lot for the purpose of the bulk requirements of the district. Any secondary dwelling unit connected to the single-family dwelling is considered attached.
- (f) A detached accessory dwelling unit shall be located only above a detached garage of the single-family dwelling on the same lot.
- (g) A detached accessory dwelling unit shall be located a minimum of five (5) feet from a side or rear lot line, unless the lot is adjacent to an alley, in which case it shall be located a minimum of two (2) feet from the rear lot line.
- (h) The height, lot area per dwelling unit, and usable open space requirements for detached accessory dwelling units shall be as specified for the district.
- (i) The usable open space requirements for a detached accessory dwelling unit shall be fifty percent (50%) of the usable open space requirement in the district.
- (j) The single-family dwelling on the lot shall be owner-occupied.
- (k) The entryway to the accessory dwelling unit shall be connected to a street frontage with a paved walkway.
- (l) The accessory dwelling unit shall have a separate entrance from the single-family dwelling.

Accessory Dwelling Unit in Districts Other than the TR-P District.

- (a) Required Standards.
  - 1. The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed.
  - 2. The principal dwelling must be a single-family detached dwelling.
  - 3. No more than one (1) accessory dwelling unit may be located on a lot.
  - 4. The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.
  - 5. The accessory dwelling unit shall not be sold separately from the principal dwelling.
  - 6. The maximum height of a detached building containing an accessory dwelling unit, including one built above a garage, shall be twenty-five (25) feet. Height shall be measured as a principal building pursuant to Sec. 28.134(1)(b).

7. The maximum size of an accessory dwelling unit shall be seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
8. The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
9. Accessory dwelling unit entry ways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
10. The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.

(b) Suggested Guidelines.

1. The exterior finish material of an accessory dwelling unit shall match the type, size and placement of exterior finish material of the principal dwelling.
2. The roof pitch shall match the predominant roof pitch of the principal dwelling.
3. Trim and projecting eaves shall match those of the principal dwelling.
4. Windows shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).

Accessory Use: General Retail, Service Business, Restaurant, Coffee Shop, Tea House, Office, Professional and General. In the DR2 and UOR Districts, must be accessory to a multi-family residential use or a permitted commercial use, accessible to the public only through a lobby, and shall not exceed three thousand (3,000) square feet of floor area. (Cr. by ORD-13-00007, 1-15-13)

Adult Entertainment Establishment.

- (a) Such establishments shall be licensed as provided in Section 9.05 of these ordinances.
- (b) Exterior windows shall not be covered or made opaque in any way.
- (c) No adult entertainment establishment shall be located within one thousand (1,000) feet of any church, synagogue, temple, mosque or any other place of worship, any lot in a residential district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment.
- (d) The distance requirement under subdivision (c) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residential district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any other adult entertainment establishment or adult entertainment tavern to the closest property line of the adult entertainment establishment.
- (e) No material referenced under the definition of Adult Book or Video Store shall be placed in any exterior window, provided that material which is not so referenced may be placed in a window.
- (f) An adult entertainment establishment may have only one (1) nonflashing business sign, which sign may only indicate the name of the business and identify it as an adult entertainment establishment.

Adult Entertainment Tavern.

- (a) No such establishment shall be located within five hundred (500) lineal feet of a church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison; any planned developments which allow residential dwelling units; any public park, any private or public pre-school, elementary, secondary, or vocational school; any public or private playground; any day care center; any public library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any tavern, or any other adult entertainment tavern or adult entertainment establishment.
- (b) The distance requirement under subdivision (a) above shall be measured along a straight line from the nearest property line of any church, synagogue, temple, mosque or any other place of worship; any lot in a residence district, either in the City of Madison or in a municipality adjacent to the city of Madison; any planned developments which allow residential dwelling units; any public park; any private or public pre-school, elementary, secondary, or vocational school; any private or public playground; any day care center, any library; any youth recreation area including little league baseball fields, soccer fields, and YMCAs/YWCAs; or any tavern, or any other adult entertainment tavern or adult entertainment establishment to the closest property line of the adult entertainment tavern.
- (c) Said tavern shall acquire and maintain an adult entertainment tavern license pursuant to Sec. 38.11 of these ordinances prior to issuance of an occupancy permit.

Adult Family Home.

- (a) The loss of any state license or permit by an adult family home shall result in an automatic revocation of that facility's use permit.
- (b) The applicant must disclose in writing the capacity of the adult family home
- (c) No new adult family home shall be located within two thousand five hundred (2,500) feet of an adult family home or existing community living arrangement, unless the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the adult family home because of their disability or handicap, or unless approved as a conditional use.
- (d) An adult family home may contain a second kitchen for privacy of staff, but such kitchen facilities shall be dismantled and removed when the arrangement is discontinued.
- (e) No conditional use approved under this section shall be transferable to another location or permit-holder.

Agriculture – Animal Husbandry.

- (a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for:
  - 1. Off-street parking of more than ten (10) vehicles.
  - 2. Processing of food produced on site.
  - 3. Use of heavy equipment, such as tractors
  - 4. Application of agricultural chemicals, including fertilizers and pesticides.
- (b) In the UA District, conditional use approval and a Management Plan are required for:
  - 1. Spreading of manure.
  - 2. Spraying of agricultural chemicals, including fertilizers and pesticides.
  - 3. Use of heavy equipment, such as tractors, before 7:00 A.M. and/or after 10:00 P.M.

Agriculture – Cultivation.

- (a) In the UA District, a Management Plan that addresses how to minimize impacts on surrounding uses and natural systems is required for:
  - 1. Off-street parking of more than ten (10) vehicles.
  - 2. Processing of food produced on site.
  - 3. Use of heavy equipment, such as tractors.
  - 4. Application of agricultural chemicals, including fertilizers and pesticides.
- (b) In the UA District, conditional use approval and a Management Plan are required for:
  - 1. Spreading of manure.
  - 2. Spraying of agricultural chemicals, including fertilizers and pesticides.
  - 3. Use of heavy equipment, such as tractors, before 7:00 A.M and/or after 10:00 P.M.

Agriculture – Intensive. To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed one thousand (1,000) animal units, in which case a WPDES permit is required under Wis. Admin. Code ch. NR 243.

Animal Boarding Facility, Kennel, Animal Shelter.

- (a) Outdoor dog runs or exercise pens shall be located at least two hundred (200) feet from a residential use or district.
- (b) Any outdoor portion of an animal boarding facility, kennel, shelter, or animal daycare shall be screened from view from adjacent property by a solid fence, hedge or similar plant material not to exceed six (6) feet in height.

Animal Day Care. Applicants shall submit at the time of permit application written operating procedures, such as those recommended by the American Boarding and Kennel Association (ABKA) or the American Kennel Club (AKC). Such procedures, which shall be followed for the life of the business, must address the identification and correction of animal behavior that impacts surrounding uses, including excessive barking.

Assisted Living Facility, Congregate Care Facility, Skilled Nursing Facility.

- (a) The yard requirements for multi-family use in the district apply.
- (b) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (c) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.

- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

ATM.

- (a) In the DC, UMX, LMX, NMX and TSS districts, no more than one ATM may be installed per street frontage on a zoning lot.
- (b) In the DC, UMX, LMX, NMX and TSS districts, ATMs must be integrated into building design. Construction or modifications to accommodate an ATM shall be made in a manner consistent with the overall design of a façade.
- (c) In the DC, UMX, LMX, NMX and TSS districts, no storefront glass shall be removed to accommodate the installation of an ATM, unless the storefront glass is ninety- (90) degrees perpendicular to the sidewalk, and the ATM is being installed in an existing alcove.
- (d) In the DC, UMX, LMX, NMX and TSS districts, the exterior face, including any cabinet or casing, of an ATM shall not exceed eight (8) square feet in size.

(Cr. by ORD-13-00147, 9-11-13)

Automobile Body Shop, Automobile Sales and Rental, Automobile Service Station, Automobile Repair Station, Convenience Store.

- (a) All automobile servicing and repair activities shall be carried on within an enclosed building.
- (b) No automobile servicing and repair activities may take place between the hours of 7:00 p.m. and 7:00 a.m. unless all of the building's windows and doors are closed.
- (c) A convenience store shall not be located within one thousand nine hundred eighty (1,980) feet distance of three (3) or more existing convenience stores, as measured along the center lines of streets.
- (d) The following activities and equipment are allowed outside if located within the rear yard and building envelope, and at least fifty (50) feet from a residential zoning district:
  1. Storage of vehicle parts and refuse.
  2. Temporary storage of vehicles during repair and pending delivery to the customer.
  3. Vacuuming and cleaning.
- (e) Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle is not allowed for a period exceeding ten (10) days during any thirty (30) day period.
- (f) No building, structure, canopy, gasoline pump, or storage tank shall be located within twenty-five (25) feet of a residential zoning district.
- (g) In the NMX, DC, UMX and TSS Districts, the requirement in (g) above, may be modified as part of the conditional use approval so that pump islands are located in front of the building if provides more effective circulation, aesthetics or buffering of neighboring uses.

(Am. by ORD-13-00088, 5-29-13; ORD-17-00021, 2-20-17)

(h) (Rep. by ORD-15-00026, 3-11-15)

(Cr. by ORD-14-00037, 3-6-14)

Bed and Breakfast Establishment.

- (a) A maximum of eight (8) rooms shall be rented.
- (b) The establishment shall have a current license from Public Health Madison and Dane County.
- (c) The only meal that may be served is breakfast to registered guests.
- (d) Fire protection shall be approved by the Fire Department, and may be more restrictive than State requirements.
- (e) Length of stay shall not exceed twenty-one (21) consecutive days for each registered guest.
- (f) No more than twenty (20) tourists or transients shall be allowed to rent at one time.
- (g) The owner of the residence shall occupy the residence at the time of rental.

(Am. by ORD-13-00146, 9-11-13; ORD-13-00185, 11-5-13; ORD-15-00009, 1-28-15)

Bicycle-Sharing Facility. Shall meet all requirements of Sec. 10.33, MGO.

Brewpub.

- (a) Maximum capacity to be established by the Director of Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
- (b) Brewpubs shall not hold an entertainment license under Sec. 38.06(11).
- (c) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Buildings or Structures Exceeding Ten Thousand (10,000) Square Feet in Floor Area.

- (a) In any residential district, building floor area, bulk, height and massing may be limited as part of the conditional use approval in order to ensure compatibility with surrounding uses.
- (b) In any residential district, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Caretaker's Dwelling.

- (a) Shall be accessory only to a non-residential use.
- (b) Shall meet all dimensional requirements of the district.

Car Wash.

- (a) The car wash shall be completely enclosed when not in operation.
- (b) Any access drive shall be located at least thirty (30) feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street.
- (c) Any car wash line exit shall be at least thirty (30) feet from any street line.
- (d) The car wash shall be screened along all property lines with a minimum six-foot high (6) masonry or decorative wood fence. Along any property line that abuts a residential zoning district, an additional planted area shall be provided, with a minimum width of eight feet and planted with a minimum of one shade tree per fifty (50) linear feet and one shrub per four (4) linear feet.
- (e) Sound from any speakers used on the premises shall not be audible at the boundary of any surrounding residential district or on any residential property.
- (f) Water from the carwash shall not drain across any sidewalk or into a public right-of-way.

Clear-Cutting of Timber. The applicant shall demonstrate that clear-cutting will improve the level of environmental protection on the subject property or is unavoidable due to grading or other development requirements. Clear-cut areas shall be replanted; replanting may occur in any location on the property.

Cohousing Community.

- (a) Any housing type that is a conditional use within the zoning district may be located in a cohousing community with conditional use approval.
- (b) Any use allowed within the zoning district may be located in a cohousing community.
- (c) Lot area requirements may be combined and shared among cohousing units with conditional use approval provided that the overall density remains consistent with minimum lot area standards.
- (d) Usable open space may be combined and shared among cohousing units.

Colleges and Universities. For uses established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator. (Cr. by ORD-16-00097, 11-9-16)

Community Event.

- (a) There shall be no alteration to the site or alteration of any permanent structure.
- (b) No event shall last more than one-hundred eighty (180) days per calendar year.
- (c) An event lasting more than forty-five (45) consecutive days or occurring more than twenty-six (26) days in a calendar year shall require a conditional use permit.
- (d) All events shall require temporary use permit.

(Cr. by ORD-13-00054, 4-24-13)

Community Living Arrangement (CLA) Serving up to Eight (8) Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- (b) The applicant shall disclose in writing the capacity of the community living arrangement.
- (c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, except as provided under (e) below or unless approved as a conditional use.
- (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, except as provided under (e) below, or unless approved as a conditional use.
- (e) No separation distance is required and the district percentage specified above does not apply if the persons served are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and are living within the CLA because of their disability or handicap.
- (f) No conditional use permit under this section shall be transferable to another location or person.

Community Living Arrangement (CLA) Serving Nine to Fifteen (9-15) Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
- (b) The applicant shall disclose in writing the capacity of the community living arrangement.
- (c) No new community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement, unless approved as a conditional use.
- (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district, unless approved as a conditional use.
- (e) All CLAs in the SR-C1, SR-C2, SR-C3, TR-CI, TR-C2, TR-C3, and TR-R districts require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district. (Am. by ORD-15-00081, 8-12-15)
- (f) No conditional use permit under this section shall be transferable to another location or person.
- (g) The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Cr. by ORD-16-0049, 5-25-16)

Community Living Arrangement (CLA) Serving More Than 15 Residents.

- (a) The loss of any state license or permit by a CLA shall result in an automatic revocation of that facility's use permit.
  - (b) The applicant must disclose in writing the capacity of the community living arrangement.
  - (c) No community living arrangement shall be located within two thousand five hundred (2,500) feet of an existing community living arrangement.
  - (d) The total capacity of all CLAs within an aldermanic district shall not exceed twenty-five (25) persons or one percent (1%) of the population, whichever is greater, of such district.
  - (e) All CLAs serving more than fifteen (15) residents require conditional use approval, regardless of the distance from other CLAs or the density of CLAs within the aldermanic district.
  - (f) No conditional use permit under this section shall be transferable to another location or person.
- (Am. by ORD-15-00081, 8-12-15)
- (g) The bulk requirements for multi-family uses in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Cr. by ORD-16-00049, 5-25-16)

Concrete, Asphalt, and Rock Crushing Facilities.

- (a) All building, structures, and activity areas shall be located a minimum of three hundred (300) feet from all property lines of the site.
- (b) A site and vicinity plan shall be submitted with an application and shall contain the following:
  1. A description of natural features, including wetlands, water bodies and major topographic features located on the property and within three hundred fifty (350) feet of the site.
  2. A description of the proposal including type and amount of material to be removed, overview of planned daily operations including equipment and vehicles, and a discussion of how the proposed activities compare to land uses within one thousand (1000) feet of the site.
  3. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water, and air contamination.
- (c) A dust management plan shall be submitted with an application. This plan shall require access drives and roads within the site to be sprayed with dust suppressants as needed to control fugitive dust. Access drives also shall be cleaned at appropriated intervals consistent with City standards, or as otherwise determined by conditional use approval.
- (d) A sound attenuation plan shall be submitted with an application and shall describe the sources of sound and compliance with applicable sound and noise regulation.
- (e) A vibration-dampening plan shall be submitted with an application showing compliance with all applicable vibration regulations.
- (f) A drainage plan for storm water management and runoff shall be submitted with an application.
- (g) A traffic plan shall be submitted with an application describing the number of daily truck trips anticipated by the use. It also shall identify the principal access route(s) to the facility and its traffic impact on the surrounding area.
- (h) A site restoration plan shall be submitted with an application and shall include detailed grading and revegetation plans, as well as a timetable for such restoration.
- (i) A schedule of hours of operation shall be submitted with an application.

Contractor's Business With Showroom or Workshop. All activities shall be carried out in an enclosed space.

Contractor's Yard. In the TE district, outdoor storage shall be located to the rear of the principal building. In all districts, outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than seven (7) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening.

Convent, Monastery, Similar Residential Group.

- (a) The use shall be accessory to a place of worship. The use may be located on a separate zoning lot where separated by a public right-of-way from the primary use.
- (b) The yard requirements for multi-family use in the district apply.
- (c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (d) The site shall contain a minimum of one hundred fifty (150) square feet of usable open space per resident, consisting of outdoor seating areas, gardens and/or recreational facilities. Public parks or plazas within three hundred (300) feet of the site may be used to meet this requirement.
- (e) Where the principal use is a conditional use, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Correctional Facility. Within the Conservancy District, a correctional facility shall be located at least three hundred (300) feet from any residentially-zoned property.

Day Care Center.

- (a) The loss of any state license or permit by a day care center shall result in automatic revocation of that facility's use permit.
- (b) A designated area for the short-term parking of vehicles engaged in loading and unloading children shall be provided. The designated area shall be located as close as practical to the principal entrance of the building and shall be connected to the building by a sidewalk.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Day Care Home, Family.

- (a) The family day care home shall be the principal place of residence of the provider, as defined in Wis. Admin. Code ch. DCF 250.
- (b) Conditional use approval is required if the licensee, as defined in Wis. Admin Code ch. DCF 250, does not reside at, or have its principal place of business at, the family day care home.
- (c) No more than two employees who do not reside in the dwelling are permitted.

(Am. by ORD-14-00015, 1-29-14)

Daytime Shelter.

- (a) The use shall be operated by a religious institution or a non-profit organization.
- (b) The hours of operation shall be limited to 6:30 a.m. to 6 p.m., unless modified under conditional use approval.
- (c) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (d) The owner shall submit a Management Plan for the facility:
  1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms, hours of operation, staffing, management structure, and capacity.
  2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Cr. by ORD-14-00115, 7-11-14)

Dependency Living Arrangement.

- (a) The owner of the dwelling must continue to reside in the building. The use permit issued under this paragraph is not transferable to another owner or occupant.
- (b) The exterior appearance of the building shall remain generally the same. Any new entrance shall be placed on the side or rear facade of the building. Additions shall not increase square footage by more than ten percent (10%).
- (c) Upon termination of the specific occupancy, all second kitchen facilities installed for this use shall be dismantled and removed from the premises within six (6) months unless an extension is granted because of potential re-occupancy.
- (d) A letter of approval issued by the Zoning Administrator shall be recorded at the Dane County Register of Deeds Office.

Dormitory.

- (a) The use shall be within one-quarter ( $\frac{1}{4}$ ) mile of the campus of the institution it serves, unless another location is established in a campus master plan or conditional use approval.
- (b) The yard requirements for multiple-family use in the district apply when the use is not located on a campus.
- (c) On-site services shall be for residents of the facility only.
- (d) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, to the extent practical. An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

Dwelling Units in Mixed-Use Buildings.

- (a) In the LMX District, there shall be no more than two (2) dwelling units per lot.
- (b) In the NMX District, more than eight (8) dwelling units requires conditional use approval.
- (c) In the TSS, CC-T and MXC Districts, more than twenty-four (24) dwelling units requires conditional use approval. (Am. by ORD-16-00039, 4-8-16)
- (d) In the LMX, NMX, TSS and CC-T Districts, for buildings with a street-facing width of forty (40) feet or less, the entire ground floor frontage facing the primary street shall be non-residential. Less non-residential frontage requires conditional use approval.
- (e) In the LMX, NMX, TSS and CC-T Districts, for building with a street-facing width greater than forty (40) feet, at least seventy-five percent (75%) of the ground-floor frontage facing the primary street, including all frontage at a street corner, shall be non-residential. Less non-residential frontage requires conditional use approval.
- (f) In the LMX, NMX, TSS and CC-T Districts, at least seventy-five percent (75%) of the ground floor area shall be non-residential use(s). Less than seventy-five percent (75%) non-residential ground floor area requires conditional use approval.
- (g) No residential use shall be allowed on the ground floor of buildings on King Street; South Pinckney Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets.

(Am. by ORD-13-00135, 8-14-13)



Electric Substations, Gas Regulator Stations. A landscape plan for these uses shall be approved by the Director of Planning and Community and Economic Development where those uses are permitted and by the Plan Commission when conditional use approval is required.

Emergency Electric Generator.

- (a) The electric output shall not exceed three thousand (3,000) kilowatts and the generator shall be operated a maximum of two hundred (200) hours per year.
- (b) The generator shall be located and screened to reduce its visual impact when viewed from neighboring property and to be compatible with neighboring structures and the character of the community. Screening materials, landscaping, or fencing shall be similar in appearance to those used for the principal structure on the zoning lot.

(Am. by ORD-16-00093, 11-9-16)

Farmers Market.

- (a) Within the NMX, DC and UMX Districts, a farmer's market with more than fifteen (15) vendor stalls requires conditional use approval.
- (b) Within any district, a permanent facility established after the effective date of this ordinance shall have vehicular access to a collector or higher classification street.
- (c) Within any residential district, a farmer's market shall be accessory to a non-residential use and located in the parking lot of such use.
- (d) In the EC, IG, and IL Districts, a farmer's market shall only be an accessory use.

Food and Beverage Uses. (R. by ORD-14-00132, 8-13-14)

Garden Center, Greenhouse, Nursery.

- (a) In the NMX, TSS and MXC Districts, there shall be no exterior storage of bulk materials such as dirt, sand, gravel and building materials.
- (b) In all other districts bulk materials shall not be stored within the front yard setback and shall meet standards for outdoor storage and display.

General Retail.

- (a) Except as allowed in (b), in the TE and SE Districts, general retail uses shall not exceed five thousand (5,000) square feet in floor area.
- (b) Within employment districts, general retail uses shall not exceed ten thousand (10,000) square feet in floor area, unless such uses are part of a planned multi-use site.

Golf Course. Club houses and maintenance buildings shall be located a minimum of three hundred (300) feet from any residentially-zoned property.

Handgun Shop.

- (a) Shop shall be located in a building constructed of concrete or masonry walls.
- (b) No handgun shop shall be located within one thousand (1000) feet of any church, synagogue, temple, mosque or other place of worship; a lot in a residence district, either in the City of Madison or in a municipality adjacent to the City of Madison; a Planned Mobile Home Park District, Planned Development District with dwelling units; a public or private playground; a day care center; a public library, a youth recreation area, including little league baseball fields, soccer fields or YMCA/YWCA.
- (c) No handgun shop shall be located in the same building where alcohol beverages are sold.
- (d) No handgun shop shall be located in the same building where any patron thereof under the age of eighteen (18) years may enter, unless accompanied by a parent, guardian or adult spouse eighteen (18) years of age or over.

**Home Occupation.**

- (a) The occupation shall be conducted within a dwelling and not in an accessory building, unless authorized by the Plan Commission as a conditional use.
- (b) The occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to protect the integrity and residential character of neighborhoods.
- (c) Only members of the immediate family residing on the premises or occupants of the dwelling may be employed, unless authorized by the Plan Commission as a conditional use.
- (d) A home occupation may include small offices, service establishments or homecrafts which are typically considered accessory to a dwelling unit.
- (e) A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business or auto service or repair for any vehicles other than those registered to residents of the property.
- (f) No mechanical equipment shall be used except that which is used for purely domestic or household purposes, unless authorized by the plan commission as a conditional use.
- (g) No products shall be kept or commodities sold, other than those made on the premises, unless authorized by the plan commission as a conditional use.
- (h) Samples may be kept but not sold on the premises.
- (i) No more than twenty-five percent (25%) of the floor area of one story of the dwelling may be devoted to such home occupation.
- (j) The entrance to the space devoted to the home occupation shall be from within the building.
- (k) No structural alterations or enlargements shall be made to the dwelling for the primary purpose of conducting the home occupation.
- (l) The only exterior indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.
- (m) A home occupation of an individual with a disability, who is incapable of employment outside the home by reason of significant physical or mental disability, as verified by a signed physician statement verifying the disability, is exempt from the requirements of subparagraphs (g) through (k).

**Hospital.**

- (a) The facility shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (c) The boundaries of the institution shall be as defined in the conditional use permit or Master Plan. The institution that is defined by the boundaries shall be a minimum of three (3) acres.

**Housing Cooperative.**

- (a) In the SR-C3 District, buildings with more than one (1) dwelling unit may be converted for use as a Housing Cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than fourteen (14) requires conditional use approval.
- (b) In the SR-V1, SR-V2, NMX, TSS, and CC-T Districts, buildings with more than one (1) dwelling unit may be converted for use as a Housing Cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than twenty (20) requires conditional use approval.  
(Am. by ORD-14-00085, 5-7-14)
- (c) In the TR-V1, TR-V2, NMX, TSS, and CC-T Districts, a Housing Cooperative may locate in a single-family dwelling with conditional use approval.

- (d) In the TR-V1, TR-V2, TR-U1, TR-U2, DC, UOR, UMX, DR1 and DR2 Districts, Housing Cooperatives may locate in any single-family dwelling or convert a building with more than one (1) dwelling unit if the occupancy equals the number of legal bedrooms prior to a change in use to a Housing Cooperative. Occupancy greater than the legal number of bedrooms prior to a change in use requires conditional use approval. (Am. by ORD-14-00085, 5-7-14)
- (e) In the TR-C4 District, housing cooperatives are allowed only in the area bounded by South Ingersoll Street on the West, Lake Monona on the South, Thornton Avenue on the East and the mid-block line between Jenifer Street and Williamson Street on the North. Buildings with more than one (1) dwelling unit may be converted for use as a housing cooperative if the occupancy is the lesser of the number of legal bedrooms prior to conversion or the legal occupancy allowed at the time of conversion, except that any occupancy greater than fourteen (14) requires conditional use approval. Housing cooperatives may locate in single-family homes with conditional use approval and they shall meet the above occupancy limits.
- (f) When Housing Cooperatives are established within single-family dwellings, the single-family appearance and function of the building shall not be altered through the addition of entrances or kitchens.
- (g) When two-family, three-family and multi-family buildings are converted into Housing Cooperatives, the entire building must remain a Housing Cooperative while any portion of it is so occupied.
- (h) The bulk requirements for multi-family uses in the district apply. In districts where housing cooperatives are allowed but do not allow multi-family uses, the bulk requirements for single-family uses in the district apply. (Cr. by ORD-16-00049, 5-25-16)

Indoor Recreation. In the NMX and TSS Districts, the facility shall be located at least fifty (50) feet from the boundary of any residential use or district.

Junkyard. This use is retroactive to January 1, 1994.

Keeping of Chickens.

- (a) Keeping of up to four (4) chickens is allowed as an accessory use on lots with up to four (4) dwelling units.
- (b) Keeping of up to six (6) chickens is allowed as an accessory use to a museum or school or day care center. (Am. by ORD-16-00074, 9-15-16)
- (c) Keeping of roosters is prohibited.
- (d) Slaughter of chickens is prohibited on site.
- (e) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (f) The enclosure shall be located at least twenty-five (25) feet from any residential structure on an adjacent lot.
- (g) The owner, operator or tenant must obtain a license under Sec. 9.52, MGO.
- (h) The applicant for the license must notify all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.

Keeping of Honeybees.

- (a) Except as provided in sub. (i) below, no more than six (6) hives may be located on a zoning lot.
- (b) No hive shall exceed twenty (20) cubic feet in volume.
- (c) No hive shall be located closer than three (3) feet from any property line.
- (d) No hive shall be located closer than ten (10) feet from a public sidewalk or twenty-five (25) feet from a principal building on an adjoining lot.
- (e) A constant supply of water shall be provided for all hives.

