

## SUBCHAPTER 6

### COMMERCIAL DISTRICTS

**295-601. Purposes.** For the purpose of regulating the use of land in the city of Milwaukee and to provide for the orderly growth and development of the city, the following commercial zoning districts are established:

1. NEIGHBORHOOD SHOPPING DISTRICTS (NS1-NS2). These districts provide for residential uses as well as commercial uses that serve the neighborhood. Such commercial uses are necessary to satisfy basic shopping and service needs that occur frequently and must, therefore, be located close to residential areas. The character of these districts is intended to be compatible with that of surrounding residential neighborhoods. Buildings in these districts are typically smaller in scale than those found in local business districts. The NS1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the NS2 district tends to be more urban, with smaller lots and smaller setbacks.

2. LOCAL BUSINESS DISTRICTS (LB1-LB3). These districts provide a wide range of goods and services to a large consumer population coming from an extensive area. Within these districts, motor-vehicle-related activities are of major significance. Good access by motor vehicle or public transit is important to local business districts, which are often located adjacent to intersections of major thoroughfares and in close proximity to bus transfer locations. The LB1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the LB2 district tends to be more urban, with smaller lots and smaller setbacks. The LB3 district is the most urban and is characterized by design standards appropriate for neighborhood commercial hubs, centers, corridors and transit-oriented development areas that have a denser level of development and may have taller buildings, all of which promote compact, walkable, sustainable neighborhoods.

3. REGIONAL BUSINESS DISTRICTS (RB1-RB2). These districts provide areas where regional or city-wide shopping, employment or high-density residential uses may occur. These districts allow large-scale and tall buildings. They also have a high intensity of land use and may contain nodes of development that can be effectively served by public transportation. The RB1 district is characterized by a more suburban development pattern, with larger lots and deeper setbacks, while the development pattern in the RB2 district tends to be more urban, with smaller lots and smaller setbacks.

4. COMMERCIAL SERVICE (CS). This district is intended to provide areas where businesses and personal service establishments can be accommodated, but where extensive retail activities are not warranted by city plans.

**295-603. Uses.** 1. USE TABLE. Table 295-603-1 indicates the use classifications for various land uses in the commercial districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-603-1:

- a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.
- b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.
- c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.
- d. "N" indicates a prohibited use.

## 295-603-1 Zoning

**Table 295-603-1  
COMMERCIAL DISTRICTS USE TABLE**

Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts							
Uses		NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
<b>RESIDENTIAL USES</b>									
Single-family dwelling		Y	Y	Y	Y	L	Y	Y	Y
Two-family dwelling		Y	Y	Y	Y	L	Y	Y	Y
Multi-family dwelling		Y	Y	Y	Y	L	Y	Y	Y
Permanent supportive housing		Y	Y	Y	Y	Y	Y	Y	Y
Transitional housing		S	S	S	S	S	S	S	S
Attached single-family dwelling		Y	Y	Y	Y	L	Y	Y	Y
Live-work unit		Y	Y	Y	Y	L	Y	Y	Y
Mobile home		N	N	N	N	N	N	N	N
Watchman/service quarters		N	N	N	N	N	N	N	N
Family day care home		L	L	L	L	L	L	L	L
Accessory dwelling unit		L	L	L	L	L	L	L	L
<b>GROUP RESIDENTIAL USES</b>									
Rooming house		S	S	S	S	S	S	S	S
Convent, rectory or monastery		Y	Y	Y	Y	Y	Y	Y	Y
Dormitory		S	S	S	S	S	S	S	S
Fraternity or sorority		S	S	S	S	S	S	S	S
Adult family home		L	L	L	L	L	L	L	L
<i>Foster Homes</i>									
Foster family home		Y	Y	Y	Y	Y	Y	Y	Y
Small foster home		L	L	L	L	L	L	L	L
Group home or group foster home		L	L	L	L	L	L	L	L
<i>Shelter Care Facilities</i>									
Family shelter care facility		Y	Y	Y	Y	Y	Y	Y	Y
Small group shelter care facility		L	L	L	L	L	L	L	L
Large group shelter care facility		S	S	S	S	S	S	S	S
Community Living Arrangement		L	L	L	L	L	L	L	L

**Table 295-603-1**  
**COMMERCIAL DISTRICTS USE TABLE**

Y=Permitted Use S=Special Use		Zoning Districts							
USES		NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
<b>EDUCATIONAL USES</b>									
Day care center		L	L	L	L	L	L	L	L
School, elementary or secondary		S	S	S	S	S	S	S	S
College		Y	Y	Y	Y	Y	Y	Y	Y
School, personal instruction		Y	Y	Y	Y	Y	Y	Y	Y
<b>COMMUNITY-SERVING USES</b>									
Library		Y	Y	Y	Y	Y	Y	Y	Y
Cultural institution		Y	Y	Y	Y	Y	Y	Y	Y
Community center		S	S	S	S	S	S	S	S
Religious assembly		S	S	S	S	S	Y	Y	Y
Cemetery or other place of interment		N	N	N	N	N	N	N	N
Public safety facility		Y	Y	Y	Y	Y	Y	Y	Y
Correctional facility		N	N	N	N	N	N	N	N
<b>COMMERCIAL AND OFFICE USES</b>									
General office		Y	Y	Y	Y	Y	Y	Y	Y
Government office		Y	Y	Y	Y	Y	Y	Y	Y
Bank or other financial institution		Y	Y	Y	Y	Y	Y	Y	Y
Currency exchange, payday loan or title loan agency		S	S	S	S	S	S	S	S
Installment loan agency		S	S	S	S	S	S	S	S
Cash-for-gold business		S	S	S	S	S	S	S	S
Pawn shop		S	S	S	S	S	S	S	S
Retail establishment, general		L	L	L	L	L	L	L	L
Garden supply or landscaping center		N	N	Y	Y	Y	Y	Y	Y
Home improvement center		N	N	S	S	S	Y	Y	Y
Secondhand store		L	L	L	L	L	L	L	L
Outdoor merchandise sales		S	S	S	S	S	S	S	S
Artist studio		Y	Y	Y	Y	Y	Y	Y	Y
Adult retail establishment		N	N	N	N	N	S	S	N
Tobacco or e-cigarette retailer		L	L	L	L	L	L	L	L
<b>HEALTH CARE AND SOCIAL ASSISTANCE USES</b>									
Medical office		Y	Y	Y	Y	Y	Y	Y	Y
Health clinic		S	S	S	S	S	S	S	S
Hospital		N	N	S	S	S	S	S	S
Medical service facility		N	N	S	S	S	S	S	S
Social service facility		S	S	S	S	S	S	S	S
Emergency residential shelter		S	S	S	S	S	S	S	S
Nursing home		S	S	Y	Y	Y	Y	Y	Y
Adult day care		L	L	L	L	L	L	L	L
<b>GENERAL SERVICE USES</b>									
Personal service		Y	Y	Y	Y	Y	Y	Y	Y
Business service		Y	Y	Y	Y	Y	Y	Y	Y
Catering service		Y	Y	Y	Y	Y	Y	Y	Y
Funeral home		Y	Y	Y	Y	Y	Y	Y	Y
Laundromat		Y	Y	Y	Y	Y	Y	Y	Y