- (f) A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.
  - (g) The owner, operator or tenant shall obtain a license under Sec. 9.53, MGO.
  - (h) The applicant for the license shall notify all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.
  - (i) In the Employment and Special Use Districts, no more than six (6) hives may be located on a lot unless a principal use on the lot is for the keeping of honeybees.
- (Am. by ORD-15-00080, 8-12-15)

Laboratories - Research, Development and Testing. No manufacturing shall be conducted on the premises except for experimental or testing purposes.

Land and Water Preserves. Activities are limited to the following:

- (a) Arboretums, environmental education centers.
- (b) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (c) Fishing and trapping.
- (d) Boating and swimming.
- (e) Raising of fish and game animals.
- (f) Similar low-impact educational and recreational activities as determined by the Zoning Administrator.
- (g) Sustained forestry yield.

Lease of Off-Street Parking Facilities Accessory to a Nonresidential Use to Persons Not Using the Principal Use:

- (a) The parking facilities shall meet the standards of this Chapter 28 and Chapter 10 of the Madison General Ordinances.
- (b) A certificate of occupancy shall be issued by the office of the Director of the Building Inspection Division prior to commencing the rental.

Lease of Off-Street Parking Facilities Accessory to a Residential Use to Non-Tenants.

- (a) The lessee shall reside within a block, all or a portion of which is within fifteen hundred (1500) feet of the parking facility.
- (b) Adequate useable open space shall be provided for any residential use located on the same zoning lot, except for lots in the Central Area.
- (c) Occupants of the principal use shall have first right of refusal for the parking facilities.
- (d) The lessee shall provide the owner of the facility documentation establishing his/her place of residence.
- (e) All new parking facilities shall comply with City standards for design, paving, and screening.

Library, Museum. A library or museum established after the effective date of this ordinance within a predominantly residential area shall have vehicular access to a collector or higher classification street.

Limited Production and Processing. All such uses shall be compatible with adjacent nonindustrial uses and be accompanied by a retail component. (Am. by ORD-15-00124, 11-11-15)

Limited Retail Use of a Landmark Site or Building. A designated landmark site or building may be used for general retail, office use, or service business not exceeding five thousand (5,000) square feet in floor area, provided that:

- (a) The owner of the property agrees to maintain the architectural and historical integrity and significance of said landmark or landmark site during the tenure of such conditional use;

Live/Work Unit.

- (a) The work space component shall be located on the first floor or basement of the building, with an entrance facing the primary abutting public street.
- (b) The dwelling unit component shall be located above or behind the work space, and maintain a separate entrance located on the front or side facade and accessible from the primary abutting public street.
- (c) The office or business component of the unit shall not exceed fifty percent (50%) of the total floor area of the unit. (Am. by ORD-15-00033, 4-8-15)
- (d) The business component of the building may include offices, small service establishments, homecrafts which are typically considered accessory to a dwelling unit, or limited retailing associated with fine arts, crafts, or personal services. The business component shall be limited to those uses otherwise permitted in the district which do not require a separation from residentially zoned or occupied property, or other protected use. It shall not include a wholesale business, a manufacturing business, a commercial food service requiring a license, a limousine business or auto service or repair for any vehicles other than those registered to residents of the property.
- (e) In the TE District, new residential uses, whether in new or existing buildings shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (f) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

(Am. by ORD-13-00007, 1-15-13)

Lodge, Private Club, Reception Hall. Service of food and intoxicating beverages allowed when licensed.

Lodging House, Fraternity or Sorority.

- (a) The bulk requirements for multi-family use in the district apply. For purposes of calculating bulk requirements, one (1) bedroom is equal to one (1) lodging room and five (5) lodging rooms is equal to one (1) dwelling unit. If the number of lodging rooms is not divisible by five (5), round up to the nearest dwelling unit for the purpose of determining bulk requirements. For example, six (6) lodging rooms equals two (2) dwelling units. (Am. by ORD-16-00049, 5-25-16)
- (b) All new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings.
- (c) The owner shall submit a Management Plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

Management Office, Restaurant, Limited Retail or Recreation Facilities Within a Multi-Family Building (Within Residential Districts).

- (a) The use shall primarily serve building residents rather than the general public.
- (b) Access to the use shall be from within the building.
- (c) Size of the establishment may be limited as part of the conditional use approval.

Market Garden.

- (a) Submission of a Management Plan to the Zoning Administrator, Alderperson of the district where the garden is located, Public Health Madison and Dane County, and any neighborhood and/or business association that serves the area where the garden is located for the following activities as part of a market garden:
  1. Animal husbandry.
  2. Off-street parking of more than ten (10) vehicles.

- 3. Processing of food produced on site.
  - 4. Spreading of manure.
  - 5. Application of agricultural chemicals, including fertilizers and pesticides.
  - 6. Use of heavy equipment such as tractors.
- (Am. by ORD-15-00009, 1-28-15)

**Mission House (Accessory).**

- (a) The use shall be accessory to a religious institution or a non-profit organization.
- (b) The yard requirements for multi-family use in the district apply.
- (c) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (d) Where the principal use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) The owner shall submit a Management Plan for the facility:
  - 1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms.
  - 2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Am. by ORD-14-00115, 7-11-14)

**Mission House (Principal Use).**

- (a) The use shall be operated by a religious institution or a non-profit organization.
- (b) The yard requirements for multi-family use in the district apply.
- (c) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (d) The owner shall submit a Management Plan for the facility:
  - 1. Required management plan contents: floor plan showing sleeping areas, emergency exits and bathrooms.
  - 2. Recommended management plan contents: parking, bicycle parking, storage of belongings, trash storage/removal, transportation support.

(Cr. by ORD-14-00115, 7-11-14)

**Mobile Grocery Store.**

- (a) The vehicle must be owned and operated by a non-profit entity.
- (b) There is a principal use on the zoning lot.
- (c) The vehicle location on the zoning lot shall be approved by the Traffic Engineer and the Zoning Administrator.
- (d) A waiver or modification of the off-street parking requirements for the principal use on the zoning lot has been obtained.
- (e) Hours of operation shall be between 7:00 a.m. and 8:00 p.m.

**Motor Vehicle Salvage Yard, Scrap Yard.**

- (a) Vehicle salvage uses shall be located on sites which are suitable from a topographic standpoint, so that views at the ground elevation up to a point four hundred (400) horizontal feet away will be adequately screened with fences and buffer areas surrounding the use.
- (b) All material not stored in a completely enclosed building shall be enclosed with a solid fence which is six (6) to ten (10) feet high and located on or inward from the established setback lines.
- (c) No materials shall be placed on the property that would exceed a height equal to the vertical plane extending from the top of the approved fence.
- (d) Hours of outside activity shall be limited to 7:00 a.m. until 8:00 p.m. and shall follow the City's noise regulations.

Multi-Family Dwelling.

- (a) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (b) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.
- (c) In the NMX District, a multi-family dwelling shall contain no more than twelve (12) dwelling units.
- (d) No residential use shall be allowed on the ground floor of buildings on King Street; South Pinckney Street; the 10 through 500 blocks of East Wilson Street; the 100 blocks of West and East Mifflin Streets; the 100 blocks of West and East Main Streets; and on the Capitol Square, which is formed by the 10 blocks of East and West Mifflin, the 10 blocks of North and South Pinckney, the 10 blocks of East and West Main, and the 10 blocks of North and South Carroll Streets. (Cr. by ORD-13-00135, 8-14-13)

Nightclub.

- (a) A Nightclub is a permitted use if established prior to the effective date of the ordinance, and a conditional use if established after the effective date of the ordinance.
- (b) Capacity may be as high as five (5) square feet per person.
- (c) Shall hold entertainment license under Sec. 38.06(11), MGO.
- (d) Shall at all times operate consistent with and according to the requirements of a valid liquor alcohol license issued by the City.
- (e) Establishment must offer live entertainment a minimum of two (2) nights per week.
- (f) The establishment shall be open for business no more than three (3) hours prior to any event or activity qualifying the establishment as an entertainment venue and shall close its business no more than two (2) hours following such an event or activity.

(Cr. by ORD-14-00083, 4-16-14)

Non-Accessory Temporary Outdoor Events.

- (a) All such events shall be related to events at Camp Randall Stadium.
- (b) Only food and beverages may be offered for sale to the public.
- (c) Live amplified music is allowed.
- (d) The Plan Commission may waive or modify the offstreet parking requirements for the principal use and the non-accessory use.
- (e) No such event established in the TSS district after January 3, 2013 shall be located on a lot any part of which is within fifty (50) feet of a residential district. (Am. by ORD-13-00096, 1-3-13)

Nonmetallic Mining.

- (a) A nonmetallic mining operator may not process or extract nonmetallic minerals within one hundred (100) feet of the boundaries of a nonmetallic mining site, unless a boundary abuts a freeway, rail corridor, or property zoned for industrial use, in which case a nonmetallic mining operator may not process or extract materials within fifty (50) feet of such boundaries.
- (b) In order to minimize tracking of materials from the nonmetallic mining site onto adjacent public roads, the access drive to any nonmetallic mining site shall be created with concrete or hot-mix asphalt for at least 100 feet unless a shorter distance is approved by the City Engineer. The nonmetallic mining operator shall maintain any access drive in a dust-free manner and shall remove any dust or mud tracked from adjacent public roads as required by Chapter 3, MGO.
- (c) A nonmetallic mining site shall be accessed only through designated entrances as illustrated on plans approved by the City Traffic Engineer.
- (d) All trucks traveling to or from a nonmetallic mining site shall use haul routes designated by the City Traffic Engineer. Any restrictions on the routes shall be no more restrictive than those applicable to other trucks or carriers using the same routes.
- (e) Security gates on the access points to a nonmetallic mining site shall have no trespassing signs.
- (f) A safety fence shall be installed around the entire boundary of the nonmetallic mining site unless an area of the nonmetallic mining site has already been reclaimed in compliance with Chapters 21 and 37, MGO, and Wis. Admin. Code ch. NR 135.
- (g) A nonmetallic mining operator shall use spray bars for water in the crushing process to reduce dust. The use of spray bars is not required when the temperature is below freezing. The nonmetallic mining operator shall spray private access roads within the nonmetallic mining site with water as necessary to control dust.
- (h) All trucks and excavating equipment used on a nonmetallic mining site shall have functioning muffler systems that meet or exceed current industry standards for noise abatement and shall not use compression brakes.
- (i) Any erosion control or stormwater management plan required under state law shall be provided to the City Engineer, as well as any erosion control and/or stormwater management permit and plan that may be required by Chapter 37, MGO.
- (j) A nonmetallic mining operator shall provide evidence of commercial general liability insurance in the amount of at least five million dollars (\$5,000,000) per occurrence, which may be made up by carry a one million (\$1,000,000) commercial general liability policy and four million (\$4,000,000) umbrella policy. These policies shall name the City of Madison, its officers, officials, agents and employees as additional insureds, and apply on a primary and non-contributory basis.
- (k) A nonmetallic mining operator shall comply with all Wisconsin Department of Natural Resources and Federal Mine Safety and Health Administration Standards for particulate emissions as further described in Wis. Admin. Code § NR 415.075 and § NR 415.076.

- (l) A nonmetallic mining site shall be available for inspection by City staff with at least forty-eight (48) hours prior written notice. However, in the event the City has probable cause to believe that a violation of this ordinance has occurred or is occurring, an inspection may occur at other times upon reasonable advance notice to the nonmetallic mining operator. All inspections require an escort by the nonmetallic mining operator in accordance with Mine Safety and Health Administration laws, rules and regulations.
- (m) A nonmetallic mining operator shall conduct at least one public meeting each year between January 4 and February 15 for the purpose of fostering communication between the nonmetallic mining operator, its neighboring residents, and the City. The nonmetallic mining operator shall provide Class I notice of the date, time, and place of the meeting to the owners of property located within five hundred (500) feet of the boundaries of the nonmetallic mineral extraction district. The nonmetallic mining operator shall also provide notice in writing to the City Engineer and City Zoning Administrator inviting City staff to attend the public meeting.
- (n) A nonmetallic mining operator shall maintain a compliance phone number and email address for neighboring residents to report any problems or concerns.
- (o) A nonmetallic mining operator shall maintain on file with the City Engineer a Site/Operations Plan drawn to measurable scale large enough to show:
  - 1. Zoning district boundaries for the nonmetallic mineral extraction district.
  - 2. Existing contour lines.
  - 3. Existing natural features including lakes, perennial/navigable streams, intermittent streams, floodplains, wetlands, drainage patterns, and archaeological features.
  - 4. Existing roads, driveways, and utilities.
  - 5. Specific location of proposed extraction area, staging area, equipment storage.
  - 6. Location of driveways.
  - 7. Phasing plan, if applicable.
  - 8. Location of permanent structures, including scales, offices, or mixing plants.
  - 9. Location of signage.
- (p) A nonmetallic mining operator shall submit an annual mining report on or before March 1 of each year to the City Engineer detailing:
  - 1. All nonmetallic mining and recycling activity occurring on the property in the previous year, including the number of acres being actively mined and officially reclaimed, and the frequency and location of blasting.
  - 2. The number and nature of complaints received during the previous year and the operator's response to those complaints.
  - 3. The efforts made in the previous year to improve blasting techniques and other nonmetallic mining activities in order to minimize adverse impacts on surrounding roads and properties.
  - 4. Nonmetallic mining plans for the upcoming year, including the number of acres that may be converted from inactive to active mining use, the number of acres that may be officially reclaimed, the anticipated frequency and location of blasting, and whether any mining activities will result in excavation below the water table.
  - 5. A statement that the Site/Operations Plan required in sub. (o) above and currently on file with the City Engineer is current and accurately represents the nonmetallic mining site as of the date of filing the annual report.

- (q) Blasting at a nonmetallic mine may be allowed only upon conditional use approval by the Plan Commission subject to the following conditions and any additional conditions required by the Plan Commission, provided that any additional conditions may not impose restrictions or regulations pertaining to blasting that are more stringent than those set by the State in Wis. Admin. Code chs. SPS 307 and 308:
1. The nonmetallic mining operator shall all times meet the blasting requirements contained in Wis. Stat. § 101.15, Wis. Admin. Code chs. SPS 307 and 308, the National Fire Protection Association (NFPA) 495 chapter 10, Sec. 34.01(13) (Fire Code), as may be amended.
  2. Hours of blasting shall be limited to the hours specified in Wis. Admin. Code § SPS 307.42, as may be amended.
  3. The nonmetallic mining operator shall provide notification of blasting as required by Wis. Admin. Code § SPS 3.07.41, as may be amended.
  4. The nonmetallic mining operator shall provide the Madison Fire Department with twenty-four (24) hours notice of blasting on a mining site. The notice should indicate the location of blasting within the mine, the intended locations for the seismographs required under (q)7. below, and whether any of the weather conditions described in (q)10. below are expected to exist at the time of blasting.
  5. Blasting resultants shall not exceed the levels contained in Wis. Admin. Code § SPS 307.44.
  6. The nonmetallic mining operator shall sound a pre-blast notification siren immediately before a blast.
  7. The nonmetallic mining operator shall install and maintain at least four (4) seismographs at locations near the boundary lines of the nonmetallic mining site, unless otherwise in consultation with City staff.
  8. All blasting shall be conducted by a certified Class IV or Class V operator and shall utilize the latest commercially available technology to minimize adverse blasting resultants.
  9. When feasible, the mining operator shall develop mining faces that advance away from or transverse or ninety (90) degrees to residential areas in order to minimize blasting resultants.
  10. When feasible, the mining operator shall avoid blasting when weather conditions include strong winds; foggy, hazy or smoky conditions with little or no wind; or significant cloud cover.
  11. Conditional use approval for blasting under this section shall expire after five (5) years. If a Nonmetallic Mining Operator applies for the renewal of a conditional use approval for blasting and shows that in the previous five (5) years the Nonmetallic Mining Site has operated in compliance with the blasting conditions listed in sub. (q) 1.-10. above and any additional blasting conditions imposed by the Plan Commission, then there shall be a presumption that the standards for conditional use approval are met and that the Plan Commission will grant renewal of the conditional use approval.
- (r) Hours of operation at a nonmetallic mining site shall be 6:00 a.m. to 6:00 p.m. unless otherwise required to fulfill obligations under a government contract.
- (s) The nonmetallic mining operator shall at all times maintain a Reclamation Plan which complies with Chapters 21 and 37, MGO, and Wis. Admin. Code ch. NR 135.

(Cr. by ORD-17-00014, 2-20-17)

Offices for Human Service Programs.

- (a) The office shall be operated by a governmental or non-profit entity.
- (b) The office shall be located in a building with more than one unit and no single unit building shall be converted to multiple units for such use.
- (c) The office shall serve the neighborhood(s) where it is located.

On-Site Agricultural Retail Stand, Farm Stand.

- (a) The stand may not be permanently affixed to the ground and must be readily removable in its entirety.
- (b) Maximum area of a farm stand is three hundred (300) square feet in ground area.
- (c) No more than one (1) farm stand is allowed on any one premise.

Outdoor Cooking Operation.

- (a) An outdoor cooking operation is a permitted use if it is not located within two hundred (200) feet from the property line of a lot with a residential use.
- (b) An outdoor cooking operation located within two hundred (200) feet from the property line of a lot with a residential use may be allowed with conditional use approval.
- (c) Outdoor cooking operations in residential districts are limited to four (4) days in duration not more than five (5) times a year unless approved as a conditional use.

(Cr. by ORD-13-00178, 10-23-13)

Outdoor Display.

- (a) Outdoor display shall be separated from any adjacent street, sidewalk, or public walkway by development frontage landscaping, as specified in Section 28.142(6).
- (b) All products on display shall also be sold in the principal retail use.
- (c) Outdoor display shall not exceed sixteen (16) hours per day.

Outdoor Eating Areas Associated With Food and Beverage Establishments.

- (a) Primary access to the area shall be from within the establishment.
- (b) Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Outdoor Recreation.

- (a) A minimum twenty-five (25) foot setback area maintained as open space shall be provided along the perimeter of the site wherever it abuts a residential district.
- (b) If the use will be available to the general public, an arterial or collector street of sufficient capacity to accommodate the traffic that the use will generate shall serve the site. Ease of access to the site by automobiles, transit, bicycles, and pedestrians shall be considered as a factor in the review of any application.
- (c) The site shall be designed in such a way as to minimize the effects of lighting and noise on surrounding properties. Hours of operation may be restricted and noise and lighting limits imposed as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Outdoor Storage.

- (a) Outdoor storage shall be located outside of the front yard setback and shall not be placed between the principal building and the abutting street.
- (b) Except in the IG District, outdoor storage shall be completely screened from any adjacent street, sidewalk, public walkway, public park.
- (c) Outdoor storage shall be screened from abutting residential uses with a building wall or solid, commercial-grade fencing, wall, evergreen hedge, or equivalent material. All screening shall be at least six (6) feet in height and no more than eight (8) feet in height. Screening along district boundaries, where present, may provide all or part of the required screening. (Am. by ORD-14-00001, 1-14-14)
- (d) In the EC District, all storage except for licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, and no storage shall exceed the height of such screening. All outside storage areas shall be located to the rear of buildings and shall be limited to not more than five (5) percent of the total lot area.

Parking Facility, Non-Accessory

- (a) Passenger automobiles, motorcycles, and bicycles shall be parked in clearly marked spaces.
- (b) Parking facility shall be oriented to the street with suitable entry and exit point.
- (c) When considering the conditional use, the Plan Commission shall set a maximum number of automobiles, motorcycles, and bicycles that may be parked at the facility at any given time.

- (d) In considering the conditional use, the Plan Commission may limit the duration of the use.  
(Cr. by ORD-15-0000008, 1-28-15)

Payday Loan Business. Any payday loan business shall be located a minimum of five thousand (5,000) feet from any other payday loan or auto title loan business.

Peer Run Respite Facility.

- (a) The use shall be operated by a religious institution or non-profit organization.
- (b) The use shall be available to adults 18 years or older who are living with mental health or substance use concerns.
- (c) The structure being used for the Peer Run Respite Facility must at all times meet the definition of a dwelling contained in Sec. 28.211 of the Madison General Ordinances.
- (d) At least seventy-five percent (75%) of staff at the facility shall hold a valid certificate as a Wisconsin Peer Certified Specialist.
- (e) The owner shall submit a Management Plan for the facility:
1. Required management plan contents:
    - i. Floor plan showing sleeping areas, emergency exits and bathrooms.
    - ii. Staffing plan showing that at least one staff member will be on-site and awake at all times (24/7/365).
    - iii. Administration plan showing specific procedures used by staff for accepting guests for respite services.
    - iv. Emergency plan outlining staff response to crisis situations.
  2. Recommended management plan contents: parking, storage of belongings, trash storage/removal, transportation support.
- (f) The maximum number of guests receiving respite at any single time shall be equal to the number of bedrooms available in the facility or five (5), whichever is less.
- (g) The maximum length of a single stay for guests receiving respite shall not exceed 5 consecutive days.
- (h) Guests may use respite care for no more than three (3) separate stays per calendar year.
- (i) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the use and the neighborhood.
- (j) The owner shall submit to the Madison Police Department a list of individuals, including staff, owners, or operators, who are authorized to give guests notice that they are no longer allowed to remain on the property.
- (k) No peer run respite facility shall locate within one thousand five hundred (1500) feet of another peer run respite facility.

(Cr. by ORD-16-00069, 8-13-16)

Place of Worship.

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Any facility with seating capacity of greater than six hundred (600) persons in the sanctuary or main activity area shall be a conditional use. Such facility shall be located with vehicular access to a collector or higher classification street.
- (c) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

Portable Shelter Mission.

- (a) The use shall be accessory to a religious institution or a non-profit organization.
- (b) The yard requirements for the most restrictive multi-family use in the district apply. If there are no multi-family yard requirements in the district, yard requirements for non-residential use shall apply.
- (c) Where the principal use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (d) The owner shall submit a Management Plan for the location of sleeping areas, bathrooms, and parking spaces. The Plan shall be reviewed by the Traffic Engineer and the Zoning Administrator
- (e) Property owner shall obtain a campground permit pursuant to Wis. Admin Code § DHS 178.05 and Wis. Stat. § 254.47 if there are four (4) or more units.

(Cr. by ORD-13-00177, 10-23-13)

Portable Storage Units.

- (a) A maximum of two (2) portable storage units, not exceeding a cumulative floor area of two hundred fifty (250) square feet shall be allowed for up to ninety (90) consecutive days within a calendar year when part of an active building permit. (Am. by ORD-15-00033, 4-8-15)
- (b) When not part of an active building permit, such use is allowed for no more than thirty (30) days per calendar year.
- (c) The portable storage unit(s) may not be located within the front or side yard setbacks unless located in a driveway.
- (d) A temporary use permit is required.
- (e) This use is allowed only for temporary storage of household goods in residential areas.

Real Estate Sales Office.

- (a) Shall be associated with the sale of property in the development where the office is located.
- (b) Use shall not exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is sooner.

Residential Building Complex.

- (a) Recreational areas may be required to serve the needs of the anticipated population.
- (b) Setback requirements may be reduced as part of the conditional use approval, provided that equivalent open space areas are provided.
- (c) Minimum distances between buildings shall equal the combination of the required side yards for each building, unless reduced by the Plan Commission as part of the conditional use approval.
- (d) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (e) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.
- (f) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.
- (g) Shall be reviewed by the UDC pursuant to Sec. 33.24(4)(c), MGO. (Cr. by ORD-13-00069, 5-8-13)
- (h) All Residential Building Complexes shall be submitted with a plan for building placement, circulation, access and parking, and information on the architectural design of the development.
- (i) Each building in a Residential Building Complex shall provide the lot area and usable open space required for the building type by the zoning district.
- (j) Entrance orientation requirements for buildings that do not front a public street and are located behind buildings that do front a public street may be modified by the Plan Commission as part of the conditional use approval, provided that the modification results in entrances being oriented to a courtyard, open space, or other common amenity of the residential building complex. (Cr. by ORD-16-00094, 11-9-16)

(Am. by ORD-13-00134, 8-14-13)

Restaurant-Nightclub.

- (a) A Restaurant-Nightclub is a permitted use if established prior to the effective date of the ordinance.
- (b) A Restaurant-Nightclub is a conditional use if established after the effective date of the ordinance and is open between the hours of midnight and 5 a.m.
- (c) Must serve food at all hours it is open.
- (d) Shall hold entertainment license under Sec. 38.06(11).
- (e) Shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Restaurant-Tavern.

- (a) Maximum capacity to be established by the Director of the Building Inspection Division, not to exceed the number of available seats, plus staff, plus a reasonable number of people waiting for seats.
- (b) Restaurant-Taverns shall not hold an entertainment license under Sec. 38.06(11).
- (c) Restaurant-Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Reuse of Former School, Municipal Buildings or Places of Worship.

- (a) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted for the following uses with the approval of the Director of Planning and Community and Economic Development:
  1. Day care centers.
  2. Elementary and secondary schools.

- 3. Arts, technical or trade schools.
  - 4. Colleges and universities.
  - 5. Other public educational facilities.
  - 6. Recreational buildings and community centers, nonprofit.
  - 7. State or municipal offices.
  - 8. Offices for health, medical, welfare and other institutions or organizations qualifying as nonprofit under the laws of the State of Wisconsin.
- (b) Buildings originally constructed for use as public schools, municipal buildings, or places of worship in residential and special districts may be adapted as business and professional offices with conditional use approval.

(Am. by ORD-17-00022, 2-20-17)

School, Arts, Technical or Trade.

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (c) With the exception of facilities located in industrial districts, all activities shall occur within enclosed buildings.
- (d) For uses established in employment districts, the applicant shall submit a Traffic Demand Management plan to be approved by the Traffic Engineer and to be kept on file with the Zoning Administrator. (Cr. by ORD-16-00097, 11-9-16)

Schools, Public and Private.

- (a) A facility established after the effective date of this ordinance within a predominantly residential or mixed-use area shall have vehicular access to a collector or higher classification street.
- (b) Where the use is conditional, an appropriate transition area between the use and adjacent property may be required, using landscaping, screening, and other site improvements consistent with the character of the neighborhood.

(Am. by ORD-14-00133, 8-13-14)

Selective Cutting of Timber. On parcels approved for development, selective cutting of timber is limited to areas designated for clearance on recorded plats or certified survey maps.

Service Business.

- (a) In the TE and SE Districts, service businesses shall not exceed five thousand (5,000) square feet in floor area unless approved as a conditional use.
- (b) In the SEC, EC, IL, and IG Districts, service businesses shall be located only within a mixed-use building that includes office or other employment uses.

Sewerage System Lift Station, Water Pumping Stations, Towers, and Electric Substation, Gas Regulator Systems, and Mixing and Gate Stations.

- (a) A landscape plan for these uses shall be approved by the Director of Planning and Community and Economic Development where a permitted use or the Plan Commission when a conditional use.
- (b) In the NMX, MXC, TSS, CC-T, and CC Districts, above-ground lift stations require conditional use approval.

Single-Family Attached Dwelling; Townhouse, Rowhouse.