## 295-603-1 Zoning

**Table 295-603-1  
COMMERCIAL DISTRICTS USE TABLE**

Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use		Zoning Districts						
USES		NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Dry cleaning establishment		Y	Y	Y	Y	Y	Y	Y	Y
Furniture and appliance rental and leasing		S	S	Y	Y	Y	Y	Y	Y
Household maintenance and repair service		Y	Y	Y	Y	Y	Y	Y	Y
Tool/equipment rental facility		Y	Y	Y	Y	Y	Y	Y	Y
<i>Animal Services</i>									
Animal hospital/clinic		L	L	L	L	L	L	L	L
Animal boarding facility		L	L	L	L	L	L	L	L
Animal grooming or training facility		L	L	L	L	L	L	L	L
<b>MOTOR VEHICLE USES</b>									
<i>Light Motor Vehicle</i>									
Sales facility		N	N	S	S	S	Y	Y	S
Rental facility		L	L	L	L	L	Y	Y	Y
Repair facility		N	N	S	S	S	S	S	S
Body shop		N	N	S	S	S	S	S	S
Outdoor storage		N	N	S	S	S	S	S	S
Wholesale facility		L	L	L	L	L	L	L	L
<i>Heavy Motor Vehicle</i>									
Sales facility		N	N	S	S	S	S	S	S
Rental facility		N	N	S	S	S	S	S	S
Repair facility		N	N	N	N	N	S	S	N
Body shop		N	N	N	N	N	S	S	N
Outdoor storage		N	N	N	N	N	S	S	N
<i>General Motor Vehicle</i>									
Filling station		N	N	S	S	S	S	S	S
Car wash		N	N	L	L	L	L	L	L
Non-restaurant drive-through facility		L	L	L	L	L	L	L	L
Electric vehicle charging facility		L	L	S	L	L	Y	L	L
<i>Parking</i>									
Parking lot, principal use		L	L	L	L	L	Y	L	L
Parking lot, accessory use		Y	L	Y	L	L	Y	Y	Y
Parking structure, principal use		S	S	L	L	L	L	L	L
Parking structure, accessory use		Y	L	Y	L	L	Y	Y	Y
Heavy motor vehicle parking lot, principal use		N	N	S	S	S	S	S	S
Heavy motor vehicle parking lot, accessory use		S	S	S	S	S	S	S	S
<b>ACCOMMODATION AND FOOD SERVICE USES</b>									
Bed and breakfast		Y	Y	Y	Y	Y	Y	Y	Y
Hotel, commercial		Y	Y	Y	Y	Y	Y	Y	Y
Hotel, residential		Y	Y	Y	Y	Y	Y	Y	Y
Tavern		L	L	Y	Y	Y	Y	Y	Y
Brewpub		S	S	Y	Y	Y	Y	Y	Y
Assembly hall		L	L	L	L	L	L	L	L
Restaurant without drive-through facility		Y	Y	Y	Y	Y	Y	Y	Y
Restaurant with drive-through facility		S	S	S	S	S	S	S	S
<b>ENTERTAINMENT AND RECREATION USE</b>									
Park or playground		Y	Y	Y	Y	Y	Y	Y	Y

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Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts							
USES		NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Festival grounds		N	N	N	N	N	N	N	N
Recreation facility, indoor		S	S	S	S	S	S	S	S
Recreation facility, outdoor		S	S	S	S	S	S	S	S
Health club		Y	Y	Y	Y	Y	Y	Y	Y
Sports facility		N	N	S	S	S	S	S	S
Gaming facility		N	N	N	N	N	N	N	N
Theater		L	L	Y	Y	Y	Y	Y	Y
Convention and exposition center		N	N	S	S	S	S	S	S
Marina		Y	Y	Y	Y	Y	Y	Y	Y
Outdoor racing facility		N	N	N	N	N	N	N	N
<b>STORAGE, RECYCLING AND WHOLESALE TRADE USES</b>									
Recycling collection facility		S	S	S	S	S	S	S	S
Mixed-waste processing facility		N	N	N	N	N	N	N	N
Material reclamation facility		N	N	N	N	N	N	N	N
Salvage operation, indoor		N	N	N	N	N	N	N	S
Salvage operation, outdoor		N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor		S	S	L	L	L	L	L	L
Wholesale and distribution facility, outdoor		N	N	S	S	S	S	S	S
<i>Storage Facilities</i>									
Indoor		S	S	L	L	L	L	L	L
Self-service		N	N	N	N	N	N	N	S
Outdoor		N	N	S	S	S	S	S	S
Hazardous materials		N	N	N	N	N	N	N	N
<b>TRANSPORTATION USES</b>									
Ambulance service		N	N	S	S	S	Y	Y	S
Ground transportation service		N	N	S	S	S	S	S	L
Passenger terminal		N	N	Y	Y	Y	Y	Y	Y
Helicopter landing facility		N	N	S	S	S	S	S	S
Airport		N	N	N	N	N	N	N	N
Ship terminal or docking facility		N	N	N	N	N	N	N	N
Truck freight terminal		N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal		N	N	N	N	N	N	N	N
<b>INDUSTRIAL USES</b>									
Alcohol beverage facility, micro		N	N	L	L	L	L	L	Y
Alcohol beverage facility, large		N	N	N	N	N	N	N	N
Food processing		N	N	L	L	L	L	L	L
Manufacturing, light		N	N	L	L	L	L	L	L
Manufacturing, heavy		N	N	N	N	N	N	N	N
Manufacturing, intense		N	N	N	N	N	N	N	N
Research and development		N	N	S	S	S	S	S	S
Processing or recycling of mined materials		N	N	N	N	N	N	N	N
Industrial wastewater treatment facility		N	N	N	N	N	N	N	N
Contractor's shop		N	N	L	L	L	L	L	L
Contractor's yard		N	N	S	S	S	S	S	S

## 295-603-2 Zoning

**Table 295-603-1  
COMMERCIAL DISTRICTS USE TABLE**

Y=Permitted Use S=Special Use		L=Limited Use N=Prohibited Use								Zoning Districts									
USES				NS1		NS2		LB1		LB2		LB3		RB1		RB2		CS	
<b>AGRICULTURAL USES</b>																			
Plant, nursery or greenhouse		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Raising of livestock		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Community garden		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial farming enterprise		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
<b>UTILITY AND PUBLIC SERVICE USES</b>																			
Broadcasting or recording studio		N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Transmission tower		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Water treatment plant		S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Sewage treatment plant		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Power generation plant		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Small wind energy system		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Solar farm		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Y	
Substation/distribution equipment, indoor		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
<b>TEMPORARY USES</b>																			
Seasonal market		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Temporary real estate sales office		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Live entertainment special event		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L

**2.** **LIMITED USE STANDARDS.** a. Single-family Dwelling, Two-family Dwelling, Multi-family Dwelling, Attached Single family Dwelling or Live-work Unit. a-1. At the street level of the primary street, accessory parking, storage facilities or mechanical equipment shall occupy not more than 40% of the interior street frontage zone of the street level area. The interior street frontage zone, which requires street-activating uses, shall be 15 feet in depth in this district.

a-2. No dwelling unit shall be permitted in the street-level area on a principal arterial, minor arterial or collector street, as classified on the functional classification of streets and highways map. Street-level dwelling units are permitted on local streets.

a-3. A newly-established residential use within an existing building where the first floor is more than 30 inches above grade is exempt from the standards of this paragraph.

b. Family Day Care Home. b-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, except in a 2-family dwelling, in which case the operator may reside in one dwelling unit and operate the family day care home in the other unit.

b-2. There shall be no other family day care home in the building as of April 30, 2004.

b-3. The family day care home shall not operate between the hours of 12 a.m. and 6 a.m.

b-4. Any family day care home that does not meet one or more of these standards shall be classified as a day care center.

c. Accessory Dwelling Unit. c-1. Only one accessory dwelling unit shall be located on the parcel.

c-2. The parcel shall contain a single-family or 2-family dwelling.

c-3. At the time a building permit application is submitted for an accessory dwelling unit accessory to an existing principal dwelling unit, at least one owner of the existing principal dwelling unit shall occupy the existing principal dwelling unit as the owner's primary residence, except the owner is not required to occupy a dwelling unit on the property at the time a permit application is submitted when a structure containing an accessory dwelling unit is being constructed simultaneously with a new principal dwelling unit structure. A person may have only one primary residence. For purposes of this subdivision, "primary residence" means

a residence which is the usual place of return for housing as documented by at least 2 of the following or other documentation approved by the commissioner of neighborhood services:

- c-3-a. Motor vehicle registration.
- c-3-b. Driver's license.
- c-3-c. Wisconsin state identification card.
- c-3-d. Voter registration.
- c-3-e. Federal or state income tax return.
- c-3-f. Utility bill.
- c-3-g. Verification of eligibility for lottery or gaming credit for tax purposes.

c-4. If any of the standards in subds. 1 through 3 are not met, the accessory dwelling unit is a prohibited use.

- d. Adult Family Home or Small Group Shelter Care Facility.

d-1. Adult Family Home. All residents of the adult family home, other than the operator or care provider and the operator and care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, or another adult family home.

d-2. Small Group Shelter Care Facility. d-2-a. All residents of the small group shelter care facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, adult family home, small foster home, group home or group foster home, large group shelter care facility or another small group shelter care facility.

d-2-b. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a small group shelter care facility.

e. Small Foster Home. All residents of the small foster home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

f. Group Home, Group Foster Home or Community Living Arrangement. f-1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.

- f-2. Not more than 15 clients shall reside on the premises.

f-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.

f-4. The department of neighborhood services has received notification from the state of Wisconsin of application for licensure of the facility as a group home, group foster home or community living arrangement. The department shall provide written notification of this application to the common council member representing the area in which the facility would be located.

f-5. Prior to initial licensure of the group home, group foster home or community living arrangement by the state of Wisconsin, the applicant for licensure has made a good faith effort to establish a community advisory committee consisting of representatives from the proposed group home, group foster home or community living arrangement, the neighborhood in which the proposed facility will be located and a local unit of government, in accordance with s. 48.68(4) or s. 50.03(4)(g), Wis. Stats., as applicable, with the local government representative being the local common council member or the council member's designee.

g. Day Care Center. g-1. The day care center shall have a maximum capacity of 30 children per shift.