- (a) In the TE District, new residential uses, whether in new or existing buildings, shall not be located where potential nuisances exist, including but not limited to: excessive vibration, dust, noise, light, glare, smoke, odor, or truck traffic.

- (b) In the TE District, new residential uses shall be adequately separated or buffered from adverse impacts from existing industrial uses.

Single-Family Detached Dwelling. In the NMX, TSS, and CC-T Districts, single family detached dwellings constructed after the effective date of this ordinance require conditional use approval.

Solar Energy Systems.

- (a) A Placement Plan shall be submitted at the time of application for a zoning certificate. The Plan shall show the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required.
- (b) The Placement Plan shall be approved by the Director of the Department of Planning and Community and Economic Development prior to installation of the energy system. Any conditions or restrictions placed on the energy system shall be limited to those that serve to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency may also be imposed. Some development that includes solar energy systems may require additional approval, such as development in urban design districts, historic districts, development involving demolitions, and planned development districts.

Storage Facility, Personal Indoor Storage.

- (a) No commercial transactions shall be permitted other than the rental of storage units.
- (b) Plans for onsite circulation and driveway locations shall be reviewed as part of the conditional use review process. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern.

Storage Locker (Personal).

- (a) The use shall be operated by a religious institution or non-profit organization.
- (b) An appropriate transition between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the neighborhood.
- (c) Storage lockers shall be placed no closer than five (5) feet to any right-of-way.
- (d) No more than ten (10) individual storage lockers may be grouped together on any single zoning lot.
- (e) Storage lockers shall be modular, weatherproof, oriented vertically, shall not exceed 11.25 cubic feet per unit or 112.5 total cubic feet per grouping, and shall be approved for use by the Director of Building Inspection or designee.
- (f) If the operator is not the owner of the property where the storage lockers will be maintained, then the operator shall provide the Zoning Administrator with a copy of the agreement between the operator and the owner of the property which gives the operator permission to install and operate the lockers on the owner's property.
- (g) The operator shall provide the Zoning Administrator with a management plan for the storage locker(s). Management plans shall include:
1. The identity and twenty-four (24)-hour contact information for the owner of the property and, if different from the owner of the property, the operator of the storage locker(s);
  2. A site plan;
  3. A photograph or drawing showing locker design and size;
  4. An explanation of the process used to register users;
  5. A copy of the standard use agreement entered into between the owner/operator and the storage locker user;

- 6. A list of rules and regulations governing locker use;
- 7. A detailed explanation that the operator may terminate the use of the locker at any time.
- 8. A maintenance plan.
- (h) The area surrounding the storage locker(s) shall be well lit at all times and include sufficient waste receptacles that are emptied regularly.
- (i) Lockers shall not be used to store perishable items, illegal items, or flammable substances.
- (j) Storage locker(s) may not be located on a lot that contains a residential building.
- (k) The owner or operator must obtain a license under Sec. 9.26, MGO.
- (l) Any other requirements of this ordinance applicable to principle uses shall not apply to the installation and maintenance of storage lockers.

(Cr. by ORD-16-00109, 12-14-16)

Tavern.

- (a) Taverns shall not hold an entertainment license under Sec. 38.06(11).
- (b) Taverns shall at all times operate consistent with and according to the requirements of a valid alcohol license issued by the City.

(Cr. by ORD-14-00083, 4-16-14)

Temporary Buildings for Storage of Construction Materials and Equipment. Buildings must be located on the same zoning lot as the project under construction, and shall be removed within thirty (30) days following completion of construction.

Temporary Outdoor Events.

- (a) There shall be no permanent alteration to the site or construction or alteration of any permanent structure.
- (b) Events include but not limited to, seasonal holiday sales, church, neighborhood or community events, traveling carnivals, and accessory promotional events.
- (c) No event shall last more than one-hundred eighty (180) days per calendar year.
- (d) Any event that lasts for more than forty-five (45) days requires conditional use approval.
- (e) In residential districts, any event that lasts for more than twenty-five (25) days per calendar year or five (5) consecutive days requires conditional use approval.
- (f) All such events require a Temporary Use Permit.

(Am. by ORD-15-00015, 1-28-15)

Tobacco Retailer.

- (a) No tobacco retailer shall be located within one thousand (1,000) feet of the boundary of any residential zone or parcel occupied by:
  - 1. A public or private kindergarten, elementary, middle, junior high or high school;
  - 2. A licensed child-care facility or preschool other than a family day care facility;
  - 3. Playground;
  - 4. Youth center;
  - 5. Park;
  - 6. Library; or
  - 7. Health care facility.
- (b) No tobacco retailer shall be located on a site which is within five hundred (500) feet of a site occupied by another tobacco retailer or any establishment selling tobacco products or tobacco paraphernalia, as measured in a straight line from the two properties nearest parcel boundaries.
- (c) The tobacco retailer shall comply with local, state, and federal laws regarding sales, advertising or display of tobacco products and tobacco paraphernalia including posting prominently near the cash register or other point of sale the legal age to buy tobacco products and tobacco paraphernalia, and checking the identification of all purchasers to ensure they are of legal age.

- (d) Sampling of tobacco products by individuals under eighteen (18) years of age shall not be permitted. Therefore, tobacco products shall not be given or sold to individuals under eighteen (18) years of age.

(Cr. by ORD-15-00054, 5-27-15)

Tourist Rooming House.

- (a) The establishment shall have a current license from Public Health Madison and Dane County, as required by Wis. Admin. Code ch. DHS 195. (Am. by ORD-15-00009, 1-28-15)
- (b) The tourist rooming house shall be the operator's primary residence.
- (c) Owner shall register with Treasurer's office and shall pay room tax as required under Sec. 4.21, MGO.
- (d) Only the owner of the property may operate a Tourist Rooming House, except that a renter may operate if explicitly allowed in the lease.
- (e) If the operator does not occupy the residence at the time of rental, the tourist rooming house may operate no more than thirty (30) days per licensing year; July 1 to June 30th.
- (f) If the operator occupies the residence at the time of rental, there is no limit to the number of days the Tourist Rooming House may operate.
- (g) Maximum tourist occupancy shall comply with maximum family occupancy rules in the underlying zoning district regulations.
- (h) Each establishment shall have a registry available on-site for inspection, indicating the identity of all guests, dates of stay, acknowledgement of operator presence or absence during stay, and length of stay. The registry shall include all information from the current registry year and the year immediately prior.

(Cr. by ORD-13-00185, 11-5-13)

Towing and Wrecker Service Business. Allowed only when accessory to auto body shop, auto repair station, junkyard, auto service station, and motor vehicle salvage yard, scrap yard, or junkyard.

Two-Family Dwelling - Twin.

- (a) Each unit shall be separated from the abutting unit by a minimum fire separation complying with Wis. Admin. Code § SPS 321.08, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof.
- (b) The common wall between dwellings shall be approximately perpendicular to the street right-of-way line.
- (c) Dwellings shall have separate water services, curb stops, lines and meters. The water service may be split in the terrace, with separate curb stops, lines and meters.
- (d) Dwellings shall have separate sanitary sewer service laterals and lines, subject to including a provision in a joint access and maintenance agreement that addresses emergency access to, and the responsibility for, sanitary sewer building blockage.
- (e) Dwellings shall have separate gas and electric meters.
- (f) Dwellings shall have a joint cross access and maintenance agreement that has been submitted with the land division application and which shall be recorded with the land division.
- (g) In the NMX, TSS, and CC-T Districts, Two Family Dwellings - Twin constructed after the effective date of this ordinance require conditional use approval.
- (h) In the TR-C4 district, a Two-Family - Twin shall not have an attached garage with a door facing any street. (Cr. by ORD-14-00028, 2-18-14)

Two-Family Dwelling -Two-Unit. In the NMX, TSS, and CC-T Districts, two-unit dwellings constructed after the effective date of this ordinance require conditional use approval.

Vehicle Access Sales and Service Windows.

- (a) In CC-T, TE, DC, and UMX Districts, vehicle access sales and service windows shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure

and a public street. In the TSS District, vehicle access sales and service windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage. In all districts, vehicle access sales and services windows shall be at least sixty (60) feet from the closest point of any residentially zoned property or property with a residential building. (Am. by ORD-15-00001, 1-14-15; ORD-17-00025, 2-20-17)

- (b) Points of vehicular ingress and egress shall be located at least sixty (60) feet from the intersection of two streets and at least sixty (60) feet from abutting residentially zoned property.
- (c) Plans for onsite circulation and driveway locations shall be reviewed where conditional use approval is required. Site design shall accommodate a logical and safe vehicle and pedestrian circulation pattern. Adequate queuing lane space shall be provided without interfering with onsite parking/circulation.
- (d) Speaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property.
- (e) Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
- (f) A six- (6) foot buffer area with screen planting and an obscuring wall or fence shall be required along any property line adjoining an existing residence or residentially zoned property.
- (g) Bicyclist use of sales and service windows shall not be prohibited.

#### Vending Machines.

- (a) Outdoor vending machine shall be accessory only to retail uses, schools, athletic facilities, parks and golf courses.
- (b) For retail uses, outdoor vending machines are allowed only for:
  1. Single-occupant buildings with more than twenty-five hundred (2,500) square feet of floor area. (Am. by ORD-15-00033, 4-8-15)
  2. Individual tenants with at least thirty (30) lineal feet of storefront in a multi-tenant building.
  3. When the product sold in the vending machine also is sold in the principal retail use.
- (c) No individual outdoor vending machine shall exceed five (5) feet in width, three (3) feet in depth and seven (7) feet in height.
- (d) No more than one (1) outdoor vending machine shall be located per building façade.
- (e) Outdoor vending machines shall be flush against the facade of the principal structure, and shall not project into the public right-of-way.
- (f) Outdoor vending machines shall be placed on an impervious surface, such as concrete or asphalt.
- (g) No outdoor vending machines shall be located so as to impede pedestrian access or circulation, obstruct parking areas or create an unsafe condition. There shall be at least five (5) feet of clear pedestrian access at all times, unless the development is subject to the large retail standards in Sec. 33.24(4)(f), MGO, in which case, eight (8) feet of clearance is required.
- (h) When located at a school, athletic facility, park or golf course, outdoor vending machines shall be a minimum of fifty (50) feet from a property line, unless located behind a solid fence or screening to prevent public use.

Veterinary Clinic, Animal Hospital. All activity shall take place within completely enclosed buildings with soundproofing and odor control.

#### Walk-Up Service Windows.

- (a) If located within ten (10) feet of a public right-of-way, conditional use approval is required.

Wind Energy Systems. Wind energy systems shall comply with Sec. 28.149, MGO. (Am. by ORD-14-00027, 2-18-14)

Yard Sales. A yard sale shall not exceed four (4) days in duration, and no more than one sale shall be held in any three- (3) month period.

## SUBCHAPTER 28K: BUILDING FORM STANDARDS

### 28.171 GENERAL PROVISIONS.

#### (1) Statement of Purpose.

A variety of building forms are defined here in order to identify and establish basic design parameters for those buildings that may be appropriate in one or more zoning districts. The purposes of design standards are:

- (a) To ensure compatibility between different land uses and building forms.
- (b) To encourage building forms that respect their context.
- (c) To encourage pedestrian movement by encouraging building forms that present an active face to the street.

#### (2) Applicability.

The design standards in this Subchapter shall apply to new buildings or building additions that exceed the floor area occupied by a given use by more than fifty percent (50%), with the exceptions listed below. Building additions shall comply with the design standards to the extent feasible, given the placement of the existing building. In all cases, design standards shall apply only to the portion of the building or site that is undergoing alteration. (Am. by ORD-15-00033, 4-8-15)

Some design standards are closely linked to a specific building form (for example, a parking building). Other design standards vary by district, and are listed in those district subchapters.

Building types that are not listed in this Subchapter may be allowed if they meet the intent and other design standards of the district where they would be located.

#### (3) Conflict with District Standards.

Where there is a conflict between the design standards in this section and the standards within a particular district, the district standards shall prevail.

### 28.172 RESIDENTIAL BUILDING FORMS.

#### (1) Use of Dormers.

Dormers may be added to the roof of a two-story building, provided that the dormer width does not exceed fifty percent (50%) of the lineal width of the floor immediately below the roof, and may not extend above the ridge of the roof in which the dormer is placed. (Am. by ORD-13-00144, 9-11-13)

(2) Single-Family Detached Building.

- (a) Building Type. A single-family dwelling with yards on all sides, oriented to the street, with an attached or detached garage.
- (b) Access and Entry. Each dwelling shall have direct access from a porch, stoop or courtyard to the street. Parking, loading and trash disposal may be accessed from an alley or driveway. Each building shall include a stoop, porch or courtyard oriented towards the primary abutting street.
- (c) Building Width. Buildings facing a public street shall not exceed a width of fifty (50) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.

(3) Two-Unit and Three-Unit Buildings.

- (a) Building Types.
  1. Two-Unit. A building containing two dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
  2. Three-Unit. A building containing three dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
- (b) Access and Entry. At least one of the dwellings shall have direct access from a common porch or stoop facing the front lot line and street. Parking, loading and trash disposal may be accessed from an alley or driveway. Each building shall include a stoop, porch or terrace serving at least one of the dwelling units, oriented toward the primary street.
- (c) Building Width. Buildings facing a public street shall not exceed a width of forty (40) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.

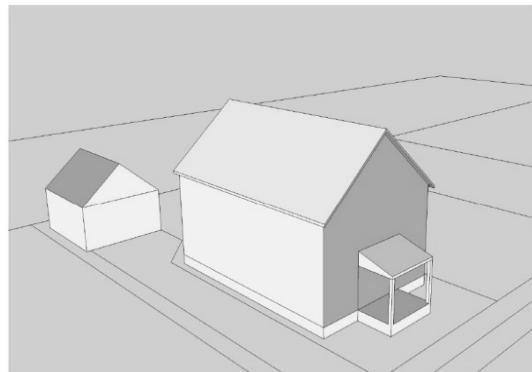


Figure K1: Typical Single-Family Detached Building

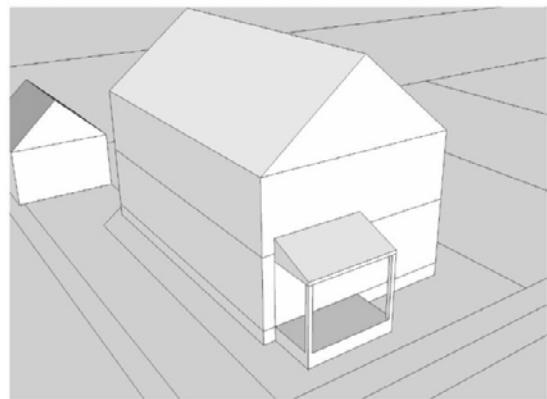


Figure K2: Typical Two-Flat Building

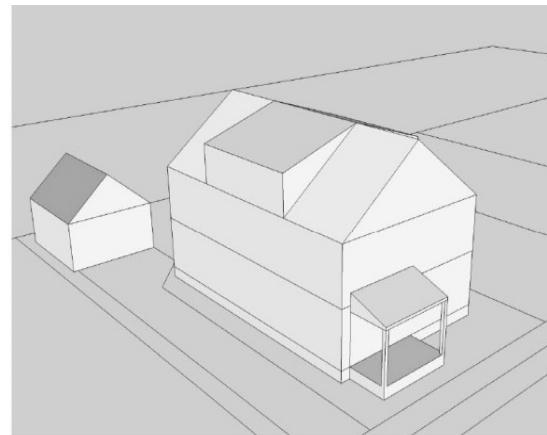


Figure K3: Typical Three-Flat Building

(4) Two-Family Building, Twin.

- (a) Building Type. A building containing two attached dwelling units that share a common side wall and that are usually on separate lots, with the common wall at the lot line. If the dwellings are on separate lots, the common wall must be located on the side lot line. The dwellings can also be treated as condominiums, with a third ownership area consisting of the remainder of the lots.
- (b) Access and Entry. Each dwelling shall have direct access from a common or separate porch or stoop; at least one entrance shall face the front lot line. Each building shall include a stoop, porch or terrace serving at least one of the dwelling units, oriented toward the primary street. Parking, loading and trash disposal may be accessed from an alley or driveway. Both units may, (and are encouraged to) share a common driveway.
- (c) Building Width. Buildings facing a public street shall not be wider than fifty (50) feet along a single plane on the axis facing the street. Additional building wings facing the street shall be set back at least five (5) feet behind the front plane of the building.

(5) Single-Family Attached Building, Townhouse, Rowhouse.

- (a) Building Type. A dwelling unit within a linear group of horizontally attached dwellings, each having a private entrance and totally exposed front and rear walls to be used for access, light and ventilation. Buildings may be oriented to the street or to a central green or courtyard.
- (b) Access and Entry. The principal entry to each dwelling shall have direct access to the street or to a courtyard. Each dwelling shall include a stoop or porch or a common green or courtyard oriented toward the primary street. Parking, loading and trash disposal may be accessed from an alley or common side yard driveway serving one or more buildings.
- (c) Massing and Articulation. Buildings facing a public street shall be comprised of individual units, articulated vertically to create visual interest and continuity. Divisions or breaks in materials, entry placement, window bays or other architectural details shall be used to delineate individual units. Massing, proportions and articulation of single-family attached buildings shall respond

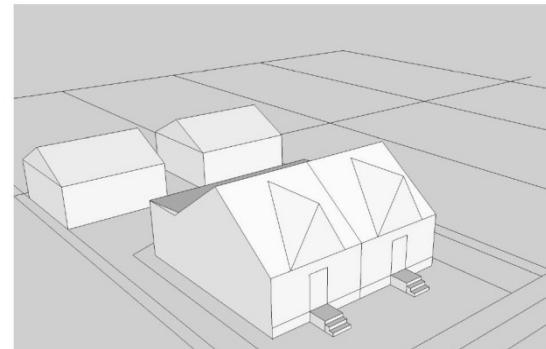


Figure K4: Typical Two-Family- Twin Building

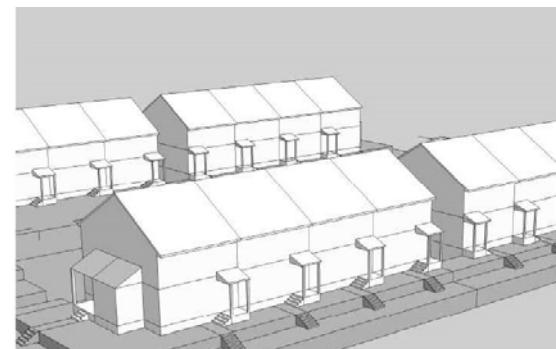


Figure K5: Typical Single-Family Attached Buildings



Figure K6: Typical Single Family Attached Buildings Photo

to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade.). Windows shall be located on the side of the last unit.

(6) **Small Multi-family Building.**

- (a) **Building Type.** A multi-story multi-family building with a central entrance oriented to the primary abutting street, containing four to eight units. Buildings of this type are sometimes designed to resemble a large single-family building with a pitched roof.
- (b) **Access and Entry.** The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch or a common green or courtyard, oriented toward the primary street. Parking, loading and trash disposal may be accessed from an alley or common side yard driveway serving one or more buildings.
- (c) **Massing and Articulation.** Massing, proportions and articulation of small multi-family buildings shall respond to existing residential buildings in their vicinity, including features of those buildings such as roof pitch, proportions of windows and doors, and placement on the lot. Building facades shall be articulated vertically and horizontally for visual interest.

(7) **Large Multi-family Building.**

- (a) **Building Type.** A multi-story building with combined entrances, stairways and elevators, comprised of single- or two-level occupant spaces stacked on top of each other, typically accessed from a central corridor.
- (b) **Access and Entry.** The principal entry to the building shall be oriented to the primary abutting street. Each building shall include a stoop or porch oriented to the street. Parking, loading and trash disposal may be accessed from an alley or common drive serving one or more buildings.
- (c) **Massing and Articulation.** Massing, proportions and articulation of Large Multi-Family Buildings shall respond to existing residential buildings in their vicinity. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

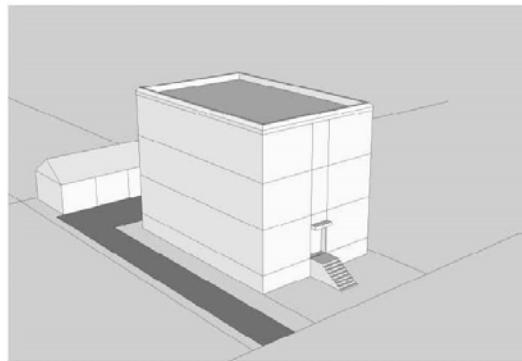


Figure K7: Typical Small Multi-Family Building

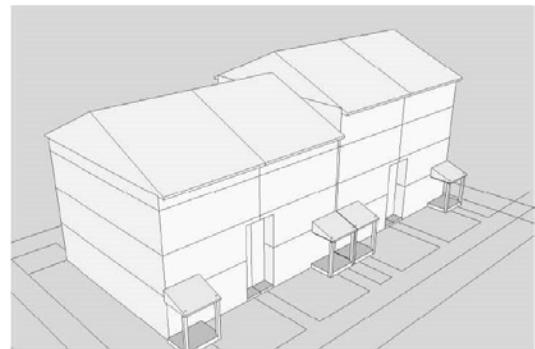


Figure K8: Typical Large Multi-Family Building

(8) **Courtyard Multi-Family Building.**

- (a) **Building Type.** A multi-story multi-family building or buildings designed around an open courtyard abutting a primary street or through-block development on two streets, surrounded by building walls on three sides.
- (b) **Access and Entry.** The principal entry to the building shall be oriented to the primary abutting street or courtyard. The courtyard shall be oriented to a street and shall be largely visible from the street, but may be separated from the street by a decorative fence. Parking, loading and trash disposal may be accessed from an alley, through the courtyard, or through a common drive serving one or more buildings.
- (c) **Massing and Articulation.** Buildings may be divided into individual attached units at ground level or served by shared entrances. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.
- (d) **Open Space.** Courtyards shall be a minimum of thirty-five (35) feet in width or depth, and shall be maintained as common open space for residents.

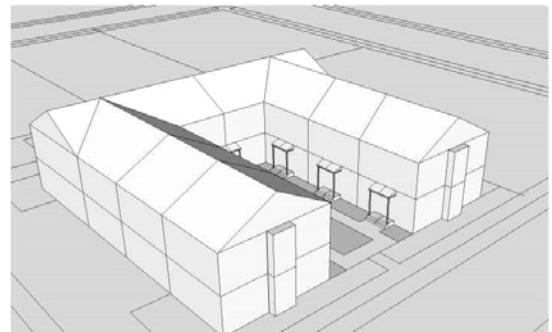


Figure K9: Typical Courtyard Multi-Family Building



Figure K10: Typical Courtyard Multi-Family Building-Photo 1



Figure K11: Typical Courtyard Multi-Family Building-Photo 2

## 28.173 MIXED USE AND NON-RESIDENTIAL BUILDING FORMS.

### (1) Commercial Block Building.

(a) Building Type. A multi-story building that is designed to support a mix of commercial or office uses on the ground floor with office, studio, lodging and/or residential units above. Buildings are typically designed with storefronts or arcades at ground floor.

(b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street. Buildings shall be designed with storefronts, stoops or patios along at least forty percent (40%) of the front ground floor facade along the primary abutting street.

Parking, loading and trash disposal may be accessed from an alley or through a side yard or rear yard drive serving one or more buildings.

(c) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. Entrances shall be provided at least every forty (40) feet along the primary abutting street.

### (2) Liner Building.

(a) Building Type. A specialized building, parallel to the street, which is designed to conceal an area such as a parking lot or loading dock.

(b) Access and Entry. The principal entry to each ground floor unit shall be a direct entrance from the primary abutting street.

(c) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed three hundred (300) feet without a visual break such as a courtyard or recess. Minimum building depth is sixteen (16) feet. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet. Entrances shall be provided at least every forty (40) feet along the primary abutting street.

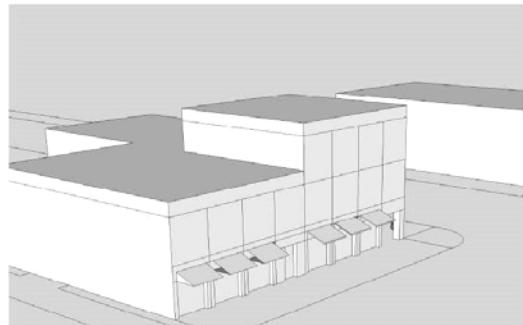


Figure K12: Typical Commercial Block Building

Parking, loading and trash disposal may be accessed from an alley or through a side yard or rear yard drive serving one or more buildings.



Figure K13: Typical Commercial Block Building Photo 1



Figure K14: Typical Commercial Block Building Photo 2



Figure K15: Typical Liner Building Photo

(3) Parking Building.

- (a) Building Type. A multi-story building specifically designed for parking. Other uses may be allowed above or below the parking level. Such a building may be developed with a liner building along the street frontage.
- (b) Access and Entry. Principal entry to each ground floor business or unit shall be a direct entrance from the primary abutting street. Vehicular entrance drives shall be located and designed to minimize interference with pedestrian movement. Vehicular entrances on secondary streets are encouraged.
- (c) Building Design. Upper floors shall be designed so that sloped floors typical of parking structures do not dominate the appearance of the facade. Windows or openings shall be provided that echo those of surrounding buildings.
- (d) Massing and Articulation. Maximum building length parallel to the primary abutting street shall not exceed (300) feet without a visual break such as a courtyard or recess. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.



Figure K16: Typical Parking Building



Figure K17: Typical Parking Building Photo

(4) Live-Work Building.

- (a) Building Type. Similar to townhouses in scale and detailing, but with a ground floor designed for small commercial, office and service establishments, often with storefront detailing. Buildings are typically placed close to the sidewalk, although a forecourt or patio design may be used to allow for outdoor seating space.
- (b) Access and Entry. Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street.
- (c) Massing and Articulation. Massing, proportions and articulation of live-work buildings shall respond to existing residential buildings in their vicinity. Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

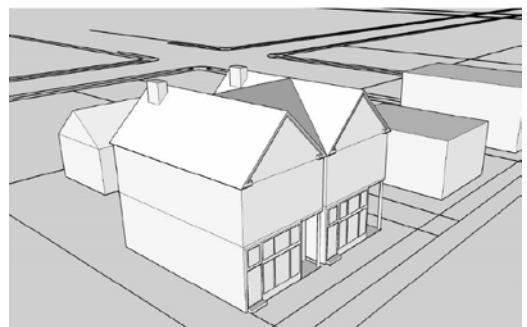


Figure K18: Typical Live-Work Building

(5) **Residential/Commercial Conversion.**

- (a) **Building Type.** A former residential building converted in whole or part to commercial or office use—or courtyard; parking must be in the rear. The building form remains residential in character.
- (b) **Access and Entry.** Principal entry to each ground floor unit shall be a direct entrance from the primary abutting street. The residential form of the building shall generally be maintained. Accessibility may be improved by changes in entrance grade or other means.

(6) **Podium Building.**

- (a) **Building Type.** A multi-story building in which the upper stories are stepped back from a lower base, to provide outdoor terraces, to avoid excessive shadowing of streets or public spaces, or to preserve important views.
- (b) **Access and Entry.** One or more ground floor entrances from the primary abutting street shall be provided.
- (c) **Massing and Articulation.** Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

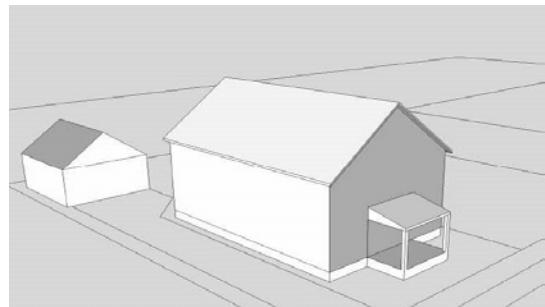


Figure K19: Typical Residential/Commercial Conversion



Figure K20: Typical Residential/Commercial Conversion Photo

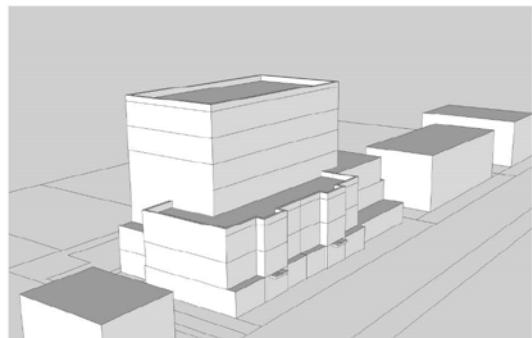


Figure K21: Typical Podium Building



Figure K22: Typical Podium Building Photo

(7) **Flex Building.**

- (a) **Building Type.** A variable building type at least two stories in height, designed to accommodate a variety of uses, including combinations of office, retail, lodging, and/or residential. A principal entrance should be oriented to the primary abutting street.
- (b) **Access and Entry.** One or more ground floor entrances from the primary abutting street shall be provided.
- (c) **Massing and Articulation.** Maximum building length along the primary abutting public street shall not exceed one hundred sixty (160) feet without a significant articulation of the facade. Facades facing a public street shall be vertically articulated at a minimum interval of forty (40) feet.

(8) **Industrial Building.**

- (a) **Building Type.** A large open-floor-plate building that allows maximum flexibility in the types of uses accommodated. Buildings are typically characterized by a tall single story or first floor, and may be set on a raised base to facilitate industrial loading and unloading.
- (b) **Access and Entry.** One or more ground floor entrances from the primary abutting street shall be provided.
- (c) **Massing and Articulation.** Facades facing a public street shall be vertically articulated at a minimum interval of 60 feet.

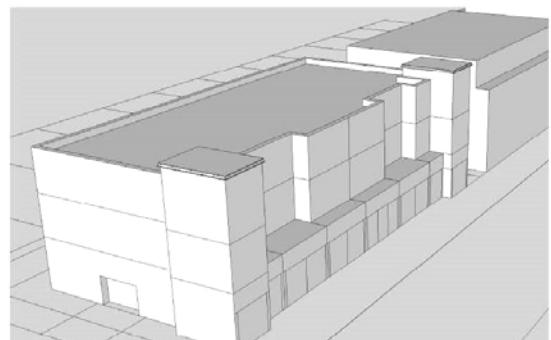


Figure K23: Typical Flex Building

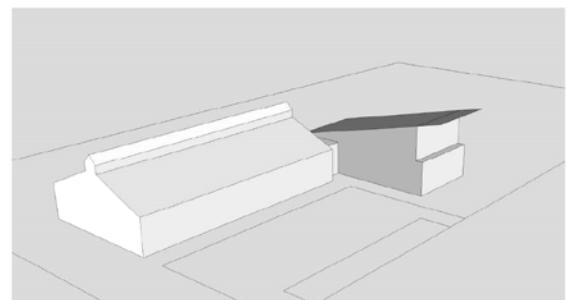


Figure K24: Typical Industrial Buildings



Figure K25: Typical Industrial Building Photo

(9) Free-Standing Commercial Building.

- (a) Building Type. A free-standing building of one or more stories designed to support a mix of commercial, retail, restaurant, service, office, or similar uses. The building may include multiple tenants.
- (b) Access and Entry. Buildings shall have a clearly defined, highly-visible customer entrance or entrances, marked by canopies, porticos, overhangs, arcades, facade recesses or projections, or similar features.
- (c) Massing and Articulation. Massing and articulation requirements shall be consistent with other applicable standards in this ordinance.

(10) Civic or Institutional Building.

- (a) Building Type. This category includes a number of building types and sizes ranging from buildings with large floor plats and multiple levels to smaller-scaled structures. Civic buildings can accommodate a variety of arts, culture, education, recreation, government, and public assembly purposes. A variety of architectural styles is acceptable.
- (b) Access and Entry. Buildings should have at least one entrance to a public street, courtyard, lawn, or other common open space.
- (c) Massing and Articulation. Facades facing a public street or public space shall be articulated vertically at a minimum interval of every forty (40) feet. Street-facing facades shall be positioned to accentuate vistas or directed views such as terminal views at the end of streets or adjacent to public spaces such as parks.

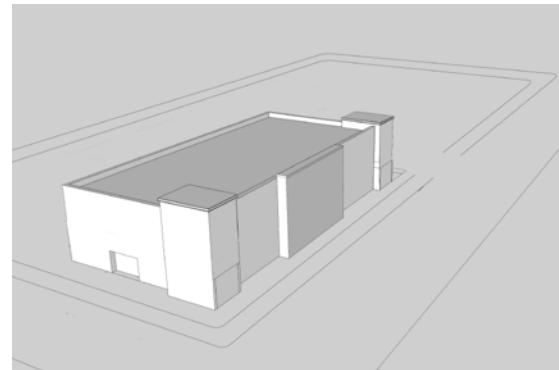


Figure K26: Typical Free-Standing Commercial Building

## SUBCHAPTER 28L: PROCEDURES

### **28.181 IN GENERAL.**

(1) Statement of Purpose.

This section describes how land development decisions and projects are approved and permitted in Madison. It describes how an application is submitted, who processes the application, the types of procedures that are followed, and what the approval allows the applicant to do.

(2) Common Elements.

Many of the application requirements outlined in this section have the following common elements:

**Table 28L-1. Common Elements of Zoning Applications.**

Element	Description
Applicability and Initiation	<p>This element specifies the situations, building types, development types, uses, or contexts where the procedure applies, who may file an application, and where to file an application.</p> <p><b>Eligible Applicant:</b> Unless otherwise specified, any person, firm, corporation or organization that has any of the following interests that are specifically enforceable in the land that is subject to the application may file an application:</p> <ul style="list-style-type: none"> <li>• a freehold interest</li> <li>• a possessory interest entitled to exclusive possession</li> <li>• a contractual interest which may become a freehold possessory interest</li> <li>• any exclusive possessory interest</li> <li>• any unit of government which issues a relocation order or adopts a resolution of necessity of taking describing the land for which the application is sought</li> </ul>
Completeness Review	Application materials shall be submitted as specified in each section. Incomplete applications will not be accepted.
Notice	This element specifies the type of required notice, who provides it and when it must be provided.
Decision	This element specifies the procedures for review and decision-making by appropriate staff, agencies, commissions, and boards.
Standards	This element specifies the standards for approval of an application.
Subsequent Applications	This element identifies any waiting period required before submission of an additional application.
Alterations	This element specifies how changes are made to an approved application.
Scope of Approval	This element specifies what rights an applicant obtains from approval or conditional approval of an application and any applicable time period for exercising rights under the approval.
Finalization of Approval	This element specifies finalization or recording requirements following approval.

(3) Pre-Application Meeting.

Before an application is filed, the applicant is strongly encouraged to attend a pre-application meeting with Zoning and Planning staff. The purpose of the pre-application meeting is to discuss, in general, the procedures and requirements for an Application.

(4) Completeness Review.

These procedures apply to any Application unless a different procedure is established for the Application elsewhere in this chapter.

- (a) No Application is complete unless all of the required information is included and all application fees have been paid. The Zoning Administrator may refuse to accept an incomplete application.
- (b) The Zoning Administrator will make current application materials available in the offices of the Department of Planning and Community and Economic Development.
- (c) The Zoning Administrator may establish a schedule for filing any Application that requires action by the Plan Commission, Zoning Board of Appeals, Urban Design Commission, or the Common Council. Completed applications shall be filed according to any posted schedule of the Zoning Administrator.

(5) Notice.

The type of notice required for certain applications is established in Table 28L-2 below.

**Table 28L-2. Notice Requirements.**

Type of Notice (Responsible Party)	Requirements	Map Amendment	Text Amendment	Conditional Use	Variance	Demolition
Preapplication (Applicant)	<p>Applicant must notify the following persons at least thirty (30) days before filing an application. Notice shall be by U.S. mail or electronic mail, with a copy to the Department Director and the Zoning Administrator.</p> <ul style="list-style-type: none"> <li>• neighborhood association registered with City that serves the area where the property is located</li> <li>• business association listed with City that serves the area where the property is located</li> <li>• any person registered with the Department of Planning and Community and Economic Development to receive such notice</li> <li>• the alderperson of the district in which the property is located.</li> </ul> <p>Failure to provide pre-application notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The neighborhood notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.</p>					
Publication (City)	<p>Class 1 notice in the official city paper (see ch. 985 WSA).</p> <p>Class 2 notice in the official city paper (see ch. 985 WSA).</p>				✓	
First class mail (City)	<p>Recipients:</p> <ul style="list-style-type: none"> <li>• the applicant</li> <li>• the alderperson of the district in which the property affected is located.</li> <li>• the owners of record, as listed in the office of the City Assessor, and occupants of multi-tenant buildings, of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected.</li> <li>• the owners of record, as listed in the office of the City Assessor, and occupants, of adjoining property.</li> </ul>			✓	✓	✓
Signage (Applicant)	<p>Obtain the sign from the Department of Planning and Community and Economic Development, on the property that is the subject of the application. The sign must list the times and locations of all public hearing(s) to consider the application. The sign shall be posted at least twenty-one (21) days prior to the public hearing and shall be located in a position on the property so that it can be read from the sidewalk or other public right-of-way. If a property abuts more than one (1) public right-of-way, a sign shall be placed facing each public right-of-way. The sign shall be removed within seven (7) days of the last hearing listed on the sign. Failure to post the sign shall not invalidate any action taken on the application by the Plan Commission or Common Council.</p>	✓		✓		✓

**28.182****TEXT AND MAP AMENDMENTS.**(1) Purpose.

This section allows the Common Council to amend the text of this Chapter or the zoning districts in order to promote public health, safety, and welfare throughout the City, giving due consideration to existing conditions, conservation of property values, building development providing best advantage to the City, the current use of property, and in the case of map amendments, the cost of providing municipal services to the property and uses accommodated by the map amendment.

In the case of map amendments to the floodplain zoning districts, actions that require an amendment and/or submittal of a Letter of Map Change (LOMC) shall include but not be 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 and/or watercourse alterations on the FIRM.
- (c) Any changes to any other officially adopted floodplain maps.
- (d) Any floodplain fill that will result in raising 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 a floodplain zoning ordinance text required by Wis. Adm. Code § NR 116.05 or otherwise required by law or for changes by the municipality.
- (g) All channel relocations and changes to maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a flood insurance rate map requires prior approval by FEMA.

(Am. by ORD-14-00146, 9-12-14)

(2) Applicability and Initiation.

- (a) The Common Council may amend this Chapter at any time as provided in this section.
- (b) There are two classes of amendments: text amendments and map amendments. These are defined below:

<b>Text amendments</b>	Amendments to the <b>text</b> of this chapter.
<b>Map amendment</b>	An amendment to the <b>zoning map</b> changes the district classification of an area or property.

- (c) Text Amendments may be initiated by the Common Council and any alderperson.
- (d) Map Amendments may be initiated by the Common Council or an Eligible Applicant as specified in Table 28L-1.
- (e) Filing. The applicant shall file the application with the Zoning Administrator.

(3) Completeness Review.

See Sec. 28.181(4).

(4) Notice.

The following notice is required for any map amendment (See Sec. 28.181(5) above):

- (a) Pre-application. Failure to provide pre-application notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.
- (b) Publication.
- (c) Mail. Notice of the required public hearing shall be sent at least ten (10) days before the date of the public hearing.
- (d) Signage.

(5) Decision.(a) Recommendation by the City Plan Commission.

1. The Plan Commission shall hold a public hearing on each application for an amendment. The procedures for conducting the hearing and recording the proceedings are prescribed in the "Basic Policy and Procedures Manual" adopted by the Plan Commission.
2. After the public hearing, the City Plan Commission shall submit its recommendation to the Common Council prior to the Council's public hearing.
3. The Plan Commission may recommend conditions that are consistent with the intent of this ordinance and will protect the public interest including consideration of overdue taxes and/or fees; the applicant's history of compliance with relevant ordinances and approvals, including but not limited to building and minimum housing code, and zoning code; and alcohol license provisions and approvals.
4. The Plan Commission may recommend the following modifications:
  - a. The adoption of a map amendment changing the zoning classification of the property in question to any classification in the same subchapter that is more restrictive than that proposed by the applicant as shown in the following table. This rule is not applicable for the Special Districts, Subchapter 28G.

**Zoning Districts Listed in Order of Most Restrictive to Least Restrictive, by Subchapter**

	<b>Residential Districts Subchapter</b>	<b>Commercial and Mixed Use Districts Subchapter</b>	<b>Employment Districts Subchapter</b>	<b>Downtown Districts Subchapter</b>
More Restrictive Districts  ↓  Less Restrictive Districts	TRR	LMX	TE	DR1
	SRC1	NMX	SEC	DR2
	SRC2	TSS	SE	UOR
	SRC3	CCT	IL	UMX
	TRC1	CC	IG	DC
	TRC2	MXC*	EC*	
	TRC3			
	TRC4			
	TRV1			
	SRV1			
	SRV2			
	TRV2			
	TRU1			
	TRU2			
	TRP*			

\* Master Planned Districts

(Am. by ORD-14-00029, 2-18-14)

- b. That a proposed map amendment take effect within an area smaller than the area as originally proposed and which is entirely included within the originally proposed area.
  5. All map amendments that obstruct flow, or cause any increase in the regional flood height require flooding easements or other appropriate legal arrangement from all adversely affected property owners. (Am. by ORD-13-00086, 5-29-13; ORD-14-00146, 9-12-14)
- (b) Action by Common Council. The Common Council shall not act upon a text amendment or map amendment until it has received a recommendation from the City Plan Commission as provided above.
- (c) Protest Petition.
1. A written protest against a map amendment may be filed after the application is filed or modified. If a valid protest petition is filed, the map amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change.
  2. The protest must be filed with the City Clerk.
  3. The protest must be duly signed and acknowledged by:
    - a. The owners of twenty percent (20%) or more of the area of land included in the proposed map amendment or modification, or
    - b. Twenty percent (20%) of the registered electors residing in the areas of the land included in the proposed map amendment or modification, or
    - c. The owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet from the subject property, or
    - d. The owners of twenty percent (20%) or more of the land directly opposite from the subject property and extending one hundred (100) feet from the street frontage of the opposite land, or
    - e. Twenty percent (20%) of the registered electors residing within all buildings any part of which is on land immediately adjacent extending one hundred (100) feet from the subject property, or
    - f. Twenty percent (20%) of the registered electors residing within all buildings any part of which is on land directly opposite the subject property and extending one hundred (100) feet from the street frontage of the opposite land.

4. Protest Petition Procedure.

- a. If a protest is commenced under this Subdivision, the following procedure must be used in order for the protest petition to be accepted as valid by the City.
- b. Each protest petitioner must date and acknowledge her/his signature in compliance with Wis. Stat. § 706.07, Uniform Acknowledgment Act. The protest petitioner shall either sign in the presence of a notary public or other officer as specified in WSA § 706.07(2) or shall personally appear before the notary public or other officer and acknowledge his or her prior signing.
- c. Protest petitions shall be delivered to the City Clerk no later than noon on the Monday before the proposed map amendment is initially set for final Common Council consideration.
- d. If a protest petition is filed after noon on the Thursday before the proposed map amendment is initially set for final Common Council consideration, the matter shall be referred to the next Common Council meeting.
- e. The same day the petitions are received, the City Clerk shall make copies of the petitions and forward these copies to the Department of Planning and Community and Economic Development.
- f. The Department of Planning and Community and Economic Development shall compute the protest petitions and inform the Common Council concerning the percentage of protesters by the end of three (3) business days following the filing of the petition, and shall provide its findings in writing to the Mayor, Common Council and City Clerk.
- g. Any changes to a timely-filed protest petition shall be made by noon on the Thursday before the meeting to which the Common Council referred the proposed map amendment must comply with the requirements of sub. (b) above, and may not serve as a basis for referral of the question.
- h. Although protesters may exercise their rights to subsequently withdraw their names from a protest petition, the withdrawal must be signed, dated and acknowledged and the form of the acknowledgement must also comply with Wis. Stat. § 706.07. Withdrawals must be submitted to the City Clerk by noon on the Monday before final Common Council consideration. If action on the proposed map amendment is not taken at the initial meeting of the Common Council, additional withdrawals may be again filed with the City Clerk until noon on the Monday before the Common Council again proposes to act upon the map amendment.

(Am. by ORD-17-00053, 6-19-17)

(6) Standards for Map Amendments or Text Amendments.

Text amendments or map amendments are legislative decisions of the Common Council that shall be based on public health, safety and welfare, shall be consistent with the Comprehensive Plan, and shall comply with Wisconsin and federal law.

(7) Subsequent Applications.

An application for a map amendment that is denied by the Common Council cannot be resubmitted within one (1) year from the date of the denial, unless:

- (a) The Council specifically determines that the denial is without prejudice, or
- (b) The application is substantially different from the application that was denied.

(8) Amendments to Floodplain Regulations or Maps.

No amendment to floodplain regulations, either text or map, shall become effective until approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles.

(Am. by ORD-14-00146, 9-12-14)

(9) Finalization of Approval.

A text amendment is codified by the City Attorney as provided in Sec. 3.07, MGO. A map amendment becomes part of the "Zoning District Maps" on file in the office of the Zoning Administrator.

**28.183 CONDITIONAL USES.**(1) Statement of Purpose.

This Chapter divides the City into districts where the design, use, bulk and location of buildings and structures are compatible. However, some uses, and in some cases, design, bulk, and building location, have unique characteristics, and therefore cannot be properly allowed as unrestricted permitted uses. The City requires consideration, in each case, of their impact on neighboring land or public facilities, and of the public need for the particular use at a particular location. These uses may be necessary or desirable in a particular district if sufficient consideration is given to their location, development and operation.

(2) Applicability and Initiation.

This section applies to those uses that are enumerated as conditional uses in the zoning district regulations (Subchapters 28C through 28I).

Any Eligible Applicant (See Sec. 28.181(2)) may file an application for a conditional use permit with the Zoning Administrator.

(3) Completeness Review.

See Sec. 28.181(4).

(4) Notice.

A conditional use permit application requires the following type of notice (See Sec. 28.181(5)):

- (a) Preapplication. Failure to provide notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.
- (b) Mail. Notice of the required public hearing shall be sent at least ten (10) days before the public hearing.
- (c) Publication.

(5) Decision.(a) City Plan Commission.

1. The Plan Commission shall hold a public hearing on each complete application. The hearing shall be conducted and recorded in accordance with the Plan Commission's Policies and Procedures Manual.
2. The Plan Commission shall approve, approve with conditions, deny, or place on file any application for a conditional use.
3. The Plan Commission shall render its decision within a reasonable time.
4. The concurring vote of a majority of quorum of the Plan Commission is required to approve a conditional use.
5. The decision of the Plan Commission shall include findings of fact. When a conditional use application is denied, the findings of fact shall list the standard(s) that have not been met and the reasons such standard(s) was not met.
6. When reviewing a conditional use application that involves any new construction of a building or an addition to an existing building, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comments and recommendations.

(b) Appeal From Action by Plan Commission.

1. The Plan Commission's decision is appealable to the Common Council.
2. The appeal may be filed by:
  - a. The applicant, or
  - b. The Alderperson of the district in which the use is located, or
  - c. Twenty percent (20%) or more of the property owners entitled to notice who object to the establishment of the conditional use. (Am. by ORD-12-00147, 12-5-12)
3. The appeal shall specify the grounds with specific reference to the findings of the Plan Commission.
4. The appeal shall be filed with the Secretary of the Plan Commission within ten (10) days of the final action of the Plan Commission.

5. The Secretary of the Plan Commission or his/her designee shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.
6. The Common Council shall fix a reasonable time for hearing the appeal, and decide the appeal within a reasonable time.
7. The Common Council shall give public notice and due notice to the parties in interest.
8. The action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of two-thirds (2/3) of the members of the Common Council.
9. Any person aggrieved by the decision of the Common Council or any alderperson, officer, department, board or bureau of the City, may, within thirty (30) days after the decision is published in the proceedings of the Common Council, commence an action seeking the remedy available by certiorari. (Am. by ORD-14-00165, 10-29-14)

(6) Approval Standards.

- (a) The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:
  1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
  2. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.
  3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.
  4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.
  6. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
  7. The conditional use conforms to all applicable regulations of the district in which it is located.
  8. When applying the above standards to an application by a community living arrangement, the Plan Commission shall:
    - a. Bear in mind the City general intent to accommodate community living arrangements.
    - b. Exercise care to avoid an over-concentration of community living arrangements, which could create an institutional setting and seriously strain the existing social structure of a community. Considerations relevant for this determination are the distance between the proposed facility and other such facilities, the capacity of the proposed facility and the percentage by which the facility will increase the population of the community, the total capacity of all community living

arrangements in the community, the impact on the community of other community living arrangements, the success or failure of integration into communities of other such facilities operated by the individual or group seeking approval, and the ability of the community to meet the special needs, if any, of the applicant facility.

9. When applying the above standards to any new construction of a building or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation. (Am. by ORD-14-00030, 2-18-14)
10. When applying the above standards to an application for a reduction in off-street parking requirements, the Plan Commission shall consider and give decisive weight to all relevant facts, including but not limited to, the availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; number of residential parking permits issued for the area; proximity to transit routes and/or bicycle paths and provision of bicycle racks; the proportion of the total parking required that is represented by the requested reduction; the proportion of the total parking required that is decreased by Sec. 28.141. The characteristics of the use, including hours of operation and peak parking demand times design and maintenance of off-street parking that will be provided; and whether the proposed use is now or a small addition to an existing use.
11. When applying the above standards to telecommunication facilities, the Plan Commission shall consider the review of the application by a professional engineer required by Sec. 28.143.
12. When applying the above standards to an application for height in excess of that allowed in the district, the Plan Commission shall consider recommendations in adopted plans; the impact on surrounding properties, including height, mass, orientation, shadows and view; architectural quality and amenities; the relationship of the proposed building(s) with adjoining streets, alleys, and public rights of ways; and the public interest in exceeding the district height limits.
13. When applying the above standards to lakefront development under Sec. 28.138, the Plan Commission shall consider the height and bulk of principal buildings on the five (5) developed lots or three hundred (300) feet on either side of the lot with the proposed development.
14. When applying the above standards to an application for height in excess of that allowed by Section 28.071(2)(a) Downtown Height Map for a development located within the Additional Height Areas identified in Section 28.071(2)(b), the Plan Commission shall consider the recommendations in adopted plans, and no application for excess height shall be granted by the Plan Commission unless it finds that all of the following conditions are present:
  - a. The excess height is compatible with the existing or planned (if the recommendations in the Downtown Plan call for changes) character of the surrounding area, including but not limited to the scale, mass, rhythm, and setbacks of buildings and relationships to street frontages and public spaces.
  - b. The excess height allows for a demonstrated higher quality building than could be achieved without the additional stories.
  - c. The scale, massing and design of new buildings complement and positively contribute to the setting of any landmark buildings within or adjacent to the projects and create a pleasing visual relationship with them.

- d. For projects proposed in priority viewsheds and other views and vistas identified on the Views and Vistas Map in the City of Madison Downtown Plan, there are no negative impacts on the viewedshed as demonstrated by viewedshed studies prepared by the applicant.
15. When applying the above standards to an application to redevelop a site that was occupied on January 1, 2013 by a building taller than the maximum building height allowed by Section 28.071(2)(a) Downtown Height Map, as provided by Section 28.071(2)(a)1., no application for excess height shall be granted by the Plan Commission unless it finds that all the following additional conditions are also present:
- a. The new building is entirely located on the same parcel as the building being replaced.
  - b. The new building is not taller in stories or in feet than the building being replaced.
  - c. The new building is not larger in total volume than the building being replaced.
  - d. The new building is consistent with the design standards in Section 28.071(3) and meets all of the dimensional standards of the zoning district other than height.
  - e. The Urban Design Commission shall review the proposed development and make a recommendation to the Plan Commission.
16. When applying the above standards to an application for limited production and processing use, the Plan Commission shall consider the effect of such a use on the surrounding properties, including the effects of odors, noise, vibration, glare, hours of operation, and other potential side effects of a manufacturing process. (Cr. by ORD-15-00124, 11-11-15)
- (b) Conditions.
1. Before granting a conditional use, the Plan Commission may stipulate conditions and restrictions on the establishment, location, construction, maintenance and operation of the conditional use. In doing so, the Plan Commission may consider overdue taxes and/or fees and the applicant's history of compliance with relevant ordinances and approvals, including but not limited to, building and minimum housing code, zoning code and zoning approvals, and alcohol license provisions and approvals.
  2. The commission shall require evidence and guarantees of compliance with the conditions.
  3. For property in the Wetland Overlay District, the Plan Commission shall attach conditions that will further the purposes of the Wetland Overlay District.
    - a. Such conditions may include but are not limited to: type of shore cover; erosion control measures; increased setbacks; specific sewage disposal and water supply facilities; wetland restoration; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction.
    - b. The Plan Commission may require additional information as needed to determine if the proposed use is consistent with the purposes of the Wetland Overlay District.
  4. For residential development allowed as a conditional use, the Plan Commission shall require dedication of land for park and recreation purposes or a fee in lieu of land dedication in accordance with the current standards for plat, land divisions and planned developments in Sec. 16.23(8)(f), MGO, and Park Impact Fees in Sec. 20.08, MGO. Credit shall be given for any prior dedication or fee paid under those sections. (Am by ORD-16-00073, 9-15-16)

(7) Subsequent Applications.

No application for a conditional use that is denied wholly or in part by the Plan Commission (or, on appeal, by the Common Council) shall be resubmitted for a period of one (1) year from the date of the final decision, unless:

- (a) The decision expressly states that it is placed on file without prejudice, and
- (b) The applicant provides substantial new evidence or proof of a change of conditions that would support approval or conditional approval of the application.

(8) Alterations.

No alteration of a conditional use shall be permitted unless approved by the Plan Commission provided, however, the Zoning Administrator following consideration by the alderperson of the district, may approve minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the Plan Commission and the standards in sub. (6), above. Telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities shall be considered minor alterations under this section. Criteria for review are provided in Sections 28.143 and 28.148. See Wis. Stat §§ 66.0404(3)(a)1 and (4)(gm) and 66.0406 (2013) (Am. by ORD-13-00189, 11-26-13)

(9) Scope of Approval.