- g-2. The day care center shall not operate between the hours of 12 a.m. and 6 a.m.

- g-3. The day care center shall have one of the following:

- g-3-a. At least 2 off-street parking spaces designated for the loading and unloading of children.

g-3-b. A loading zone permit issued pursuant to s. 101-23.7 for a loading zone in the public right-of-way immediately adjacent to the day care center premises.

g-4. There shall be at least 75 square feet of outdoor play space for each child using the space at any given time. In addition, the total outdoor play space of the day care center shall accommodate not less than one-third of the number of children for which the center is licensed or shall be a minimum of 750 square feet, whichever is greater. The outdoor play space shall be on the premises of the day care center.

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g-5. The day care center shall not be located within 500 feet of an adult retail establishment. If this standard is not met, the day care center is a prohibited use.

g-6. The day care center shall not be located within 300 feet of a premises for which the common council has granted any of the alcohol beverage licenses identified in s. 90-4-1, 2 and 5 and such license is currently valid. If the day care center is located in a building containing an elementary or secondary school religious assembly, community center, cultural institution or library as a principal use, and does not meet this standard then the use shall be classified as a special use. If the day care center is not located in a building containing an elementary or secondary school religious assembly, community center, cultural institution or library as a principal use, and does not meet this standard, then the use shall be classified as a prohibited use.

h. General Retail Establishment. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district. This limitation shall not apply to a convenience store which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

i. Tobacco or E-cigarette Retailer. i-1. The tobacco or e-cigarette retailer shall not be located within 1,000 feet of an elementary or secondary school, library, day care center, park or playground. If this standard is not met, the tobacco or e-cigarette retailer is a prohibited use.

i-2. The tobacco or e-cigarette retailer shall not be located within 500 feet of a premises holding a cigarette and tobacco license.

j. Secondhand Store. j-1. All drop-offs of consignment or donated items shall occur inside the building.

j-2. The use shall not be operated between 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

k. Adult Day Care. k-1. The adult day care center shall have a maximum capacity of 40 clients per shift.

k-2. The adult day care shall have at least 2 spaces available to the day care center for parking or loading. The spaces shall be located on the premises or on the street immediately adjacent to the site of the adult day care, provided that such on-street spaces are available for public use during the operation of the adult day care. The on-street parking spaces shall be in compliance with all city parking regulations and shall each measure at least 20 feet long if they are parallel parking spaces.

L. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.

m. Light Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.

n. Car Wash. n-1. If any mechanical washing equipment is used:

n-1-a. The car wash shall not be located within 150 feet of a residential use.

n-1-b. Washing and cleaning shall be conducted on a line of operation within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

n-1-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations. If access to the line of operation is limited to a single lane, the lane shall be used exclusively for the washing and cleaning operation.

n-1-d. Each driving lane shall be not less than 10 feet wide.

n-1-e. A queue lane of at least 200 feet in length shall be provided on the premises.

n-1-f. All wastewater shall be contained entirely on the premises.

n-2. If no mechanical washing equipment is used:

n-2-a. The car wash shall not be located within 150 feet of a residential use.

n-2-b. Washing and cleaning shall be conducted within a building which is constructed so as to prevent any liquid or resultant spray or mist from crossing any property line of the premises.

n-2-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations.

n-2-d. Parking for at least 4 vehicles shall be provided on the premises.

n-2-e. All wastewater shall be contained entirely on the premises.

o. Non-restaurant Drive-through Facility. o-1. A queue lane of at least 200 feet shall be provided on the premises. This limitation shall not apply to an automatic teller machine.

o-2. The facility shall not be operated between the hours of 10 p.m. and 7 a.m. This limitation shall not apply to an automatic teller machine or a drive-through facility associated with a convenience store, personal service or filling station which is open between the hours of 12 a.m. and 5 a.m. and regulated by s. 84-7.