- (a) An order granting a conditional use is valid for one (1) year from the date of the approval. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless construction has commenced and is being diligently prosecuted.
- (b) Where the plans have not been altered from the Plan Commission's approval, and the conditional use has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date.
- (c) Dormant Conditional Use. A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than one (1) year for any reason. (Cr. by ORD-14-00133, 8-13-14)
- (d) Continuing Jurisdiction.
  1. The Plan Commission retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. This authority is in addition to the Zoning Administrator's authority under Sec. 28.202.
  2. Any person, the Zoning Administrator, or other official may file a written complaint with the Plan Commission that one or more conditions of a conditional use permit have not been completed, or are being violated. (Am. by ORD-17-00030, 3-8-17)
  3. The Plan Commission shall initially determine whether the complaint indicates a reasonable probability that the subject conditional use is in violation of a condition of approval. If the Plan Commission determines there is a reasonable probability of a violation, it shall conduct a hearing after giving notice as provided in Subsection (4), above.

4. The Plan Commission may, in order to bring the subject conditional use into compliance with the conditions previously imposed by the Plan Commission, modify the existing conditions and impose additional reasonable conditions. If no reasonable modification of the conditional use can be made that are consistent with the standards in Subsection (6), above, the Plan Commission may revoke the conditional use permit and direct the Zoning Administrator and the City Attorney to seek elimination of the subject use.
5. An appeal from a decision of the Plan Commission under this paragraph may be taken to the Common Council as provided by Subsection (5)(b), above.

(Renum. by ORD-14-00133, 8-13-14)

(10) Changes in Use.

- (a) On any zoning lot where a conditional use is established, any alteration, expansion or establishment of any other use(s), including permitted uses, except structures and buildings serving as synagogues, mosques, temples, churches, parish houses, rectories, and other places of worship, telecommunications towers, Class 1 Collocations, Class 2 Collocations and Radio Broadcast Service Facilities, shall be subject to conditional use approval. (Am. by ORD-13-00189, 11-26-13)
- (b) However, within existing buildings, a change in use from one permitted use to another permitted use without any addition in square footage shall be exempted from this provision; provided that any exterior alterations to existing structures or the lot shall require approval as a conditional use.

## **28.184 VARIANCES.**

(1) Applicability and Initiation.

This section applies to any application to the Zoning Board of Appeals for a variance from the terms of this Chapter.

Any Eligible Applicant (See Sec. 28.181(2)) may file an application for a variance with the Zoning Administrator.

(2) Completeness Review.

See Sec. 28.181(4).

(3) Notice.

A variance application requires the following type of notice (see Sec. 28.181(5)):

- (a) Mail. Notice of the required public hearing shall be sent at least five (5) days before the public hearing
- (b) Publication.
- (c) In the case of variances to the floodplain or wetland regulations, notice shall also be sent to the regional office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the required hearing.

- (4) Decision.
- (a) The Zoning Board of Appeals shall hold a public hearing on each application.
  - (b) The Zoning Board of Appeals may approve, conditionally approve, or deny a variance after a public hearing. The Zoning Board of Appeals shall conduct the public hearing after it receives a complete application.
  - (c) The concurring vote of a majority of quorum of the Zoning Board of Appeals is required to grant a variance.
  - (d) The decision of the Zoning Board of Appeals shall include findings of fact.
  - (e) The Zoning Board of Appeals may impose conditions on the use, development or activities subject to the variance. The Zoning Board of Appeals may require the conditions in order to comply with the standards in this section, to mitigate the effect of the variance on other property in the neighborhood, and to better carry out the general intent of this ordinance.
  - (f) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to twenty-five dollars (\$25) per one hundred dollars (\$100) of coverage. A copy shall be maintained with the variance record.
- (5) Approval Standards.
- (a) The Zoning Board of Appeals shall not grant a variance unless it finds that the following conditions are present:
    1. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.
    2. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.
    3. For a use variance, compliance with the strict letter of the ordinance will result in no reasonable use of the property.
    4. For an area variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a permitted purpose or would render compliance with the ordinance unnecessarily burdensome.
    5. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.
    6. The proposed variance shall not create substantial detriment to adjacent property.
    7. The proposed variance shall be compatible with the character of the immediate neighborhood.
    8. In the floodplain districts, the variance shall not: grant, extend or increase any use prohibited in the zoning district; be granted for a hardship based solely on an economic gain or loss; be granted for a hardship which is self-created; or damage the rights or property values of other persons in the area.
    9. In floodplain districts, the variance shall not cause an increase in the regional flood elevations or profiles, permit a lower degree of flood protection in the floodplain than the flood elevation, allow any floor, basement or crawlway below the regional flood elevation or allow actions without the required amendments.



10. In the floodplain districts, the lot for which the variance is requested, shall be less than one-half (1/2) acre and shall be contiguous to existing structures constructed below the regional flood elevation.
  11. In floodplain districts, the variance shall not increase costs for rescue and relief efforts.
- (6) **Scope of Approval.**
- (a) An order granting a variance is valid for one (1) year from the date of the order. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building.
  - (b) Where the plans have not been altered from those approved by the Zoning Board of Appeals, and the variance has expired, the Zoning Administrator may, after consulting with the Alderperson of the District, approve an extension up to twenty-four (24) months from the expiration date.

(Sec. 28.184 Am. by ORD-14-00146, 9-12-14)

## **28.185 APPROVAL OF DEMOLITION (RAZING, WRECKING) AND REMOVAL.**

- (1) **Statement of Purpose.**  
It is hereby declared a matter of public policy that the good maintenance and rehabilitation of existing buildings, the preservation of safe and sanitary housing available at reasonable prices, and the careful consideration and planning of changes in the urban landscape are a public necessity and are required in the interest of the health, prosperity, safety, and welfare of the people. The purpose of this section is to aid in the implementation of adopted City plans, protect neighborhood character, preserve historic buildings, encourage the reuse and/or relocation of existing buildings, discourage buildings falling into a state of severe disrepair from lack of maintenance by the owner, encourage compliance with building and minimum housing codes, and allow the property owner to have a decision on approval or disapproval of the proposed use of the property before he or she takes the irrevocable step of demolishing or moving his or her existing building or buildings.
- (2) **Applicability and Initiation.**  
No building as defined in Sec. 29.03, MGO, shall be demolished or removed without a permit from the Building Inspection Division of the Department of Planning and Community and Economic Development.  
Any Eligible Applicant (See Sec. 28.181(2)) may submit an application for a demolition or removal permits to the Director of the Building Inspection Division.
- (a) An application for a demolition or removal permit shall contain a clear, detailed and complete statement of the present or most recent use and any use proposed to be made of the property if the demolition or removal permit is approved.
  - (b) An application for a permit also shall include plans for any proposed future use, including site, grading and landscaping plans, floor plans, building elevations and materials, the length of the current ownership, and photographs of the interior and exterior of the building(s). A written report of a licensed architect or engineer describing the condition of the building(s) may be submitted to substantiate the request.
  - (c) If the proposed demolition is to be accomplished by fire, the application shall designate the proposed method of demolition.
- (3) **Completeness Review.**  
See Sec. 28.181(4).
- (4) **Notice.**  
A demolition request, except for the applications submitted under (6) below, requires the following types of notice (See Sec. 28.181(5)):
- (a) **Preapplication.** Failure to provide notice does not invalidate any action taken on the application by the Plan Commission or Common Council. The notice requirement may be waived, if approved by the Alderperson, and Director of Planning and Community and Economic Development.

- (b) Mail. Notice of the required public hearing shall be sent at least ten (10) days before the public hearing.
- (c) Publication.
1. A demolition or removal permit application considered with a zoning map amendment shall meet the public hearing requirements for zoning map amendments (See Sec. 28.181(5)).
  2. A demolition or removal permit considered with a conditional use permit shall meet the public hearing requirements for conditional uses (See Sec. 28.181(5)).
- (5) Decision.
- (a) The Plan Commission shall hold a public hearing on each application except those that do not require approval by the Plan Commission. If the applicant for a demolition or removal permit requests an amendment to the Zoning Map pursuant to Sec. 28.182(10) or a conditional use approval pursuant to Sec. 28.183, the demolition or removal permit application shall be considered with the amendment to the zoning map or conditional use. The public hearing for a demolition or removal application shall meet the requirements of Sec. 28.183(5)(a)1., except that a demolition or removal application considered with a zoning map amendment shall meet the public hearing requirements in Sec. 28.182(4).
- (b) The Plan Commission shall approve, approve with conditions, or deny a demolition or removal permit.
- (c) When reviewing a demolition application where the proposed use is non-residential, the Plan Commission may require the applicant to submit plans to the Urban Design Commission and/or the Landmarks Commission for comments and recommendation.
- (d) Appeal from Action by Plan Commission.
1. The Plan Commission's decision to grant or deny a demolition or removal permit may be appealed to the Common Council.
  2. The appeal may be filed by:
    - a. The applicant, or
    - b. The Alderperson of the district in which the building proposed for demolition or removal is located.
  3. The appeal shall specify the grounds, with specific reference to the findings of the Plan Commission.
  4. The appeal shall be filed with the Zoning Administrator within ten (10) days of the final action of the Plan Commission.
  5. The Zoning Administrator shall transmit the appeal to the City Clerk, who shall file the appeal with the Common Council.
  6. The Common Council shall fix a reasonable time for hearing the appeal, and shall decide the appeal within a reasonable time.
  7. The Common Council shall give public notice and due notice to the parties in interest.
  8. The action of the Plan Commission shall be upheld unless it is reversed or modified by a favorable vote of two-thirds (2/3) of the members of the Common Council.
  9. If the applicant for a demolition or removal permit also has requested a zoning map amendment pursuant to Sec. 28.182 or a conditional use permit pursuant to Sec. 28.183, the determination shall be appealed with the appeal of the conditional use or map amendment.
- (6) Exemptions.
- (a) Demolition or removal permits may be issued without the approval required in Subdivision (5) above whenever any one (1) of the following conditions is present, provided that: the subject building has not been used at any time as a single-family or multiple-family dwelling in whole or in part, is not a landmark, and is not located in an Historic District or Neighborhood Conservation District:
1. The Director of the Building Inspection Division finds that the building proposed to be demolished or removed is structurally unsound, subject to an appeal as

provided in Sec. 29.18, MGO. The applicant may support the request with the report of a licensed architect or engineer certifying and providing reasons that the building is structurally unsound.

2. The Director of the Building Inspection Division determines that the building proposed to be demolished or removed is an accessory building as defined in Sec. 28.211.
- (b) Demolition or removal permits may be issued without the approval required in sub. (5) above whenever the subject building is a single-family dwelling being demolished due to damage by fire or other natural disaster and reconstructed to a similar bulk condition, at a similar location on the zoning lot, utilizing existing setbacks, as follows:
1. Neither the length, width, or height of the replacement building shall be more than two (2) feet greater than the length, width, or height of the building to be demolished;
  2. The location of the replacement structure shall be placed in a similar location to the existing structure. If the damaged structure has a non-conforming setback, no side of the enlarged structure may be moved closer to any lot line with which there is a non-conforming setback; and
  3. Demolition and building permits shall be issued within one (1) year of the incident of loss.

(Am. by ORD-15-00101, 10-15-15)

(7) Approval Standards.

Applications for demolition or removal permits shall not be approved, except as provided in (6) above, unless the following standards are met:

(a) Applications With a Proposed Future Use.

1. The Zoning Administrator issues a zoning certificate for the proposed use of the property. For the purpose of this subdivision, a zoning certificate shall mean a certification in writing that the proposed use of the property would be in compliance with the provisions of the Zoning Code.
  - a. If the Zoning Administrator finds that the proposed use of the property is not in compliance with the provisions of the Zoning Code, the applicant for a demolition or removal permit may apply for a map or text amendment pursuant to Sec. 28.182 or for a conditional use permit pursuant to Sec. 28.183 for the proposed use. All of the provisions of Secs. 28.182 and 28.183 shall apply to said applications, except that the time limit for commencement of the conditional use, pursuant to Sec. 28.183(9), shall be eighteen (18) months instead of twelve (12) months.
  - b. If after the procedures provided in Paragraph 1.a. are followed, the proposed use of the property would be in compliance with the provisions of the Zoning Code, the Zoning Administrator shall grant zoning approval for the proposed use, pursuant to Sec. 28.202(3).
2. The Plan Commission finds that both the requested demolition or removal and the proposed use are compatible with the purpose of this section and the intent and purpose expressed in the Zoning Code for the zoning district in which the property is located. Furthermore, the proposed use should be compatible with adopted neighborhood plans, the Comprehensive Plan or with any applicable neighborhood conservation district requirements. When making this finding the Commission shall consider and may give decisive weight to any relevant facts, including but not limited to:
  - a. The effects the proposed demolition or removal and proposed use of the subject property would have on the normal and orderly development and improvement of surrounding properties.
  - b. The reasonableness of efforts to relocate the building, including but not limited to the costs of relocation, the structural soundness of the building; and

- c. The limits that the location of the building would place on efforts to relocate it, and the availability of affordable housing.
- 3. In the case of landmarks or improvements located in a local Historic District, consideration and approval of demolition or removal permits by the Plan Commission shall be contingent upon the prior issuance of a certificate of appropriateness by the Landmarks Commission pursuant to Sec. 33.01(5)(c), MGO.
- 4. The Plan Commission shall consider the report of the City's historic preservation planner regarding the historic value of the property as well as any report submitted by the Landmarks Commission.
- 5. If a demolition or removal permit is approved, it shall not be issued until the reuse and recycling plan is approved by the Recycling Coordinator.
- (b) Application With No Proposed Use. In addition to the above standards in Subsection (7)(a)3.-5.,
  - 1. The Plan Commission finds that, based on evidence from the Madison Fire Department, Police Department, and/or Building Inspection Division, a potential fire hazard, potential unlawful use of the property, potential public nuisance, or other public health and safety concern supports demolition or removal before a future use is proposed, or
  - 2. For a non-residential building, the Plan Commission finds that the use, bulk, and design requirements of the existing zoning district designation are adequate to ensure that development will conform to existing adopted City plans.
- (8) Conditions and Guarantees.

The following conditions shall apply to all demolition or removal permits:

  - (a) Before granting a demolition or removal permit, the Plan Commission may stipulate conditions and restrictions upon the proposed alternative use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in (7) above. Conditions may include a requirement that a property owner obtain approval from the Plan Commission, pursuant to (7) above, for an alternative use that is not known at the time of application, and/or that the owner provide proof of financial capability and an executed contract with a construction firm, in a form acceptable to the Director of the Department of Planning and Community and Economic Development, prior to any permits being issued.
  - (b) Any alteration in plans for a proposed alternative use shall require Plan Commission approval, except for minor alterations as provided below. If the Plan Commission considers an alteration it shall approve the change(s) only if the new use is compatible with the intent and purpose of the zoning district in which the property is located, is compatible with the Comprehensive Plan and applicable neighborhood plan, and other relevant factors, including the effects of the proposed use on the normal and orderly development and improvement of surrounding properties.
  - (c) The Zoning Administrator may issue permits for minor alterations or additions which are approved by the Director of Planning and Community and Economic Development and are compatible with the concept approved by the City Plan Commission and the standards in (7) above.
  - (d) Following issuance of a Certificate of Occupancy, future additions or alterations to the proposed alternative use of the property shall not be subject to review under this section.
- (9) Scope of Approval.
  - (a) A demolition or removal permit is valid for one (1) year from the date of Plan Commission approval/action. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting the building. If the applicant obtains a valid building permit, construction must commence within six (6) months of the date of issuance. The building permit shall not be renewed unless

- construction has commenced and is being diligently prosecuted. (Am. by ORD-14-00133, 8-13-14)
- (b) Where the plans have not been altered since issuance of the demolition or removal permit and the permit has expired, the Director of Planning and Community and Economic Development may, after consultation with the Alderperson of the District, approve an extension for up to twenty-four (24) months from the expiration date.
- (10) Reuse and Recycling Plan.  
Every person who is required to submit a reuse and recycling plan pursuant to Sec. 28.185(7)(a)5. above shall submit documents showing compliance with the plan within sixty (60) days of completion of demolition.
- (11) Demolition by Fire.  
Demolition by Fire is prohibited unless the burn is conducted by the Madison Fire Department (MFD) in conjunction with an MFD training event and limited to no more than three (3) demolitions by fire events per year. For any permit approved for demolition by fire, the applicant shall provide written notice of the date of the proposed demolition to the alderperson of the district where the demolition is proposed and to all owners and residents of properties within one thousand (1,000) feet of the boundaries of the property on which the demolition will occur. Such notice shall be provided at least five (5) days prior to the date of the proposed demolition.
- (12) Penalty.
- (a) Any person who fails to submit documentation of compliance with an approved reuse and recycling plan shall, upon conviction thereof, be subject to a forfeiture of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.
  - (b) Any person who fails to obtain a demolition or removal permit prior to the demolition or removal shall, upon conviction thereof, be subject to a forfeiture of not less than one thousand dollars (\$1,000) and not more than two thousand dollars (\$2,000). Each day or portion thereof such violation continues shall be considered a separate offense.

## 28.186 SITE AND BUILDING PLAN REVIEW.

- (1) Purpose.  
Site plan review is designed to:
- (a) Promote development that is compatible with this Chapter, and
  - (b) Ensure that development is consistent with adopted neighborhood plans and the Comprehensive Plan, and
  - (c) Establish procedures for the review of uses, building types, or development situations that require site plan review where designated by this Chapter.
- A site plan may be reviewed on its own or as part of another application (for example, a map amendment).
- (2) Applicability.  
The following buildings and uses are subject to site plan review:
- (a) Any new principal or accessory building.
  - (b) Site alterations, including but not limited to alterations of parking lots and landscaped areas.
  - (c) Exterior alterations to buildings.
  - (d) Changes in use.
  - (e) Alterations to approved site plans.
- (3) Decision.  
The site and building plans shall be reviewed by the Zoning Administrator for conformity with this chapter. The Zoning Administrator shall transit a copy of submitted plans to appropriate City agencies for review and comment within their jurisdiction.  
The Zoning Administrator shall approve, approve with conditions or deny a site plan. No public hearing is required. The applicant may appeal the Zoning Administrator's decision to the Zoning Board of Appeals. On appeal, the ZBA shall consider the administrative site plan at a public hearing.

(4) Compliance.

- (a) For site and building plans approved before June 1, 2014, a property owner or operator is required to bring the property into compliance with all elements of the approved site and building plan by July 1, 2014.
- (b) For site and building plans approved after June 1, 2014, a property owner or operator is required to bring the property into compliance with all elements of the approved site plans by the date established by the Zoning Administrator as part of the site and building plan approval.

(Sec. 28.186(4) Cr. by ORD-14-00095, 5-14-14)

## SUBCHAPTER 28M: NONCONFORMITIES

### 28.190 STATEMENT OF PURPOSE.

Within the Zoning Districts established by this ordinance, there may exist uses, buildings, structures, and lots that do not conform to the provisions of this ordinance. The purpose of this Section is to specify those circumstances and conditions under which these nonconforming uses, buildings, structures, and lots shall be permitted to continue.

### 28.191 NONCONFORMING USES.

- (1) The lawful nonconforming use of a building, structure, or land existing on the effective date of this ordinance may be continued although it does not conform to the provisions of this ordinance, provided that:
  - (a) Structural repairs or structural alterations to the building or structure shall not exceed fifty percent (50%) of the total assessed value of the building or structure.
  - (b) The nonconforming use shall not be extended or expanded.
  - (c) The building or structure does not become and remain vacant for a continuous period of twelve (12) months.
  - (d) The nonconforming use of the land does not cease for a continuous period of twelve (12) months.

### 28.192 NONCONFORMING BUILDINGS OR STRUCTURES.

A lawful nonconforming building or structure existing on the effective date of this ordinance may be continued although it does not conform to the provisions of this ordinance with respect to bulk characteristics including, but not limited to, setback, open space, floor area ratio, height, density, parking facilities, amount of parking, and style, provided that any additions or enlargements shall conform to the provisions of the ordinance.

### 28.193 NONCONFORMING LOTS.

- (1) A lawful nonconforming lot existing on the effective date of this ordinance may be continued although it does not conform to the provision of this ordinance, provided that the size and shape of the lot shall not be changed in any way to increase the nonconformity.
  - (a) Lots of Record. In any district where residential uses are allowed, a single-family dwelling may be established on a lot of record existing on the effective date of this ordinance, regardless of the size of the lot, provided that all other requirements of the applicable zoning district are complied with.

### 28.194 RESTORATION OF A NONCONFORMING BUILDING OR STRUCTURE.

- (1) A lawful nonconforming building or structure existing on the effective date of this ordinance that has been damaged or destroyed may be restored to the size, location, and use that it had immediately before the damage or destruction occurred provided that:
  - (a) The nonconforming building or structure was damaged or destroyed on or after March 2, 2006, and
  - (b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (2) The size of the restored building or structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure or building to comply with applicable state or federal requirements.

**28.195 CERTIFICATE OF OCCUPANCY FOR NONCONFORMING USE.**

Any person having a legal or equitable ownership interest of record in a property that is nonconforming as to use shall obtain a certificate of occupancy from the office of the Zoning Administrator. Such person shall present documentary evidence that said use was a lawful permitted or conditional use at the time it originated and was made nonconforming by the adoption of this ordinance or any amendment thereto or was made nonconforming by the zoning ordinance in effect at the time this ordinance was adopted. Documentary evidence may include leases, affidavits, lawfully issued permits, certificates of occupancy, and other legal documents, subject to verification of authenticity and accuracy.

**SUBCHAPTER 28N: ADMINISTRATION AND ENFORCEMENT****28.201 GENERAL PROVISIONS.**(1) Administration.

The administration of this ordinance is vested the following three (3) offices of the City of Madison:

- (a) Zoning Administrator
- (b) Zoning Board of Appeals
- (c) City Plan Commission

**28.202 ZONING ADMINISTRATOR.**(1) Establishment.

- (a) This section establishes the office of the Zoning Administrator of the Department of Planning and Community and Economic Development.
- (b) The Zoning Administrator is responsible to the Director of the Building Inspection Division or her/his designee.
- (c) The Director of the Building Inspection Division is assigned the same powers as the Zoning Administrator.

(2) Duties.

The Zoning Administrator shall enforce this ordinance, and shall exercise the duties listed below to determine compliance with this chapter and to support its enforcement or administrative functions:

- (a) Issue all zoning certificates (See (3) below).
- (b) Issue all certificates of occupancy.
- (c) Approve all site plans.
- (d) Conduct inspections of buildings, structures, and use of land, including damage assessment for floodplain structures, to determine compliance with this ordinance. (Am. by ORD-14-00146, 9-12-14)
- (e) Maintain permanent and current records of this ordinance, including but not limited to all maps, amendments, conditional uses, variances, appeals, zoning certificates, certificates of occupancy, and applications for approval.
- (f) Provide and maintain public records relative to all matters arising out of this ordinance.
- (g) Receive, file and forward to the City Clerk all applications for amendments to this ordinance.
- (h) Receive, file and forward to the City Plan Commission all applications for conditional uses.
- (i) Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variances or other matters on which the Zoning Board of Appeals is required to act under this ordinance.
- (j) Initiate, direct and review, from time to time, a study of this chapter.
- (k) Make recommendations to the City Plan Commission about revisions to this chapter.
- (l) Refer violations of this chapter to the City Attorney for prosecution. Copies of the violation report on floodplain regulations shall be sent to the Southern District office of the Wisconsin Department of Natural Resources.
- (m) Review and interpret deed restrictions which were initiated at the request of a City agency in order to relate the restrictions to uses of land authorized in this Zoning Code.
- (n) Provide substantial damage assessment for floodplain structures.

- (o) Maintain floodplain records, including all permits issued, inspections made, and work approved related to floodplains; documentation of certified lowest floor and regional flood elevations; floodproofing certificates; floodplain maps, and ordinances, all water surface profiles, substantial damage assessment reports, and list of nonconforming structures and uses. (Am. by ORD-14-00146, 9-12-14)
  - (p) Submit copies of applications for amendments, variances and appeals to the floodplain regulations and floodplain maps to the appropriate Regional Office of the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency.
  - (q) Submit copies of any adopted amendments, any decisions by the Zoning Board of Appeals on appeals and variances to the floodplain regulations and floodplain maps within ten (10) days of the decision, any case-by-case analyses of proposals in floodplain areas, an annual summary report of the number and types of zoning actions taken and substantial damage assessment reports to the appropriate District Office of the Wisconsin Department of Natural Resources. Decisions by the Zoning Board of Appeals on appeals and variances to the flood plain regulations and flood plain maps shall be signed by the chair of the Zoning Board of Appeals and shall state the basis for the Board's decision, including appropriate facts.
  - (r) Take other actions that are assigned under other provisions of this chapter.
- (3) Issuance of Zoning Certificates.
- (a) A zoning certificate is required before any permit relating to the use of land, buildings or structures is issued by any officer, department or employee of the City.
  - (b) Any permit or certificate of occupancy issued in conflict with this Section is null and void.
  - (c) This section does not apply to:
    1. Lots without buildings or structures; and
    2. Lots used for public recreation purposes.
  - (d) The Zoning Administrator shall approve or deny the zoning certificate application. Approval indicates that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all of the provisions of this chapter.
  - (e) No change in use shall be made until a zoning certificate has been issued by the Zoning Administrator. Every certificate shall state that the use complies with all provisions of this ordinance. For the purposes of floodplain regulations, this certificate shall also be known as a Certificate of Compliance. When applicable in floodplain areas, the Zoning Administrator shall require a certification by a registered professional engineer, architect or land surveyor that the fill, lowest floor, and flood elevations and other floodplain regulatory factors were accomplished in compliance with the provisions of this ordinance. In the floodplain areas, it shall be the responsibility of the applicant to secure all other necessary permits from all appropriate Federal and Wisconsin State agencies. (Am. by ORD-13-00086, 5-29-13; ORD-14-00146, 9-12-14)
- (4) Appeals to Decisions of the Zoning Administrator.
- Any decision of the office of the Zoning Administrator may be appealed to the Zoning Board of Appeals, as specified in Sec. 28.205(5) below.

**28.203 COMMON COUNCIL.**

The Common Council is the governing body of the City of Madison. The Common Council is the final decision maker for text or map amendments to this chapter. Refer to Chapter 2, MGO for the Standing Rules for the Government of the Common Council.

**28.204 PLAN COMMISSION.**(1) Establishment.

The City Plan Commission is created by Chapter 16 of the City Code.

(2) Jurisdiction.

The City Plan Commission has the following jurisdiction and authority:

- (a) To hear and act upon all applications for conditional uses.
- (b) To hear and make recommendations about applications for amendments to this chapter to the Common Council.
- (c) To hear and act upon all other matters referred to it upon which it is required to act under this chapter.

**28.205 ZONING BOARD OF APPEALS.**(1) Establishment.

This section establishes the Zoning Board of Appeals as authorized by Wis. Stat. § 62.23(7)(e).

(2) Membership and Administration.



- (a) The Zoning Board of Appeals has five (5) members appointed by the Mayor subject to confirmation by the Common Council.
  - (b) Each member of the Zoning Board of Appeals serves for a staggered term of three (3) years.
  - (c) The members of the board are removable by the Mayor for cause upon written charges and after public hearing.
  - (d) The Mayor shall designate one (1) of the members as chairman.
  - (e) The board may employ a secretary and other employees.
  - (f) Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
  - (g) The Mayor shall appoint, for staggered terms of three (3) years, two (2) alternate members in addition to the five (5) standing members. Annually, the Mayor shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of such board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to the alternates.
- (3) Jurisdiction. The Zoning Board of Appeals has the following jurisdiction and authority:
- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this chapter.
  - (b) To hear and act upon applications for variances from the terms provided in this chapter (Refer to Sec. 28.184 for procedures and standards).
  - (c) To hear and decide appeals where it is alleged there is error in a determination made by the Director of the Department of Planning and Community and Economic Development.
  - (d) To hear and decide disputes concerning the district boundaries shown on the official Floodplain Maps.
  - (e) To hear and act upon all other matters referred to it upon which it is required to act under this chapter.
- (4) Meetings and Rules.
- (a) Meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such other times as the Board may determine.
  - (b) The chair, or in her/his absence the acting chair, may administer oaths and compel the attendance of witnesses. (Am. by ORD-14-00012, 1-14-14)
  - (c) All meetings of said board, including all deliberations on any appeal prior to reaching a decision thereon, shall be open to the public.
  - (d) The board shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact. The board shall also keep records of its examinations and other official actions. All of the Board's minutes and records shall be immediately filed in the office of the Board and shall be a public record.
  - (e) Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney.
  - (f) The board shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes.
  - (g) The Board may select or appoint any officer that it deems necessary.
- (5) Appeals to Decisions of the Zoning Administrator. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected, by any decision of the Zoning Administrator.

- (a) An appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Board of Appeals.
  - (b) The applicant shall file a notice of appeal with the Zoning Board of Appeals. The notice of appeal must specify the grounds for the appeal, including a specific reference to the terms of this chapter, state or federal law, or the state or federal constitution that the applicant believes were incorrectly applied.
  - (c) The Zoning Administrator shall transmit all the papers constituting the record upon which the action appealed from was taken to the Zoning Board of Appeals.
  - (d) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would in her/his opinion cause imminent peril to life or property. In that case, proceedings shall not be stayed unless the Zoning Board of Appeals or a court of record grants a restraining order on application. A restraining order requires the applicant to show due cause and to notify the Zoning Administrator.
  - (e) Notice. An appeal requires the following types of notice (See Sec. 28.181(5)):
    1. Mail – sent at least 10 days before the required public hearing.
    2. Publication - at least 7 days before the required public hearing.
  - (f) Scheduling. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal.
  - (g) Rendering the Decision. The Zoning Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the concurring vote of a majority of quorum, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from.
  - (h) Approval Criteria. The Zoning Board of Appeals may reverse or modify the decision appealed from if it determines that it is error based on the terms of this chapter, a lawful condition of approval established under this chapter, or a provision of a federal or statute or constitution.
    1. For appeals concerning increases in regional flood elevation the Board shall:
      - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases greater than 0.00 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
      - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase greater than 0.00 foot provided no other reasons for denial exist.
- (Am. by ORD-13-00086, 5-29-13)
- 2. For disputes concerning floodplain district boundaries:
    - a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the map scale, and 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 a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
    - c. If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the person contesting the boundary location to petition the Common Council for a map amendment.
- (6) Finality of Decisions of the Zoning Board of Appeals.
- All decisions and findings of the Zoning Board of Appeals are considered final administrative determinations, and are subject to judicial review as provided by law.

**28.206 FEES.**

The following fees are required for applications under this chapter. All fees shall be payable to the City Treasurer except where specified below.

Type of Action	Fee
Zoning map amendment, except for Planned Developments	\$950 plus \$100 for each acre of land in excess of one acre or fraction thereof, included in the proposed rezoning, up to a maximum of 20 acres or \$2,850
Zoning map amendment for Planned Development: General Development Plan or Specific Implementation Plan	\$1,500 plus \$200 for each acre of land in excess of one acre or fraction thereof, included in the proposed rezoning, up to a maximum of twenty acres or \$5,300
Alteration to a Planned Development General Plan or Specific Implementation Plan that requires Plan Commission approval	\$500
Conditional use application or major alteration to an approved conditional use for: <ul style="list-style-type: none"> <li>• multifamily complex</li> <li>• school</li> <li>• new construction or addition to existing building(s) that results in total square footage greater than 50,000 square feet in floor area and 25,000 or more square feet of floor area designed or intended for retail, hotel or motel use</li> <li>• new construction of a building, addition to any existing building or major alteration to the exterior face of a building in a [C4] [equivalent downtown] district</li> </ul>	\$950 plus one \$100 for each acre of land in excess of one acre or fraction thereof, up to a maximum of 20 acres or \$2,850
Other conditional use applications or major alteration to such approved conditional use	\$600 plus \$100 for each acre of land in excess of one acre or fraction thereof, up to a maximum of 20 acres or \$2,500
Minor alteration to a conditional use or a Planned Development General Development Plan or Specific Implementation Plan	\$100
Application for a demolition or removal permit	\$600, unless permit is issued in conjunction with a conditional use approval, in which case the fee for that application applies
Applications filed by the Common Council, the City Plan Commission, the Zoning Board of Appeals or pursuant to Wis. Stat. § 13.48, the State of Wisconsin	No fee
Conditional use application filed by any nonprofit, nongovernmental organization registered with the Department of Financial Institutions or by any neighborhood organization registered with the City Department of Planning and Community and Economic Development. When a question arises as to whether an organization is nonprofit, nongovernmental the City Attorney shall investigate and make a determination.	No fee
Conditional use application for the following conditional uses: <ul style="list-style-type: none"> <li>• Day care centers [includes adult day care]</li> <li>• Adaptive reuse of former public school or municipal buildings</li> <li>• Accessory greenhouses and swimming pool roofs or domes which infringe on required usable open space</li> <li>• Community service organizations; day treatment facilities</li> <li>• Development of parcels adjacent to landmarks, landmark sites or historic districts designated by the Landmarks Commission, provided that the use of the parcel is either a permitted or conditional use allowed in the zoning district in which the property is located</li> </ul>	No fee

Type of Action	Fee
Application for an extension to the time period for obtaining a building permit for a Planned Development under Sec. 28.097(6)	\$500
Request for a zoning certificate, excluding a Floodplain Statement or a Certificate of Occupancy	\$50
Request for a zoning letter, i.e., written documentation, by the custodian of the records, as to property zoning, permitted and conditional uses of the property and property status, or the existence of any outstanding orders on the property	\$10 for each item requested
Application for an appeal filed by, or on behalf of, the owner or owners of the property affected	\$200
Application for a variance filed by, or on behalf of, the owner or owners of the property affected	\$300
Building plan review fee. This fee is assessed by the Zoning Unit and collected by the Building Inspection Division of the Department of Planning and Community and Economic Development for the examination and approval of building plans of all new buildings and structures, additions and alterations, and for all other services authorized by the Common Council.	\$0.02 per square foot, minimum fee of \$25.00. The fee for building square footage is determined based on floor area measurements taken from outside of the building at each floor level, including the basement.
Temporary use permit	\$50 \$0 for community event
Site Plan Review fee	\$100 plus \$50 for each acre of land in excess of one acre, or fraction thereof, up to a maximum of 5 acres or \$300. Review of previously rejected site plan is 50% of original fee. \$50 maximum for governmental entities, schools, and non-profit, non-governmental organizations.

(Am. by ORD-13-00007, 1-15-13; ORD-13-00054, 4-24-13; ORD-13-00189, 11-26-13; ORD-15-00033, 4-8-15)

**28.207 PENALTIES.**

- (1) In General.  
Any person who violates any provisions of this chapter or fails to comply with any of its requirements shall upon conviction thereof be subject to a forfeiture of not less than one dollar (\$1.00) and not more than one thousand dollars (\$1,000). For a violation of any of the provisions of the floodplain regulations, Sections 28.121 through 28.126, the maximum forfeiture shall be fifty dollars (\$50). Each day or portion thereof such violation continues shall be considered a separate offense. (Am. by ORD-13-00086, 5-29-13)
- (2) Penalty for Failure to Provide Notice.  
Failure to comply with the notice requirements for posting of signs (See Sec. 28.181(5) shall subject the applicant to a forfeiture of at least fifty dollars (\$50) and no more than one hundred dollars (\$100). Failure to post or mail these notices does not affect the validity of the action taken.
- (3) Penalty for Failure to Comply With Demolition Standards.  
(a) Any person who fails to submit documentation of compliance with an approved reuse and recycling plan shall, upon conviction thereof, be subject to a forfeiture of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). Each day or portion thereof such violation continues shall be considered a separate offense.  
(b) Any person who fails to obtain a demolition or removal permit prior to the demolition or removal shall, upon conviction thereof, be subject to a forfeiture of not less than one thousand dollars (\$1,000) and not more than two thousand dollars (\$2,000). Each day or portion thereof such violation continues shall be considered a separate offense.
- (4) Penalty for Failure to Comply with Inspection.  
(a) Any person who shall fail or neglect to comply with any lawful order of the Director of the Building Inspection Division issued pursuant to the provisions of this chapter may be assessed seventy-five dollars (\$75) per compliance inspection, as defined in Sec. 27.03(2), MGO, that does not result in compliance with the order. A thirty-five dollar (\$35) charge may be assessed when an inspector fails to gain entry to carry out a compliance inspection.  
(b) The Department of Planning and Community and Economic Development shall keep an accurate account of all unpaid inspection fees incurred for compliance inspection services rendered and report the same to the Finance Director, who shall annually prepare a statement of these special charges attach lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a serial charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0627.



**SUBCHAPTER 28O: DEFINITIONS AND RULES OF CONSTRUCTION****28.210 RULES OF CONSTRUCTION.**

- (1) In the construction of this ordinance, the following rules shall be observed and applied, except where the context clearly indicates otherwise:
- (a) Words used in the present tense shall include the future.
  - (b) Words used in the singular number shall include the plural number, and the plural the singular.
  - (c) The words "shall," "must," and "will," are mandatory and not discretionary.
  - (d) The word "may" is permissive.
  - (e) The words "Director of the Department of Planning and Community and Economic Development", "Director of the Building Inspection Division", "Director of the Planning Division" and "Zoning Administrator" shall include any designee of those persons.
  - (f) All words not defined shall have their common meaning.
  - (g) If there is any ambiguity between the text of this ordinance and any caption or illustration, the text shall control.

**28.211 DEFINITIONS.**

A Zones. A Zones are those areas shown on the flood plain zoning maps which would be inundated by the "base flood" or "regional flood" as defined herein. Such areas may be numbered as AO, A1 to A30, A99 or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory Building or Structure. A subordinate building or structure, the use of which is clearly incidental to that of the main building and which is located on the same lot as the principal building, and is subordinate to the principal building in height and floor area.

Accessory Dwelling Unit. A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. This definition includes accessory buildings constructed in connection with a private garage or a private garage converted into a dwelling unit. (See Sec. 28.172, "Residential Building Forms.")

Accessory Retail Alcohol Sales. The accessory sales of alcohol at a retail establishment that holds a Class A license under Sec. 38.06(11). (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Accessory Use. See "Use, Accessory."

Addition. Any walled and/or roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall or foundation.

Adult Family Home. A State of Wisconsin licensed or certified place where three (3) or four (4) adults reside and receive care, treatment or services that are above the level of room and board and that may include up to seven (7) hours per week of nursing care per resident. Adult family homes are further defined in Wis. Stat. § 50.01(1).

Adult Entertainment Establishment. An adult entertainment establishment is an adult book or video store or an adult motion picture theater.

(a) Adult Book or Video Store. An establishment which is used for selling, renting or loaning, for monetary consideration, the following materials, when such activity constitutes a substantial or significant part of the business conducted therein:

1. Any pictures, photographs, drawings, motion picture films or similar visual representations or images of a person or portions of a human body which are distinguished or characterized by their emphasis on matters depicting, or describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein; or
2. Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in Paragraph 1. above.
3. Significant part of the business means dedication or use of more than ten percent (10%) of the available floor, wall and display space to the sale, rental or loan of the subject matter referenced in Paragraphs 1. and 2. above, including space devoted to the viewing

of videotapes or films, or display and advertisement of subject matter referenced herein in excess of ten percent of the total merchandise for sale, rental or loan.

4. Material, however distributed, which is published by a medical products manufacturer, a medical or health association, an insurance company, or by a consumer education organization shall not be considered part of the business of operating an adult book or video store.

5. Words used in this definition shall be defined as provided by Sec. 26.05(1).

- (b) **Adult Motion Picture Theater.** An establishment where motion picture films, shows or other presentations containing dominant themes related to “specified anatomical areas” or “specified sexual activities” are regularly shown as one of its primary or principal business purposes. (Am. by ORD-15-00025, 3-11-15)

**Adult Entertainment Tavern.** Any establishment, including those licensed to sell fermented malt beverages or intoxicating liquor pursuant to Chapter 38, of these ordinances, which is used for presentations or services distinguished or characterized by an emphasis on “specified anatomical areas” or “specified sexual activities” as defined herein.

**Agriculture, Animal Husbandry.** All operations primarily oriented to the on-site raising and/or use of animals, at an intensity of less than one animal unit per acre. Fish farms are considered animal husbandry land uses.

**Agriculture, Cultivation.** The use of land for growing or producing field crops, including field crops for consumption by animals located off-site or for tree farming or nursery operations.

**Agriculture, Intensive.** All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one (1) animal unit per acre, or agricultural activities requiring large investments in permanent structures.

- (a) To calculate number of animal units, use the most current Animal Units Calculation Worksheet of the Department of Natural Resources. This worksheet is used to determine whether an operation will reach or exceed one thousand (1,000) animal units, in which case a WPDES permit is required under Wis. Admin. Code ch. NR 243.

**AH Zone.** See “Area of Shallow Flooding.” (Cr. by ORD-14-00146, 9-12-14)

**Airport.** Any area of land which is used or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tiedown areas, hangars and other related building and open spaces.

**Alley.** A public right-of-way usually of reduced width compared to a street, which affords a secondary means of access to the side or rear of an abutting property and is not intended for general traffic circulation.

**Alteration.** For floodplain regulations, an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure. (Cr. by ORD-14-00146, 9-12-14)

**Animal Boarding Facility, Kennel, Animal Shelter.** Any lot or premises on which dogs, cats and other household pets are kept, boarded or raised for sale.

**Animal Day Care.** An establishment that provides care of dogs and other domestic pets for periods of less than twelve (12) hours a day.

**Animal Grooming Facility.** An establishment where domestic animals are bathed, clipped, or combed, including boarding for not more than forty-eight (48) hours incidental to the grooming services.

**Antenna.** Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**AO Zone.** See “Area of Shallow Flooding.” (Cr. by ORD-14-00146, 9-12-14)

**Archival Facilities, Publicly-owned.** A facility used for storage, research and restoration of historical documents, artifacts and similar items.

**Area of Shallow Flooding.** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three (1 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. (Cr. by ORD-14-00146, 9-12-14)

Artisan Workshop. A use primarily involving the limited on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment that does not exceed two (2) horsepower each or a single kiln not exceeding eight (8) cubic feet in volume and the incidental direct sale to consumers. Typical production includes: custom furniture, ceramic studios, glass blowing, candle making, custom jewelry, stained and leaded glass, woodworking, custom textile manufacturing and crafts production.

Artist, Photographer Studio. A use primarily involving the limited on-site production of art, including, but not limited to, paintings, drawings, prints, and photographs, the incidental direct sale of art to consumers, and the limited provision of art classes to the general public. (Cr. by ORD-16-00050, 5-25-16)

Assisted Living Facility. Housing primarily for the elderly in which assistance with daily activities, dining services, and limited health care are provided.

ATM (Automated Teller Machine). Machine for dispensing currency and providing electronic transactions and services but not including the sale or provision of other products. (Cr. by ORD-13-00147, 9-11-13)

Auto Body Shop. A shop in the business of making substantial repairs to the shell or body of any automobile. Such repairs may include substantial painting of the shell or body.

Auto Repair Station. A shop or business where the following services may occur: general motor vehicle repair; engine rebuilding or reconditioning of motor vehicles; and minor collision service. (Am. by ORD-17-00021, 2-20-17)

Auto Sales. An establishment providing wholesale and retail sales or leasing of new or used automobiles, trucks, trailers, boats, or outdoor recreational vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use. (Am. by ORD-15-00026, 3-11-15)

Auto Service Station. A place where gasoline, electricity, or any other automobile engine fuel, kerosene, motor oil, lubricants, grease (for operation of motor vehicles), or minor accessories are retailed directly to the public on the premises and/or where the servicing or minor repair of automobiles may occur. (Am. by ORD-17-00021, 2-20-17)

Auto Title Loan Business. Any person who makes a loan that is secured by an interest, other than a purchase money security interest, in the borrower's motor vehicle.

Awning. A roof-like cover, temporary in nature, which projects from the wall of a building and is fully supported by said wall.

Base Flood. A flood having a one percent (1%) chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM. (Am. by ORD-14-00146, 9-12-14)

Base Flood Elevation. The base flood elevation is that which reflects the height of the base flood as defined above.

Basement. That portion of a building which is included between the surface of a floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and the floor of which is wholly or partly below ground level. For the purposes of floodplain regulations, a basement is any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Bathroom. A room with lavatory, water closet and tub or shower.

Bed and Breakfast Establishment. A private residence that rents rooms as temporary lodging and which is the personal residence of the operator. (Am. by ORD-13-00185, 11-5-13)

Bedroom. Any room of a dwelling unit in excess of kitchens, bathrooms and one (1) living room, which meets the standards for habitability according to the Uniform Dwelling Code, Wis. Admin. Code chs. SPS 320-325, or the Uniform Multifamily Dwelling Code, Wis. Admin. Code ch. SPS 366.

Bicycle-Sharing Facility. Per Section 10.33, MGO, facility and all attachments and operational aspects thereto that are part of a bicycle-sharing program, including but not limited to, rental station, informational signs, bicycles, solar panels or other equipment attached to and necessary for the facility's operation.

Bicycle Parking, Long-Term. Bicycle parking that is designated for multiple-day or storage use.

Bicycle Parking, Short-Term. Bicycle parking that is designated for daily or intermittent use.

Blasting Resultants mean flyrock, airblast, and ground vibration as regulated by Wis. Admin. Code § SPS 307.44, as may be amended. (Cr. by ORD-17-00014, 2-20-17)

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of the corporate limits of the City.

Boathouse. As defined in Wis. Stat. § 30.121(1)(a), boathouse means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

Brewery. A facility used for the manufacture of fermented malt beverages or a fermented malt beverage manufacturer with a mechanized bottling capability.

Brewpub. An establishment which manufactures up to ten thousand (10,000) barrels of fermented malt beverages per calendar year on premises for consumption either on or off premises in hand-capped, machine-capped or sealed containers in quantities up to one-half barrel or 15-1/2 gallons sold directly to the consumer. May include food sales. (Am. by ORD-14-00094, 5-14-14)

Building. A structure with a permanent location on the land, having a roof that may provide shelter, support, protection or enclosure of persons, animals or property of any kind.

Building, Attached. A building joined to another building or structure by a shared wall.

Building, Completely Enclosed. A building separated on all sides from the adjacent open space, or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

Building Coverage. The proportion of the lot area expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.

Building, Detached. A building surrounded on all sides by open space on the same lot.

Building Envelope. The area of a lot between the front, side and rear setback lines, within which an allowed building or structure may be placed.

Building Material Sales. An establishment that sells or rents building supplies, construction equipment, or home decorating fixtures and accessories. This term does not include a lumberyard. (Am. by ORD-13-00007, 1-15-13)

Building, Mixed-Use. A building that houses multiple uses, which may include residential and nonresidential uses.

Building, Nonresidential. A building that houses no residential uses, with the exception of a caretaker's dwelling.

Building, Principal. A building in which the principal use of a lot is conducted.

Building, Residential. A building which is arranged, designed, used or intended to be used for residential occupancy by one or more families or lodgers, and which includes, but is not limited to, the following types:

- (a) Single-family detached dwellings.
- (b) Two-family detached dwellings.
- (c) Single-family attached dwellings.
- (d) Multiple-family dwellings.
- (e) Lodging houses.
- (f) Fraternity and sorority houses.

Bulk. Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another, and includes the following:

- (a) Size and height of buildings.
- (b) Location of exterior walls at all levels in relation to lot lines, streets or to other buildings.
- (c) Floor area of buildings in relation to lot area (floor area ratio). (Am. by ORD-15-00033, 4-8-15)
- (d) All open spaces allocated to buildings; and
- (e) Amount of lot area provided per dwelling unit or lodging room.

Bulkhead Line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stat. § 30.11 and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Business Sales and Services. An establishment primarily providing services to businesses or individual businesspeople on a fee or contract basis, including, but not limited to:

- (a) Business equipment and furniture sales or rental.
- (b) Copy center, excluding offset printing and publishing.
- (c) Commercial photography studio.
- (d) Mailing and packaging service.
- (e) Building maintenance, janitorial.

Campground. Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

Camping Unit. Any portable device, no more than four hundred (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. (Am. by ORD-14-00146, 9-12-14)

Capacity in Persons. The maximum number of persons that can avail themselves of the services or goods of an establishment or use at any one time, as determined by the required floor space per person as established in the Building Code.

Car Wash. An establishment where washing, drying, polishing, or vacuuming of an automobile or other motor vehicle is done by service personnel, the driver, or by automated machinery.

Cartage Establishment. A business engaged in the hauling and moving of goods.

Catering. A business that prepares food and beverages to be delivered off premises for consumption at a social, business, or civic function and may also provide service at the function.

Central Area. The central area shall mean all lands located in that area bounded by Blair Street to the northeast; the shoreline of Lake Monona to the southeast; Proudfit Street and Regent Street to the south; Park Street, University Avenue and Lake Street to the west; and the shoreline of Lake Mendota to the northwest (also known as Capitol Square and W-1 Plan Districts).

Central Area Zone 1. All the lands located in that part of the Central Area bounded by Lake Mendota, the northern prolongation of Butler Street, Gilman Street, Broom Street, Dayton Street, Park Street, University Avenue, and Lake Street Channel.

Certificate of Compliance. 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 ordinance.

Change of Use. A change in the use of a property from one land use category to another, or the addition of a new use category to an existing use.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

City. The City of Madison, Wisconsin.

Civic Auditorium Complex. A site consisting of a parcel of land under the ownership or control of the City of Madison, for one or more civic auditoriums, theatres, art centers, music halls, convention or community centers and assembly halls including, without limitation, parking and dining facilities and other related or accessory buildings, facilities and uses. Such site may include lake bed and air rights over contiguous property.

Class 1 Collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification. (Cr. by ORD-13-00189, 11-26-13)

Class 2 Collocation. The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support for the facility or engage in substantial modification. (Cr. by ORD-13-00189, 11-26-13)

Clinic, Health. A building in which a group of physicians, dentists, or other health care professionals are associated for the purpose of carrying on their professions. The clinic may include an accessory laboratory, but not inpatient care or operating rooms for major surgery.

Coffee Shop, Tea House. An establishment engaged principally in the sale of coffee, tea, and other nonalcoholic beverages for consumption on the premises or for carryout, which may also include the sale of a limited number of food items.

Cohousing Community. A living arrangement that combines private living quarters with common dining and activity areas in a community whose residents share in tasks such as childcare. Living quarters may range from detached units to townhouses or multifamily units, but do not include lodging rooms.

College, University, or Similar Institution of Higher Learning. An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and not operated for profit, which operates in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities, but not including colleges or trade schools operated for profit.

Co-location. The provision of multiple antennas of more than one commercial wireless communication service provider or government entity on a single tower or structure.

Commercial Use. A use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.

Community Event. An occasional or seasonal outdoor event operated by a government entity and open to members of the general public. (Cr. by ORD-13-00054, 4-24-13)

Community Living Arrangement. Community living arrangement is any facility licensed or operated by the State of Wisconsin Department of Health and Family Services, including child welfare agencies, group homes for children, foster homes, treatment foster homes, and community based residential facilities, where care, treatment or services above the level of room and board but less than skilled nursing care are provided to persons residing in the facility. Such care, treatment or services are provided as the primary function of such facility. Adult family homes, day care homes, nursing homes, general hospitals, special hospitals, prisons, jails and foster family homes that are the primary domiciles of a foster parent and four (4) or fewer children are not community living arrangements for purposes of this ordinance.

Community Garden. An area of land or space managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Composting. The purposeful biodegradation of organic matter, such as yard and food waste.

Concrete, Asphalt, and Rock Crushing Facility. A use in which the principal activity is the processing, handling, sale and transport of concrete, asphalt, rock, brick, cement, or other similar paving or building materials.

Congregate Care Facility. A facility with private living quarters, centralized dining, some communal space and transportation, social, and some personal-care services.

Contractor's Businesses with Showroom or Workshop. Office of a contractor, builder, painter, etc. that includes an enclosed showroom for display of samples, appliances, supplies, and other materials used in the business and/or an enclosed workshop for limited assembly or preparation of building materials.

Contractor's Yard. An establishment providing general contracting or building construction services, including outdoor storage of machinery or equipment.

Convenience Store. An establishment where motor fuel products or other minor accessories are retailed directly to the public on the premises, in combination with sale of items typically found in a convenience market or supermarket.

Convent, Monastery or Similar Residential Group. A place of residence for members of a religious order who carry on religious, medical, educational or charitable work within related or unrelated institutions.

Correctional Facility. A public or private facility providing for the confinement of juvenile or adult offenders, for the incarceration, confinement, rehabilitation or detention of individuals arrested or convicted of a crime.

Counseling/Community Service Organization. An organization that provides social services, including day treatment services.

Courtyard. Space on a building with three (3) or more sides, open to the sky, with direct access to a point of ingress or egress for a building.

Crawlways/Crawl Space. An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for access to plumbing and electrical utilities.

Curb Level. The level of the established curb in front of any building measured at the center of the building's front. Where no curb elevation has been established, the City Engineer shall establish such curb elevation.

Cutting of Timber, Clear Cutting. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising more than thirty percent (30%) of the woodlands on the property. Clear cutting does not include timber harvesting for commercial purposes.

Cutting of Timber, Selective. One-time, cumulative or continuous clearing, cutting or other destruction of trees (including by fire) comprising less than or equal to thirty percent (30%) of the woodlands on the property.

Day Care Center. A facility licensed by the State Department of Health and Family Services, or any other government agency that assumes its authority and responsibility, in which qualified persons, other than a relative or guardian provide care and supervision for children, adolescents, or adults for less than twenty-four (24) hours per day. Day Care Centers include nursery schools that are similarly licensed.

Day Care Home, Family. An occupied residence in which a qualified person or persons residing in the dwelling provides care for four (4) to eight (8) children or adults. The care of fewer than four (4) people is not subject to the regulations of this Chapter.

Daytime Shelter. A place of assembly operated by a religious institution or nonprofit organization, open to the public during typical daytime hours, that provides food or supportive services, but which shall not provide lodging. (Cr. by ORD-14-00115, 7-11-14)

Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Demolition. An act or process that removes, pulls down, tears down, razes, deconstructs, or destroys an existing building wall facing a public street or, during any ten (10) year period, removes, pulls down, tears down, razes, deconstructs or destroys fifty percent (50%) or more of the area of the exterior walls of a building. This provision does not apply to the repair or replacement of windows, doors, or siding.