- o-3. The facility shall not be located within 150 feet of a residential use.
- o-4. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.
- o-5. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.
- p. Electric Vehicle Charging Facility or Parking Lot, Principal Use.
- p-1. In the NS1, NS2, LB2, LB3, RB2 and CS districts:
- p-1-a. The width of the paved parking area shall not exceed 60 feet as measured from side lot line to side lot line, except in the LB3 district this dimension shall not exceed 45 feet.
- p-1-b. The use shall not be immediately adjacent to another premises containing a parking lot or electric vehicle charging facility as a principal use.
- p-1-c. No alley shall be relied upon for vehicular circulation purposes.
- p-1-d. The parking lot or electric vehicle charging facility shall not be located on a corner lot.
- p-2. In the LB1 district, the parking lot shall function in an accessory manner and shall be used exclusively by owners of a different premises that is within 300 feet of the parking lot, or persons parking with the consent of any owner of the premises, and both the parking lot and the premises within 300 feet are under the same ownership. The parking shall serve as required parking or allowed parking that does not exceed the maximum number of parking spaces permitted for the use served, as specified in s. 295-403.
- q. Parking Lot, Accessory Use. q-1. The parking lot shall not be located between the street façade of a principal building and a street lot line. This standard shall not apply to any use listed in the "motor vehicle uses" section of table 295-603-1
- q-2. In the LB3 district, the width of the paved parking area adjacent to the primary street frontage shall not exceed 45 feet as measured from the principal building to the side lot line.
- r. Parking Structure, Principal Use or Accessory Use. At least 50% of the interior street frontage zone of the street-level area, to a depth of 15 feet, shall be occupied by one or more other uses listed as permitted, with street-activating uses, in the district or otherwise approved by the board.
- s. Tavern. The structure to be occupied was constructed prior to October 1, 2002, was originally designed and intended to be occupied in whole or in part by a non-residential use and has been occupied by such non-residential use within the past 12 months.
- t. Assembly Hall. t-1. The use shall be located on the premises of, and accessory to, a restaurant or tavern.
- t-2. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.
- t-3. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.
- u. Theater. The capacity of the building shall not exceed 49 persons.
- v. Light Motor Vehicle Wholesale Facility. Not more than 3 vehicles to be sold shall be stored on the premises.
- w. Indoor Wholesale and Distribution Facility or Indoor Storage Facility. w-1. The gross floor area of the building devoted to storage as a principal use shall not exceed 3,600 square feet.
- w-2. Storage of hazardous materials, as described in s. 295-201-627, shall be prohibited.
- x. Ground Transportation Service. x-1. Not more than 15 vehicles shall be stored on the premises at any one time.
- x-2. The vehicle storage area shall be screened in accordance with s. 295-405-4.
- y. Alcohol Beverage Facility, Micro. y-1. Annual production of fermented malt beverages shall not exceed 5,000 barrels.
- y-2. Annual production of vinous spirits shall not exceed 50,000 gallons.
- y-3. No production of distilled spirits shall be permitted.
- z. Light Manufacturing. z-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
- z-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- z-3. The use shall not generate noise or odors in violation of ch. 80.
- z-4. All manufacturing activities shall occur within an enclosed building.
- aa. Food Processing. aa-1. The gross floor area devoted to the use shall not exceed 3,600 square feet in the LB3 district and 20,000 square feet in other districts.
- aa-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- aa-3. The use shall not generate noise or odors in violation of ch. 80.

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aa-4. All food processing activities shall occur within an enclosed building.

bb. Contractor's Shop. All of the contractor's activities, including those activities that are accessory to the principal use, shall be conducted entirely within a building.

cc. Transmission Tower. cc-1. The tower shall comply with the applicable provisions of s. 295-413.

cc-2. The tower does not exceed the district height limit or the tower is accessory to an elementary or secondary school and does not exceed 2 times the district height limit or 150 feet, whichever is less, and is set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use. All other towers are prohibited.

dd. Substation/Distribution Equipment, Outdoor. dd-1. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.

dd-2. No structure associated with the use shall be located within 25 feet of a street lot line.

ee. Seasonal Market. ee-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market.

ee-2. If flowers, plants or Wisconsin-grown farm products constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 180 days in one calendar year. If Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

ee-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

ee-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

ee-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

ee-6. The site shall be restored to its previous condition following termination of the market operation.

ff. Temporary Real Estate Sales Office. ff-1. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

ff-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5.

ff-3. Customer-accessible restrooms shall be provided.

ff-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.

gg. Temporary Concrete/Batch Plant. gg-1. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

gg-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively the plant operator may furnish the department of neighborhood services with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works.

gg-3. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

gg-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.

gg-5. The plant may operate for a period not to exceed 9 months. When the construction project the plant is serving is complete, the site shall be cleaned and returned to its original condition or improved condition, as appropriate.

gg-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

hh. Live Entertainment Special Event. hh-1. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

hh-2. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit, as required by ch. 108.

hh-3. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

3. ADDITIONAL SPECIAL USE STANDARDS. No special use permit for a currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop shall be granted by the board unless the board finds, in addition to the findings required by s. 295-311-2-d, that:

a. No other currency exchange, payday loan agency, title loan agency, installment loan agency, cash-for-gold business or pawn shop is located within 1,500 feet of the proposed use.

b. The proposed use will not be located within 150 feet of a single-family or 2-family residential zoning district.

4. ACCESSORY USES. a. General. An accessory use to a principal use shall be allowed if it complies with all applicable development standards, all other regulations of this chapter and all provisions of this code relating to odors, smoke, dust or noise, or the open storage of materials or equipment.

b. Motor Vehicle Repair, Service or Maintenance on Lots Used for Residential Purposes. No motor vehicle repair, service or maintenance shall be permitted on any lot used wholly or in part for residential purposes without a certificate of occupancy for such motor vehicle uses, unless the following conditions are met:

b-1. The motor vehicle repaired, serviced or maintained is owned by a person who resides on the lot.

b-2. Not more than one motor vehicle shall be repaired, serviced or maintained at any one time.

b-3. The removal of any vehicle components, including but not limited to engines, transmissions, radiators, wheel assemblies, doors and hoods, shall be performed only within an enclosed garage and out of view of the general public. All vehicle parts, components and repair tools shall be stored within an enclosed garage and kept out of view of the general public. Junk yards shall not be permitted.

b-4. Motor vehicle body work and painting shall be permitted only if a certificate of occupancy for a light motor vehicle body shop has been issued by the department.

c. Home Occupations-Commercial Zoning. Home occupations, except live-work units as defined in s. 295-201, shall comply with the following standards:

c-1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit.

c-2. No one other than members of the family residing in the dwelling unit shall be employed in the conduct of the home occupation except one person may be employed on the site in connection with the home occupation who is not a resident of the dwelling unit.

c-3. No accessory building or open space may be used for the conduct of a home occupation or for the storage of related equipment or supplies. However, up to 50% of private residential garage space may be used for storage of related equipment or supplies provided any parking requirements established by this chapter are met.

c-4. There shall be no external alteration of the dwelling unit to accommodate the home occupation and the existence of the home occupation shall not be apparent beyond the boundaries of the site except for signage as stated in subd. 7.

c-5. Not more than 25% of the total usable floor area of the principal building including the basement may be devoted to the home occupation.

c-6. Visitations in conjunction with the home occupation by clients, pupils, sales persons or others shall be limited to no more than 8 during a 24-hour period. No more than 2 visitors may visit at one time.

c-7. A maximum of one non-illuminated wall sign shall be permitted not to exceed 6 square feet in size.

c-8. The home occupation shall not involve explosives, fireworks, repair of motor vehicles including body work or any use which requires a special use or variance for the specific zoning district.

c-9. The operation of the home occupation, as it is apparent to adjacent residential uses, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m.

d. Rummage Sales. Not more than 2 rummage sales shall occur on a residential premises in one calendar year. No rummage sale shall exceed 3 days in length. Items offered for sale shall be limited to household items from one dwelling unit.

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e. Accessory Parking. The location of accessory off-street parking spaces, including parking for 4 or fewer vehicles, shall comply with all applicable parking location standards set forth in s. 295-603-2.

f. Electric Vehicle Supply Equipment. The equipment shall meet the standards set forth in s. 295-403-3-f.

**295-605. Design Standards.** **1. INTRODUCTION.** The purposes of the design standards of this section are to:

a. Maintain Compatibility with Neighborhood Context. An objective of these design standards is to ensure that buildings in commercial districts fit within the context in which they are built. Lot sizes, lot coverage, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

b. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

c. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city's comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Commercial development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

d. Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods. Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

**2. PRINCIPAL BUILDING STANDARDS.** a. Introduction. Principal building standards are established to ensure that new construction in commercial districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for non-residential and multi-family buildings are set forth in table 295-605-2. When a building contains both residential and non-residential uses, the design standards for non-residential buildings shall apply. Single-family and 2-family dwellings shall meet the design standards of subch. 5, as cross-referenced in table 295-605-2. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Street Orientation. b-1. Introduction. Both building placement standards and pedestrian engagement standards, such as but not limited to entrance placement standards and window requirements, relate to a building's relationship to the street and insure that a new building or addition maintains existing contextual relationships. These standards are based on a street ranking system derived from the "Functional Classification of Streets and Highways Map" maintained by the commissioner of public works, which is also presented as the single-line street map found on the city's geographic information system. Under this system, streets are ranked as principal arterial, minor arterial, collector and local streets, in that order. For purposes of this chapter, freeways and the Lake Parkway are not included in this street classification system.