Dependency Living Arrangement. A living arrangement which permits a person with a physical or mental disability to live in a temporary separate living area within a single-family dwelling unit or permits a relative or paid attendant of a person with such a disability to live in a temporary separate living area within a single-family dwelling unit. Such living area may include a separate bath and separate kitchen facilities which permit a degree of independence. Ingress and egress for such a living area is from within the principal dwelling unit.

Development. Any man-made 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 substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Director. The Director of Planning and Community and Economic Development.

Distillery/Winery. A facility that produces, by distillation, spirits for consumption, the sale and distribution of which are regulated by law.

Dormer. A structure projecting through a sloping roof that contains a window or opening. (Am. by ORD-13-00144, 9-11-13)

Dormitory. A building designed for or used as group living quarters for students of a high school, college, university or seminary, organized and owned by a high school, college, university or seminary.

Drainage System. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dry Cleaning Plants, Commercial Laundry. An establishment that launders or dry cleans fabric, textiles, wearing apparel, or similar articles, including drop-off of articles by customers or cleaning of articles dropped off at other locations.

Dryland Access. 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.

Dwelling. A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels or other accommodations for the transient public, lodging houses, housing cooperative or other group living arrangements.

Dwelling Types.

(a) Dwelling, Single-Family Detached. A building designed exclusively for and occupied exclusively by one (1) family in one (1) dwelling unit, with yards on all sides.

- (b) **Dwelling, Two-Family – Two-Unit.** A building containing two dwelling units that generally are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
- (c) **Dwelling, Two-Family – Twin.** A single-family dwelling which is attached on one side to another single-family dwelling with a common side wall, each of which may be located on an individual lot.
- (d) **Dwelling, Three-Family, or “Three-Unit.”** A building containing three (3) dwelling units that are vertically stacked one above the other, with a separate entrance to each unit and with yards on all sides.
- (e) **Dwelling, Single-Family Attached.** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having totally exposed front and rear walls to be used for access, light and ventilation.
- (f) **Dwelling, Multi-Family.** A building, or portion of a building, designed exclusively for occupancy by four (4) or more families living independently of each other in individual dwelling units. (See also “Residential Building Complex”) (Am. by ORD-13-00134, 8-14-13)

**Dwelling Unit.** One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and a complete kitchen facility, permanently installed, shall always be included with each dwelling unit. No dwelling unit may have more than one kitchen facility except that a single-family detached dwelling may have more than one kitchen facility provided the dwelling is designed, arranged or used as living quarters for one family only. For purposes of this exception, the family shall not include roomers.

**Electric Power Production.** A facility that produces electric energy, including heating and cooling plants. District electric energy production is a facility that produces power for multiple users.

**Electric Power Production and/or Heating and Cooling Plant.** A facility that, regardless of fuel or energy source, is operated by a public utility or independent power producer and whose primary function is the provision of electricity to the electric distribution system.

**Electric Substation.** An assemblage of equipment, at a location other than where power is produced, through which electric energy in bulk is passed for the purposes of switching or modifying its characteristics to meet the needs of consumers.

**Emergency Electric Generator.** An electric generator capable of providing electricity for on-site or off-site use, that powered by internal combustion engines which are fueled by gaseous fuels, gasoline or distillate fuel oil and whose purpose is to provide electricity if normal electrical service is interrupted.

**Encroachment.** Any fill, building, structure or use (including an accessory use) in the floodway.

**Encroachment/Floodway Lines.** Encroachment/floodway lines are limits of obstruction to flood flows. These lines are on both sides of and generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that they will not be available to convey flood flows.

**Entrance, Principal.** The building entrance which faces the front lot or is closest to the front lot line and which entrance provides direct access to the principal use.

**Environmental Control Facility.** Any facility, temporary or permanent, which is designed 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.

**Equal Degree of Hydraulic Encroachment.** The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

**Equipment Building, Shelter or Cabinet.** A cabinet or building used to house equipment.

**Equipment Compound.** An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities. (Cr. by ORD-13-00189, 11-26-13)

**Establishment, Business.** A place of business carrying on operations which are physically separate and distinct from those of any other place located on the same zoning lot.

**Existing Structure.** For the purposes of mobile service facilities, existing structure means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision. (Cr. by ORD-13-00189, 11-26-13)

Fall Zone. The area over which a mobile support structure is designed to collapse. (Cr. by ORD-13-00189, 11-26-13)

Family.

(a) A family is an individual, or two (2) or more persons related by blood, marriage, domestic partnership, or legal adoption, living together as a single housekeeping unit in a dwelling unit, including foster children, and up to four (4) roomers, with the following exceptions:

1. Within the SR-C1, SR-C2, SR-C3, TR-C1, TR-C2, TR-C3, TR-C4, TR-R and TR-P residential districts, dwellings that are not owner-occupied are limited to one (1) roomer.
2. In any residence district, a family may consist of two (2) unrelated adults and the minor children of each. Such a family may not include any roomers except where the dwelling unit is owner-occupied. For the purpose of this section, "children" means natural children, grandchildren, legally adopted children, stepchildren, foster children, or a ward as determined in a legal guardianship proceeding.
3. In any district, a family also may consist of up to four (4) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability and require assistance from a caregiver.
4. In any district, up to two (2) personal attendants who provide services for family members or roomers who are disabled or handicapped under the FHAA or ADA and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, house-keeping, meal preparation, laundry or companionship.

(b) For the purpose of this definition, an owner-occupied dwelling unit shall mean any dwelling unit where an individual or two or more persons who reside in such unit constitute one hundred percent (100%) of the owners of either the entire fee simple interest or the entire land contract vendee's interest in said dwelling unit.

Provided, however, dwelling units occupied by owner-occupants holding less than one hundred percent (100%) interest in the fee simple shall nonetheless be considered owner-occupied for the purposes of this definition where the remainder of said interest is held by an investor pursuant to a shared equity purchase arrangement and the owner-occupant has continuously resided in said dwelling unit for at least four (4) years;

(c) Absence of any owner from the dwelling unit for health reasons or by virtue of a marital separation or divorce or any temporary absences of any owner from the dwelling unit shall not constitute a reduction in the number of owners who reside in such unit for the purpose of determining whether such unit continues to be owner-occupied.

Farm Stand. An open air stand for the seasonal sale of agricultural produce produced on the same property.

Farmers Market. An indoor or outdoor establishment involving sale of farm products, personally prepared food and handcrafted goods as defined in Sec. 9.13(6)(e), MGO. May include concurrent special events, including cooking demonstrations, activities for children, and small scale theatrical, musical and educational presentations.

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program.

Fence. A structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, brick, stone or other manufactured material or combination of materials erected to enclose, screen or separate areas. Structures designed to enclose recreational facilities, such as tennis courts or backstops, shall not be considered fences. (Am. by ORD-14-00001, 1-14-14)

Fence, Ornamental. A fence that is no more than fifty percent (50%) opaque.

Fence, Screening. A fence that is more than fifty percent (50%) opaque. (Cr. by ORD-14-00001, 1-14-

14)

Fence, Solid. A fence that is at least ninety percent (90%) opaque.

Fissile Material. Any material fissionable by thermal (slow) neutrons. The five primarily fissile materials are uranium-233, uranium-235, plutonium-238, plutonium-239 and plutonium-241.

Fissionable Non-Fissile Material. Any material that can be fissioned by fast neutrons or lacking uranium-233, uranium-235, plutonium-238, plutonium-239 or plutonium-241.

Fixed Houseboat. As defined in Wis. Stat. § 30.121(1), a structure not actually used for navigation 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.

Flood Frequency. 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 percent (%) chance of occurring in any given year.

Flood Fringe. That portion of the floodplain between the regional flood limits and the floodway.

Flood Insurance Rate Map (FIRM). A map of a community 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. (Am. by ORD-14-00146, 9-12-14)

Flood Insurance Study. 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.

Flood or Flooding. 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; or
- (b) The rapid accumulation or runoff of surface waters from any source; or
- (c) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- (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.

Flood Profile. A graph showing the relationship of the water surface elevation of a flood event to a location along a river that generally is expressed as a distance upstream from a designated point on a stream or river.

Flood Protection Elevation. The flood protection elevation shall correspond to a point two (2) feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines.

Flood Storage. Flood storage means those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

Floodplain. The land adjacent to a body of water which has been or may be hereafter covered by flood water including but not limited to the regional flood; it includes the floodway and flood fringe.

Floodplain Island. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodproofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.

Floor Area. The sum of all gross horizontal areas under the roof of a building. The floor area of a building includes, but is not limited to:

- (a) Basement floor space.
- (b) Elevator shafts and stairwells at each floor.

- (c) Floor space used for mechanical equipment, except equipment, open or enclosed, located on the roof.
- (d) Penthouses, attic space used for human occupancy, interior balconies and mezzanines.
- (e) Enclosed porches;
- (f) Floor area devoted to accessory uses;<sup>1</sup>
- (g) Areas used for grade-level parking.

When calculating floor area for determining off-street parking requirements, common areas shall be divided proportionately according to the usage of the building. (Am. by ORD-15-00033, 4-8-15)

Floor Area Ratio (F.A.R.). The floor area of the building or buildings on a zoning lot divided by the area of the zoning lot. Maximum floor area ratio, where specified in this ordinance, limits the total floor area of both principal and accessory buildings in direct ratio to the area of the zoning lot.

Food and Related Goods Sales. An establishment required to be licensed under Wis. Stats. § 97.30, and all other commercial enterprises, fixed or mobile, where food is processed or sold or offered for sale at retail. It includes retail grocery stores, meat markets, poultry markets, fish markets, delicatessens, bakeries, candy stores, catering establishments, ice cream shops, cheese stores, convenience marts, milk cases, spice and herb shops, temporary retail food establishments and all other establishments where food is processed or sold or offered for sale at retail.

Fraternity or Sorority House. A building used as group living quarters for students of a college, university, or seminary, who are members of a fraternity or sorority that has been officially recognized by the college, university, or seminary.

Freeboard. Freeboard is a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.

Frontage. The relationship between the front facade of a building and the abutting street, encompassing the placement of the building and its entrances, and the treatment of front setback areas.

Front Façade. The wall of building closest to the street that separates interior living spaces from exterior. An open porch without living space above it shall not be considered a front façade. For buildings on corner or through lots, the front façade is usually that façade that fronts the street of higher classification.

Garden Center. An establishment that includes indoor and outdoor retail sales of plants not grown on the site, lawn furniture and garden supplies.

Greenhouse, Nursery. An establishment whose principal activity is the sale of plants grown on the site, which may include outdoor storage, growing or display, and may include sales of lawn furniture and garden supplies.

Health/Sports Club, Fitness Center or Studio. An establishment for the conduct of indoor sports and exercise activities, which may include related locker and shower rooms, offices and classrooms, and where use is offered on a membership basis.

Heavy-Traffic Vehicle. Any commercial motor vehicle having a gross weight of more than eight thousand (8,000) pounds designed or intended to be transported upon a highway. (Cr. by ORD-14-00037, 3-6-14)

**Heavy-Traffic Vehicle Sales.** An establishment providing wholesale and retail sales or leasing of new or used Heavy-Traffic Vehicles, including outdoor sales area, incidental storage and maintenance and warranty repair work, or other repair service conducted as an accessory use. (Cr. by ORD-15-00026, 3-11-15)

**Hedge.** A row of closely planted shrubs or low-growing trees, forming a boundary or barrier, installed to enclose, screen or separate areas. (Cr. by ORD-13-00148, 9-11-13)

**Hedge, Ornamental.** A hedge that is no more than fifty percent (50%) opaque. (Cr. by ORD-13-00148, 9-11-13)

**Hedge, Screening.** A hedge that is more than fifty percent (50%) opaque. (Cr. by ORD-14-00001, 1-14-14)

**Hedge, Solid.** A hedge that is at least ninety percent (90%) opaque.

**High Flood Damage Potential.** Damage that 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. (Cr. by ORD-13-00148, 9-11-13)

**Historic Structure.** Any structure that is either:

- (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; or
- (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; or
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

**Home Occupation.** An office or studio, service business or limited production of goods within a dwelling unit by a resident of the dwelling, provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes.

**Hospital.** An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

**Hostel.** A place where transient guests may stay for a limited duration, for compensation, as recognized by the Hostelling International organization. Typically includes shared cooking facilities and dormitory-style accommodations.

**Hotel, Inn.** A building containing rooming units providing temporary lodging accommodations (less than 30 days duration) to the general public, with rooms having access to the outside through an interior hallway connected to the main lobby of the building and which may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

**Housing Cooperative.** A residential occupancy where one-hundred percent (100%) of the ownership is held by a Cooperative Corporation organized under Wis. Stat. ch. 185, for the purpose of residential living where the residents share common areas and cooking, dining, and maintenance duties. All residents shall be members of the Cooperative Corporation.

**Increase in Regional Flood Height.** 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.

Junkyard. A junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles and unlicensed or inoperable motor vehicles and parts thereof. A junkyard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.

Kennel. See "Animal Boarding Facility, Kennel, Animal Shelter."

Kitchen Facility. A kitchen facility is one which includes kitchen fixtures such as cabinets, sinks, refrigerators and stoves, or articles used or intended to be used for cooking.

Laboratories for Research, Development and Testing. Establishments which conduct research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; or establishments conducting educational or medical research or testing. May include limited accommodations for researchers or research subjects.

Laboratory Scale. Work with substances in which the containers used for reactions, transfers, and other handling of substances are designed to be easily and safely manipulated by one person and in containers, in quantities no greater than their original shipment quantities. Laboratory scale excludes those workplaces whose function is to produce commercial quantities of materials.

Limited Production and Processing. Uses that produce minimal off-site impacts due to their limited nature and scale, are compatible with office, retail and service uses, and may include wholesale and off-premises sales. Limited production and processing includes, but is not limited to, the following:

- (a) Apparel and other finished products made from fabrics.
- (b) Blueprinting.
- (c) Computers and accessories, including circuit boards and software.
- (d) Electronic components, assemblies, and accessories.
- (e) Film, video and audio production.
- (f) Food and beverage products, except no live slaughter, grain milling, cereal, vegetable oil or vinegar processing.
- (g) Jewelry, watches and clocks.
- (h) Milk, ice cream, and confections.
- (i) Musical instruments.
- (j) Novelty items, pens, pencils, and buttons.
- (k) Precision dental, medical and optical goods.
- (l) Signs, including electric and neon signs and advertising displays.
- (m) Toys.
- (n) Wood crafting and carving.
- (o) Wood furniture and upholstery; and
- (p) Wholesale production of foods. (Cr. by ORD-15-00124, 11-11-15)

Limousine. Any of the various large passenger vehicles, especially a luxurious motor vehicle, usually driven by a chauffeur and sometimes having a partition separating the passenger compartment from the driver's seat.

Liquor Store. An establishment in which the principal use is the sale of alcohol and which holds a Class A license for liquor or beer. (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Live/Work Unit. A dwelling unit in combination with a shop, office, studio, or other work space within a mixed-use building, where the resident occupant both lives and works.

Lodge or Club, Private. A nonprofit association of persons who are bona fide members paying annual dues, which owns, hires or leases a building, or space within a building, which is restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at their annual meeting.

Lodging House. A house that contains a minimum of five (5) lodging rooms where paying guests are provided with lodging on a monthly or longer-term basis. (Am. by ORD-16-00049, 5-25-16)

Lodging Room. A room rented as sleeping and living quarters, but without kitchen facilities, and with or without an individual bathroom. In a suite of rooms without kitchen facilities, each room which provides sleeping accommodations shall be counted as one lodging room for the purpose of this ordinance. A lodging room

designed for more than two (2) people shall be counted as one lodging room for each two (2) persons of total occupancy, for open space, park impact fee and parking requirements. (Am. by ORD-16-00073, 9-15-16)

Lot. A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

Lot Area. The area of a horizontal plane bounded by the front, side and rear lot lines, excluding any wetland area or any area dedicated or reserved by easement to the public for stormwater management. (Am. by ORD-17-00017, 2-20-17)

Lot, Corner. A lot of which at least two (2) adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its point of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage. The total area of all buildings, measured at grade, all accessory structures including pools, patios, etc., and all paved areas as a percentage of the total area of the lot, with the following exceptions: sidewalks or paved paths no wider than five (5) feet, pervious pavement, green roofs and decks.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Lot Line, Front. The boundary of a lot which abuts an existing, dedicated or officially mapped street or a park per Sec. 28.135(2). In the case of lot abutting more than one street, the owner may choose any street lot line as the front lot line, with the consent of Zoning Administrator, based on the effects of such choice on development of the lot itself or on adjacent properties. (Am. by ORD-13-00176, 10-23-13)

Lot Line, Rear. That lot line which is opposite and most distant from the front lot line. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line. In the case of an irregular lot, the Zoning Administrator shall select a line or lines generally opposite the front lot line for the purpose of providing a rear lot line across the entirety of the lot. (Am. by ORD-17-00035, 3-29-17)

Lot Line, Side. Any lot line that is not a front lot line or a rear lot line.

Lot, of Record. A lot that is part of a subdivision or certified survey map recorded in the Office of the Dane County Register of Deeds; or a parcel of land, the deed to which was recorded in the office of the Dane County Register of Deeds. Any lot or parcel of land created through the violation of any applicable laws or ordinances of the state of Wisconsin and the City of Madison shall not, in this instance, be considered a lot of record.

Lot, Reversed Corner. A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. A lot having a pair of opposite lot lines along, and access to, two (2) more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required structure setback line.

Lot, Zoning. A planned multi-use site or a lot or lots that comprise a single tract of land located within a single block which, at the time of filing for a building permit, is to be used, developed or built upon as a unit. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

Lowest Adjacent Grade. For purposes of floodplain regulations, the elevation of the lowest ground surface that touches any of the exterior walls of a building. (Cr. by ORD-14-00146, 9-12-14)

Lowest Floor. For purposes of floodplain regulations, 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. (Cr. by ORD-14-00146, 9-12-14)

Lumberyard. A facility where building materials, such as lumber, plywood, drywall, paneling, cement building products, and other building products are stored and sold. Lumberyards also may process lumber by performing millwork, planing, cutting, and other customizing processes. Lumberyards may provide for the sale of associated products, including tools and fasteners.

Machinery Equipment Sales and Service. An establishment providing wholesale or retail sales or rental of industrial, construction and/or agricultural equipment, including storage, inventory display, maintenance, servicing or repair. (Cr. by ORD-13-00055, 4-24-13; ORD-15-00014, 1-28-15)

Maintenance. For purposes of floodplain regulations, 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 structures. (Cr. by ORD-14-00146, 9-12-14)

Manufactured Home Park or Subdivision, Existing. A parcel of land, divided into two (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. 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.

Manufactured/Mobile Home Park, Expansion. 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.

Manufacturing, General. 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. Some activities may occur outside of enclosed buildings. This term includes, but is not limited to:

- (a) Animal, poultry slaughter or processing facility. Processing of byproducts from industrial operations
- (b) Processing and packaging of alcohol beverages.
- (c) Chemical manufacturing.
- (d) Stonework or concrete product manufacturing.
- (e) Fabrication of metal products.
- (f) Manufacturing of agricultural, construction or mining machinery.
- (g) Motor vehicle manufacturing.
- (h) Lumber milling.
- (i) Paper manufacture.

Manufacturing, Light. 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. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food (not including meat and fish products), beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.

Market Garden. An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, to be sold for profit

Massage Therapy. A profession in which the practitioner applies massage techniques, and may apply adjunctive therapies, with the intention of positively affecting the health and well-being of the client. Massage therapy does not include diagnosis, except to the extent of determining whether massage therapy is indicated. Further, "massage" is manual manipulation of the human body, including holding, positioning, causing movement, and applying touch and pressure to the body; "therapy" is action aimed at achieving or increasing health and wellness; "adjunctive therapies" may include (1) application of heat, cold, water, mild abrasives, topical preparations not classified as prescription drugs, (2) the use of mechanical devices and tools which mimic or enhance manual actions and (3) instructed self care and stress management.

Mission House. A facility operated by a religious institution or nonprofit organization that provides lodging. May also include the provision of meals, worship services, or other supportive services. (Am. by ORD-14-00015, 7-11-14)

Mobile Grocery Store. A vehicle designed for over-the-road hauling that has been modified to sell groceries inside and that moves among sites on zoning lots on a daily basis.

Mobile Home, Manufactured Home. 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. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

**Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (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 is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

**Mobile Service.**

A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes

- (a) Both one-way and two-way radio communication services,
- (b) A mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and
- (c) Any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.

(Cr. by ORD-13-00189, 11-26-13)

**Mobile Service Facility.** The set of equipment and network components, including antennas, transmitters receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure. (Cr. by ORD-13-00189, 11-26-13)

**Mobile Service Provider.** A person who provides mobile service. (Cr. by ORD-13-00189, 11-26-13)

**Mobile Service Support Structure.** A freestanding structure that is designed to support a mobile service facility. See also, "Telecommunications Tower" (Cr. by ORD-13-00189, 11-26-13)

**Model, Corrected Effective.** 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. (Cr. by ORD-14-00146, 9-12-14)

**Model, Duplicate Effective.** A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model. (Cr. by ORD-14-00146, 9-12-14)

**Model, Effective.** The hydraulic engineering model that was used to produce the current effective Flood Insurance Study. (Cr. by ORD-14-00146, 9-12-14)

**Model, Existing (Pre-Project).** 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. (Cr. by ORD-14-00146, 9-12-14)

**Model, Revised (Post-Project).** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions. (Cr. by ORD-14-00146, 9-12-14)

**Motel.** A building containing rooming units designed primarily for providing sleeping accommodations for transient and semi-permanent lodgers, with rooms having a separate entrance providing direct access to the outside and with automobile parking located adjacent to or near sleeping rooms. A maximum of fifty percent (50%) of a motel's rooming units may be occupied by non-transient guests (30 days or more).

Motor Freight Terminal. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

Motor Vehicle Salvage Yard, Scrap Yard. A facility where used motor vehicles and vehicle parts are sorted, stored, dismantled, assembled, and distributed, including wholesale and retail sales of such materials. Scrap or salvage materials include, but are not limited to, scrap iron and other metals, rubber tires, plastics, and other material which has been a part of or is intended to be a part of a motor vehicle.

Motorcycle and Moped Sales. An establishment providing wholesale or retail sales or rental of motorcycles and mopeds, including storage, maintenance, servicing, repair, outdoor display, and may also include accessory retail sales. (Cr. by ORD-15-00026, 3-11-15)

Municipality/Municipal. When used in the floodplain regulations, Secs. 28.121 through 28.126, means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

National Geodetic Vertical Datum (NGVD). Elevations referenced to mean sea level datum, 1929 adjustment.

Natural Grade. The grade of a site before it is modified by moving earth, adding or removing fill, or installing a berm, retaining wall or other earthwork feature. Natural grade is determined by reference to a survey, or other information as determined by the zoning administrator.

Navigable Waters. All natural inland lakes, and all streams, ponds, sloughs, flowages and other waters which are navigable under the laws of this state. Under Wis. Stat. § 144.26(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. § 62.231, and Wis. Admin. Code ch. NR 117, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river.
- (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (c) Such lands are maintained in nonstructural agricultural use.

New Construction. For the purpose of floodplain regulation only, means structures for which the start of construction commenced on or after the effective date of the floodplain zoning maps adopted 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.

Nightclub. An establishment in which fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11) but does not include kitchen facilities. (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Nonconforming Building. Any building which:

- (a) Does not comply with all of the regulations of this ordinance or any amendment hereto governing bulk for the zoning district in which such building is located; or
- (b) Is designed or intended for a nonconforming use.

Nonconforming Use. Any principal use of land or buildings which does not comply with all the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

Nonmetallic Mineral. Nonmetallic mineral means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, beryl, diamond, clay, feldspar, peat, talc and topsoil. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining. Nonmetallic mining means:

- (a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, or plant nursery stock, or the removal of products or commodities for the primary purpose of constructing a building.
- (b) Processes carried out at a nonmetallic mining site related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping, and dewatering.
- (c) Processes carried out at a nonmetallic mining site related to the preparation or processing of mineral aggregates or nonmetallic minerals or construction materials (such as asphalt shingles and metal rebar) obtained from outside the mining site. These processes include, but are not limited to, recycling, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals or construction materials, crushing, screening, and dewatering.

(Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Operator. Nonmetallic mining operator means any person who is engaged in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Reclamation. Nonmetallic mining reclamation means the rehabilitation of a nonmetallic mining site to achieve a land use specified in an approved nonmetallic mining reclamation plan, including removal or reuse of nonmetallic mining refuse, grading of the nonmetallic mining site, removal, storage and replacement of topsoil, stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and, if practicable, the restoration of plant, fish and wildlife habitat. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Refuse. Nonmetallic mining refuse means waste soil, rock and mineral, as well as other natural site material resulting from nonmetallic mining. (Cr. by ORD-17-00014, 2-20-17)

Nonmetallic Mining Site. Nonmetallic mining site means the area zoned as a nonmetallic mineral extraction district. (Cr. by ORD-17-00014, 2-20-17)

Nonprofit. A group, often a corporation, organized for purposes other than generating profits; for example, a charitable, educational, religious, or scientific organization, the income of which is exempt from taxation under the Internal Revenue Code. When used with respect to a recreational building or community center, "nonprofit" means a facility owned or operated by a nonprofit corporation or association.

North American Vertical Datum (NAVD). Elevations referenced to mean sea level datum, 1988 adjustment.

Obstruction to Flow. 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.

Office, Professional and General. Use of a building for administrative, executive, professional, research, or similar organizations. 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, firms providing architectural, computer software consulting, data management, engineering, interior design, graphic design, or legal services.

Official Letter of Map Amendment. A notification from the Federal Insurance Administration of the U. S. Federal Emergency Management Agency that a Flood Hazard Boundary Map or Flood Insurance Study Map has been amended.

Ordinary High Water Mark. 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.

Outdoor Cooking Operation. Outdoor preparation of food, including by grilling or smoking, as an accessory use of a restaurant, grocery store, catering business, or other use that prepares food for consumption by the public. (Cr. by ORD-13-00178, 10-23-13)

Outdoor Display. The display of goods for sale or rental outside of an enclosed building on a permanent or recurring basis.

Outdoor Sales Events. A seasonal or occasional sale held on the sidewalk or other location outside a building.

Outdoor Storage. Permanent storage of goods, materials, equipment or service vehicles outside of an enclosed building. Off-street parking is not considered "outdoor storage."

Parking Facility. An area used for parking vehicles and includes parking lots and parking structures.

Parking Facility, Private. A parking facility owned or operated by any entity other than the City of Madison.

Parking Facility, Public. A parking facility owned and/or operated by the City of Madison.

Parking Lot. A one-level, surfaced, open-to-the-air area used for parking vehicles.

Parking Structure. A multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

Payday Loan Business. Any person licensed pursuant to Wis. Stat. § 218.05, or a person licensed pursuant to Wis. Stat. § 138.09, who accepts a check, holds the check for a period of time before negotiating or presenting the check for payment, and pays to the issuer an agreed-upon amount of cash, or who refinances or consolidates such a transaction.

Peer Run Respite Facility. A facility operated by a religious institution or non-profit organization which offers short-term lodging, peer support and non-medical services for individuals living with mental health or substance use concerns. (Cr. by ORD-16-00069, 8-13-16)

Person. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Personal Wireless Services. Commercial mobile services, unlicensed wireless services and common carrier wireless exchange services as now defined in 47 U.S.C. 332 § (7)(C), as the same may be amended from time to time.

Pervious Pavement. Pavement that is designed and maintained to allow precipitation to infiltrate into the ground, in order to reduce the volume and velocity of stormwater runoff. Pervious pavement materials include pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick

Physical, Occupational or Massage Therapy. An establishment where licensed professional therapists provide services to clients on an outpatient basis.

Place of Worship. A facility where people regularly assemble for religious worship and any incidental religious education which is maintained and controlled by a religious body.

Planned Multi-Use Site. A specified area of land comprised of one or more contiguous ownership parcels or building sites that share access and circulation or off-street parking. (Am. by ORD-15-00012, 1-28-15)

Porch. A floor-like platform structure with a roof-like covering, attached to the exterior walls of the building and extending from the structure, and which may be enclosed by screen, latticework, windows or other similar materials.

Portable Shelter Mission. An accessory use of a religious institution or a nonprofit organization which hosts, without compensation, outdoor overnight sleeping in tents or in other temporary portable shelters, may provide meals, and shall offer or provide worship services or supportive services. A Portable Shelter Mission may charge guests a one-time application fee. (Cr. by ORD-13-00177, 10-23-13)

Portable Storage Units. A portable structure used for temporary storage of household goods in residential areas.

Private Sewage System. A sewage treatment and disposal system serving one (1) 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 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 (1) structure or a system located on a different parcel than the structure.

Public Safety or Service Facility. A government facility for public safety, service, and emergency services, including a facility that provides police or fire protection and public-related services.

Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Utility. See Wis. Stat. § 196.01 (5). (Cr. by ORD-13-00189, 11-26-13)

Radio Broadcast Services. The regular provision of a commercial or non-commercial service involving the transmission, emission or reception of radio waves for the transmission of sound or images in which the transmissions are meant for direct reception by the general public. (Cr. by ORD-13-00189, 11-26-13)

Radio Broadcast Service Facilities. Commercial or non-commercial facilities intended for the provision of radio broadcast services. (Cr. by ORD-13-00189, 11-26-13)

Reasonably Safe from Flooding. 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. (Am. by ORD-14-00146, 9-12-14)

Recreation, Indoor. 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, tennis court, bowling alley, ice or roller skating rink, swimming pool, billiard hall, or basketball court.

Recreation, Outdoor. A facility for outdoor conduct, viewing, or participation in recreational activities, which 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, sporting club, amusement park, miniature golf course, swimming pool, water park, an outdoor stage, band shell, or amphitheater. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Recreational Equipment. Equipment used by residents of a principal building for on-premises games and sports, including but not limited to swings, slides, climbers, teeter-totters, basketball baskets and backboards, badminton nets and similar equipment, but not including recreational devices normally utilized off the premises, including but not limited to boats, boat trailers, campers, travel trailers and snowmobiles.

Recreational Equipment, Major. Major recreational equipment includes boats, canoes and snowmobiles not on vehicles, camping units, mobile recreational vehicles, and camping and luggage carrying devices designed or intended to be mounted on a vehicle.

Recurrence Interval. The average interval of time, based on a statistical analysis of actual or representative stream flow records, which can be expected to elapse between floods equal to or greater than a specified stage or discharge. Recurrence interval is generally expressed in years.

Recycling Collection Center, Drop-Off Station. A facility for the deposit, sorting, or batching but not processing of post-consumer recyclable materials, including limited compacting or crushing of recyclable materials.

Regional Flood. A flood determined or approved by the Department which is representative of large floods known to have generally occurred in Wisconsin and which is a flood with a one percent (1%) 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.

Reasonably Safe from Flooding. For the purpose of floodplain regulation only, means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed building.

Residential Building Complex. A group of two (2) or more residential buildings on a single parcel or tract of land, developed under single ownership and common management. (Am. by ORD-13-00134, 8-14-13)

Restaurant. A commercial establishment open to the public where food and beverages are prepared, served, and consumed and where food sales constitute the majority of gross sales. Does not include sales of fermented malt beverages or intoxicating liquor.

Restaurant-Nightclub. An establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises and which holds an entertainment license under Sec. 38.06(11). (Cr. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Restaurant-Tavern. Any establishment in which meals are provided and fermented malt beverages or intoxicating liquors are sold for consumption upon the premises. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Retail, General. General retail sales include the retail sale of products to the general public, sometimes with provision of related services, and produce minimal off-site impacts. For the purpose of this ordinance, general retail sales include but are not limited to the following:

- (a) Antiques and collectibles store.
- (b) Art gallery.
- (c) Bicycle sales and repair.
- (d) Book store, music store.
- (e) Clothing and accessories.
- (f) Drugstore, pharmacy.
- (g) Electronics sales and repair.
- (h) Florist.
- (i) Jewelry store.
- (j) Hardware store.
- (k) News stand, magazine sales.
- (l) Office supplies.
- (m) Pet store.
- (n) Photographic equipment, film developing.
- (o) Stationery store.
- (p) Picture framing; and
- (q) Video store.

Roof Deck. A deck constructed on top of another structure.

Room. A partitioned part of the inside of a building. For the purpose of this definition, partition shall mean something that divides interior space, especially an interior dividing wall. A wall is one of the sides of a room or building connecting floor and ceiling and may also include anything which encloses or separates space. A partition or wall which intrudes into the space by more than one-third (1/3) of the least dimension of an existing room may be regarded as creating an additional separate room. The partitioned space shall be considered as a room if privacy is implied; light and ventilation are affected; or a bedroom through a bedroom, bathroom through a bedroom or bedroom through a bathroom situation is created.

Roomer. A roomer is a person living in a dwelling unit who is other than part of the family because of blood, marriage or legal adoption, and is other than a foster child.

Rowhouse. A dwelling not more than three (3) stories in height, arranged to accommodate two (2) or more attached row dwelling units in which each dwelling unit is separated from the adjoining unit by a wall extending the full height of the building. Also known as "single-family attached."

Schools, Arts, Technical or Trade. Business, professional, trade, or other specialty schools, including but not limited to schools offering instruction in music, art, dance, martial arts, GED preparation, computer use or programming, or cosmetology.

Schools, Public and Private. Public, parochial, or private schools which provide an educational program for one or more grades between kindergarten and grade twelve (12) and which are commonly known as elementary schools, grade schools, middle schools, junior high schools, or high schools.

Screening. A hedge, wall or fence to provide a visual separator and physical barrier. Screening is typically used to conceal or shield site elements such as refuse disposal areas, outdoor storage areas, loading areas, mechanical equipment, district boundaries or similar features. (Am. by ORD-14-00001, 1-14-14)

Search Ring. A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area. (Cr. by ORD-13-00189, 11-26-13)

(R. by ORD-14-00143, 9-12-14)

Service Business. Business that provide services to the general public that produce minimal off-site impacts. Service businesses include but are not limited to the following:

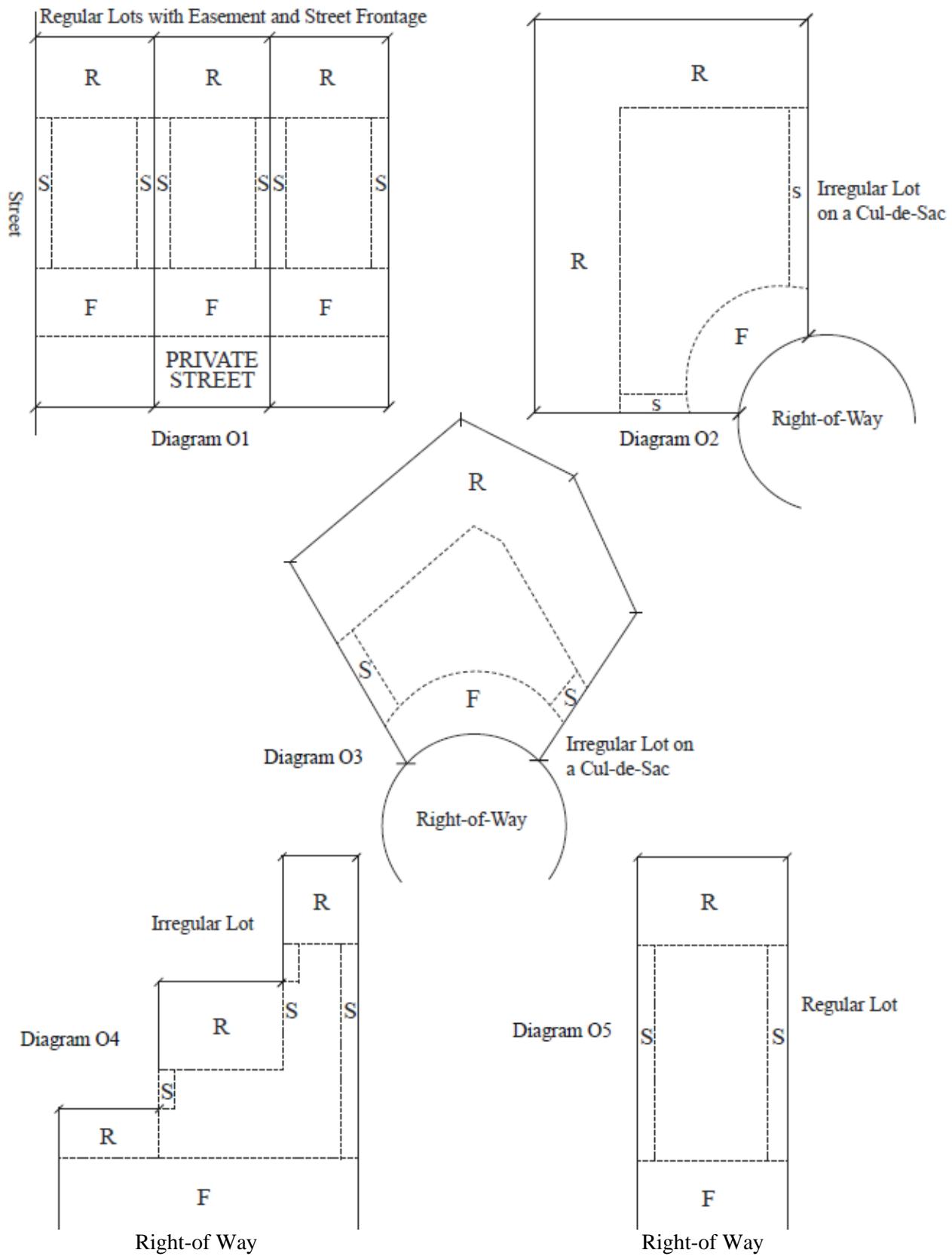
- (a) Barber and beauty shops.
- (b) Dry-cleaning pick-up station.
- (c) Interior decorating/upholstery.
- (d) Locksmith.
- (e) Mailing and packaging services.
- (f) Photocopying, document reproduction services.
- (g) Consumer electronics and repair.
- (h) Shoe repair.
- (i) Tailor shop; and
- (j) Watch repair, other small goods repair.

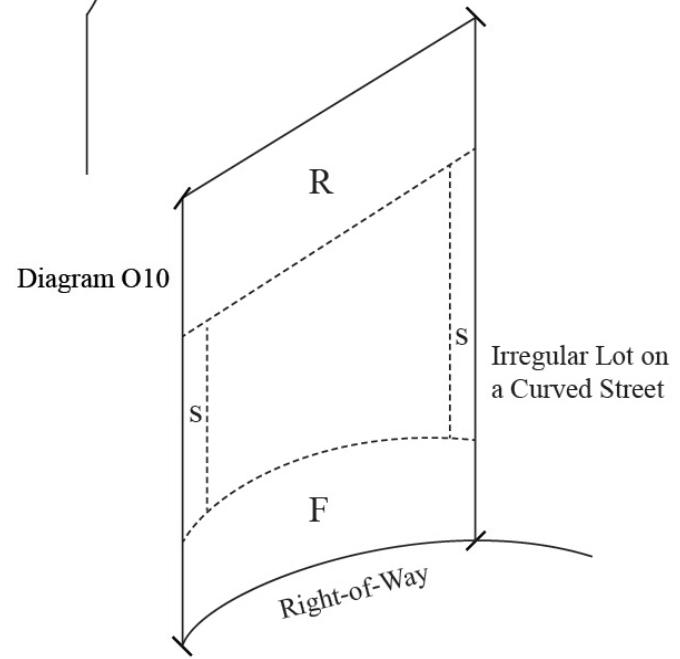
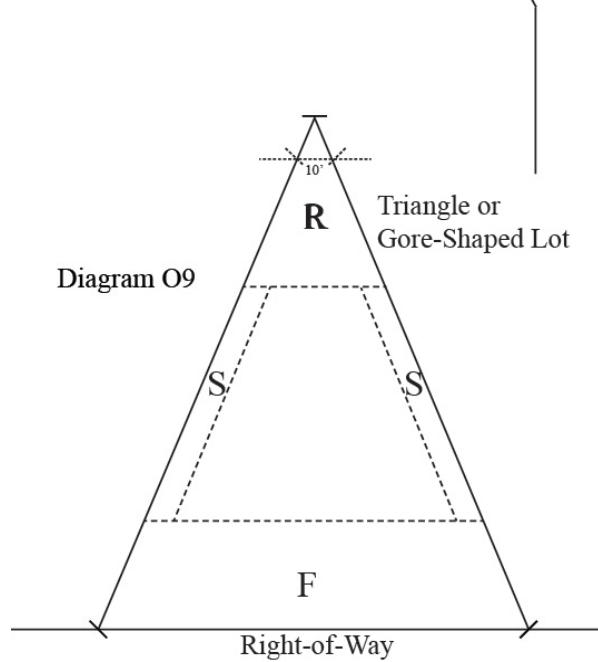
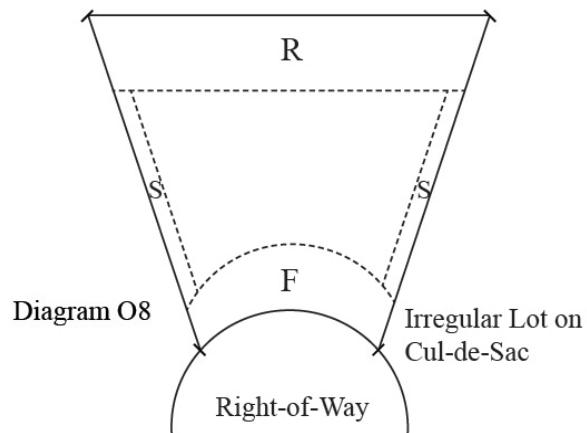
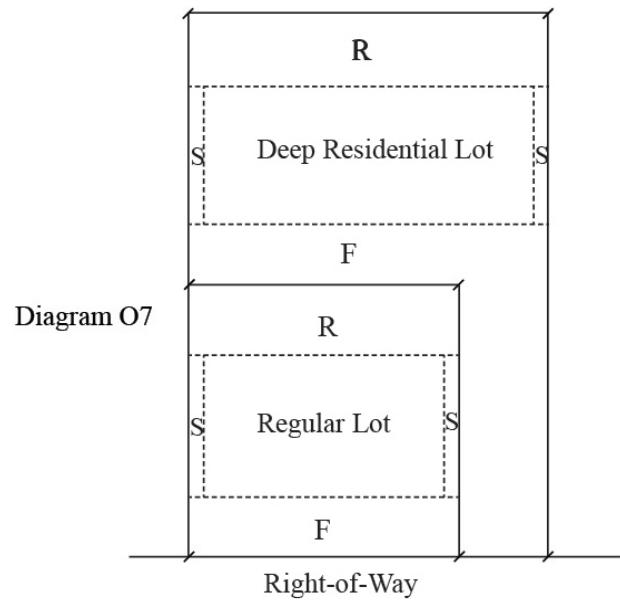
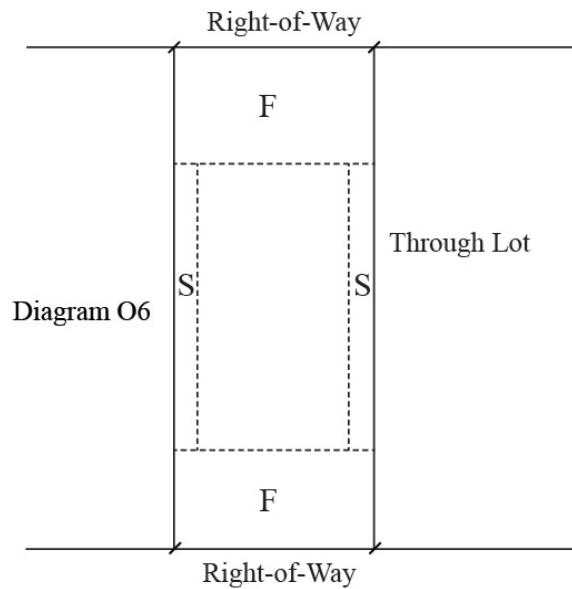
Setback, Maximum. The maximum distance by which any building or structure may be separated from a street right-of-way, lot line, or Ordinary High Water Mark.

Setback, Minimum. The minimum distance by which any building or structure may be separated from a street right-of-way, lot line, or Ordinary High Water Mark. Also known as "required yard."

Setback (Maximum or Minimum), Front Yard. The maximum or minimum distance by which any building or structure may be separated from the front lot line.

Setback (Maximum or Minimum), Rear Yard. The maximum or minimum distance by which any building or structure may be separated from the rear lot line. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining the rear yard setback. In the case of an irregular lot, the Zoning Administrator shall select a line or lines generally opposite the front lot line for the purpose of providing a rear yard area across and within the entirety of the lot as generally shown in the diagrams below. (Am. by ORD-17-00035, 3-29-17)





Setback (Maximum or Minimum), Side Yard. The maximum or minimum distance by which any building or structure may be separated from the side lot line.

Setback (Maximum or Minimum), Street Yard. The maximum or minimum distance by which any building or structure may be separated from the front, side or rear lot line when such lot line abuts a street right-of-way.

Shoreland. Lands within the following distances from the ordinary high-water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Signage. An emblem, name, identification, description or illustration which is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. Neither official court or public notices, nor the flag, emblem or insignia of a nation, political unit, school or religious group, shall be considered a sign under this ordinance.

Skilled Nursing Care. A facility for the chronically ill that provides long-term nursing care, rehabilitation, and other services.

Specified Anatomical Areas:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.
- (b) Human male genitals in a discernible turgid state, even if opaquely covered.

Specified Sexual Activities, Simulated or Actual:

- (a) Showing of human genitals in a state of sexual stimulation or arousal.
- (b) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
- (c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.

Split Two-Family Dwelling. See "Dwelling, Two-Family - Twin."

Stepback. A step-like recession in an exterior wall located at a level above the ground floor.

Start of Construction. For the purpose of floodplain regulation only, means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (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 slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or 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 and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. 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.

Storage Capacity of a Floodplain. The storage capacity of a flood plain is the volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

Storage Facility, Personal Indoor Storage. A facility consisting of individual self-contained storage units or spaces leased to individuals, organizations, or businesses for storage of personal or business property.

Storage Locker (Personal) – A structure operated by a religious institution or nonprofit organization that provides space for individuals to store personal belongings. (Cr. by ORD-16-00109, 12-14-16)

Storefront. The street-level side of a commercial space, such as a store, shop or restaurant that faces the street.

Story. A story is that portion of a building, other than a basement or mezzanine, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(a) For the purposes of this ordinance, there shall be only one basement which shall be counted as a story when the front exterior wall of the basement level is exposed more than fifty percent (50%).

(b) Any part of a building that is above the second story and between the eaves and the ridge line of pitched roofs is not a story, but may be occupied as long as the requirements for human occupancy are met. (Am. by ORD-11-00144, 9-11-13)

Street. A public right-of-way which affords traffic circulation and a principal means of access to abutting property. For the purpose of this ordinance, an alley shall not be considered a street.

Structural Alteration. Any change other than incidental repairs which would prolong the life of the supporting members of a building, such as bearing walls, columns, beams, girders or foundations.

Structure. A structure is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, and in the case of flood plain areas, in the stream bed or lake bed.

Structure, Habitable. Any structure or portion thereof used or designed for human habitation.

Substantial Damage. For the purpose of floodplain management only, means damage of any original sustained by a structure, whereby the costs of restoring the structure to its predamaged condition would equal or exceed fifty percent (50%) of the equivalent assessed value of the structure before the damage occurred.

Substantial Improvement. For the purposes of floodplain regulations, any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) 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 either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. (Cr. by ORD-14-00146, 9-12-14)

Substantial Modification of a Mobile Service Support Structure. The modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following, except that an activity is not a substantial alteration if a greater height is necessary to avoid interference with an existing antenna, or if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable:

- (a) For structures with an overall height of two hundred (200) feet or less, increases the overall height of the structure by more than twenty (20) feet.
- (b) For structures with an overall height of more than two hundred (200) feet, increases the overall height of the structure by ten (10) percent or more.
- (c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by twenty (20) feet or more, unless a larger area is necessary for collocation.
- (d) Increases the square footage of an existing equipment compound to a total area of more than two thousand five hundred (2,500) square feet.

(Cr. by ORD-13-00189, 11-26-13)

Substantially Underway. Substantially underway means that a use is commenced or construction is begun and diligently prosecuted toward completion.

Support Structure. For the purposes of mobile service

facilities, an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure. (Cr. by ORD-13-00189, 11-26-13)

Tavern. An establishment where the principal and primary use is serving fermented malt beverages or intoxicating liquors for consumption on the premises and where food or packaged alcoholic beverages may be served or sold only as accessory to the primary use, and which does not include kitchen facilities. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14; ORD-16-00050, 5-25-16)

Taxicab or Limousine Business. A service which offers transportation in passenger automobiles and vans to persons including those who have a disability in return for remuneration. The business may include facilities for dispatching, servicing, repairing, and fueling the taxicabs or vans.

Telecommunications Center. An office facility that is responsible for transmission, receipt, acceptance, processing, and distribution of incoming and outgoing communications.

Telecommunication Facilities. Any plant or equipment used to carry wireless commercial telecommunications services by radio signal or other electromagnetic waves, including towers, antennas, equipment buildings, parking area and other accessory development.

Telecommunications Tower, Communication Tower. A mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than fifteen (15) feet tall and six (6) inches in diameter supporting one or more antennas, dishes, or arrays shall be considered a telecommunications tower. This definition specifically includes Mobile Service Support Structures. (Am. by ORD-13-00189, 11-26-13)

Temporary Outdoor Event. A seasonal or occasional event held on the sidewalk or other location outside a building, where the principal use is non-residential.

Theater, Assembly Hall. A facility for presenting motion pictures or live performances for patrons that provides fixed or designated seating. This term does not include an adult entertainment establishment. (Am. by ORD-14-00083, Pub. 4-16-14, Eff. 7-1-14)

Tobacco Paraphernalia. Tobacco paraphernalia means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking or ingestion of tobacco products. Tobacco paraphernalia includes electronic cigarettes, personal vaporizers, electronic nicotine delivery systems, or any item designed to atomize liquid solutions that simulate smoking. (Cr. by ORD-15-00054, 5-27-15)

Tobacco Products. Tobacco products means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco. Tobacco products includes e-liquids such as propylene glycol, glycerin, nicotine, flavorings, or other products for use in electronic cigarettes, personal vaporizers, or electronic nicotine delivery systems. (Cr. by ORD-15-00054, 5-27-15)

Tobacco Retailer. A tobacco retailer is any establishment that either devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products or tobacco paraphernalia. (Cr. by ORD-15-00054, 5-27-15)

Tourist or Transient. A person who travels to a location away from his or her permanent address for a short period of time, not to exceed thirty days for vacation, pleasure, recreation, culture, business or employment. (Cr. by ORD-13-00185, 11-5-13)

Tourist Rooming House. A building or portion thereof, other than a Hotel, Motel, Bed and Breakfast Establishment or Hostel, in which sleeping accommodations are offered for pay to tourists or transients. The definition does not include private boarding, lodging or rooming houses not accommodating tourists or transients. (Cr. by ORD-13-00185, 11-5-13)

Towing and Wrecker Service Business. A service that includes pulling, pushing or hauling motor vehicles to automobile service station for immediate service, to a garage or body shop for repairs or to a motor vehicle storage or salvage yard.

Traffic. The passage of pedestrians or vehicles along routes of transportation.

Trailer. Any structure which is or may be mounted upon wheels for moving about, and is propelled by its own power or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation, or is used for hauling purposes.

Transportation Demand Management (TDM). Measures, including but not limited to carpooling, vanpooling, public transit bicycling, walking, telecommuting, and compressed or deviated work schedules, that reduce individual vehicle trips and promote alternatives to single occupant vehicle use especially at peak commuting times.

Transportation Management Association. A membership group of owners and/or tenants of residences or places of employment within close proximity that provides support and administration for a Transportation Demand Management program operated for the benefit of its members.

Utility Pole. A structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light. (Cr. by ORD-13-00189, 11-26-13)

Variance, Area. An authorization by the Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards contained in the zoning ordinance.

Variance, Use. An authorization by the Zoning Board of Appeals for the use of property in a manner which is inconsistent with the listed uses contained in the zoning ordinance.

Vehicle. Any device in, upon or by which any person or property is or may be transported or drawn upon a highway.

Vehicle Access Sales and Service Window. A facility consisting of a driveway and window, opening, canopy or other facility used for serving patrons in automobiles or on bicycles and which may be associated with principal uses such as restaurants, banks, drugstores or coffee shops.

Vending Machine. A stand-alone, self-contained or connected appliance machine located inside or outside a principal building or structure and that dispenses a product.

Veterinary Clinic, Animal Hospital. An establishment for the routine examination, medical or surgical treatment and care of domestic animals, generally with overnight boarding facilities for animals in care but without kenneling of animals.

Violation. In a floodplain, the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. 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.

Walk-Up Service Window. A window or door in a commercial establishment which is used for the sale of food or drinks to pedestrians.

Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

Water Surface Profile. 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.

Well. An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Wetland Alteration. Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Wetlands. 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.

Warehousing and Storage. An establishment providing storage and distribution of merchandise and bulk goods, typically involving heavy truck and/or freight rail traffic.

Wholesale Establishment. An establishment providing storage, distribution and sale of merchandise and bulk goods, including mail order and catalog sales, importing, wholesale or retail sales of goods received by the establishment but not sale of goods for individual consumption.

Yard. Open space on a zoning lot between the principal building and the adjoining lot lines.

Yard, Front. A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Required. See "Setback."

Yard, Side. A yard extending along a side lot line from the front yard to the rear yard.

Yard Sale. Any lawn sale, garage sale, attic sale, rummage sale, moving sale or other similar sale involving the display and/or sale of new and/or used goods on a zoning lot where the principal use is residential.

Zoo. A park that is open to the public, where live wild animals from different parts of the world are kept in enclosures for people to view, and where said animals may be bred or studied.

(Section 28.211 Am. by ORD-13-00086, 5-29-13)

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