b-2. Primary Street. The highest-ranked street abutting a lot shall be considered the primary street, and its street lot line considered the front of the lot. When a lot is bounded by 2 streets of equal rank, the permit applicant shall specify which street is the primary street.

b-3. Secondary Street. On a lot with 2 or more abutting streets, the second-highest-ranked street, or the other highest-ranking street after the street identified as the primary street pursuant to subd. 2, shall be considered the secondary street, and its street lot line considered the side street. A through lot shall not be required to meet side street setback requirements.

b-4. Other Streets. Each lot with 2 or more street frontages shall have one primary street and one secondary street. The setback requirements of table 295-605-2 shall not apply to any street lot line that does not abut a primary or secondary street.

c. Front Setback Standards. c-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the primary street that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 70% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2.

c-2. Setback Averaging. When setback averaging is required, the average setback shall be determined using the formula described in s. 295-505-2-b-4.

c-3. Building Placement. c-3-a. New Buildings. At least 70% of the front façade of any newly constructed principal building shall be located within the range of the minimum and maximum front setbacks established by table 295-605-2. The remaining 30% or less of the front façade may be set back farther from the front lot line than the maximum front setback, but shall not be located closer to the front lot line than the minimum front setback.

c-3-b. Additions and Alterations. Where portions of an existing building are closer to the front lot line than are the front facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the front lot line as the portion of the building closest to the front lot line. Where an existing building is set back farther from the front lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the front lot line as the minimum front setback.

c-3-c. Removal of Portion of Building. No building may be altered by removing a portion of the building such that the front façade of the building will no longer be within the required setback range, or will be even farther from the required range than it already is.

c-3-d. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no front setback requirements unless stipulated by the board.

c-3-e. Exception for Maximum Setbacks. Notwithstanding any other provision of this subchapter, when averaging is used to determine the maximum front setback, a maximum setback of 2 feet shall always be permitted.

c-4. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

d. Side Street Setback Standards. d-1. Intent. Side street setback standards are intended to ensure that the façade or other elements of new construction or additions maintain relationships to the secondary street in a manner similar to the corresponding setbacks for buildings of similar use in the immediate vicinity.

d-2. Building Placement. d-2-a. New Buildings. At least 70% of the side street façade of any newly constructed principal building shall be located within the range of the minimum and maximum side street setbacks established by table 295-605-2. The remaining 30% or less of the side street façade may be set back farther from the side street lot line than the maximum side street setback, but shall not be located closer to the side street lot line than the minimum side street setback.

d-2-b. Exception for Motor Vehicle Uses. Where a principal use of a property is a motor vehicle-related use, there shall be no side street setback requirements unless stipulated by the board.

e. Intrusions Into Public Right-of-way. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

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f. Building Height. f-1. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, except the following:

f-1-a. Chimneys and flues.

f-1-b. Water towers or tanks other than those located on the roof of a building.

f-1-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

f-1-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

f-1-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

f-1-f. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

f-1-g. Transmission towers which are in compliance with the height-related standards of s. 295-603-2-y.

f-1-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f-1-i. Solar farms and solar arrays.

f-2. Exceptions to Minimum Height Requirement. f-2-a. Motor Vehicle-Related Uses. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

f-2-b. Additions to Nonconforming Buildings. An addition to an existing building that does not meet the minimum height requirement may be constructed to the same height as the existing building.

f-2-c. Additions to Conforming Buildings. In the LB3 district, an addition not meeting the minimum height requirement may be constructed along a street frontage provided it does not exceed 18 feet in width and meets the minimum height requirement of the LB2 districts. In all districts, an addition to the rear or other non-street wall area of a building shall not be required to meet a minimum height requirement.

f-2-d. Narrow Lots in LB3 District. For a lot located in the LB3 district and measuring 24 feet or less in width along the primary street frontage, the minimum height requirement of the LB2 district shall apply.

f-3. Sidewall Height. At least 70% of the sidewall of the front façade and, when located on a corner lot, at least 70% of the sidewall of the side street façade of any newly constructed principal building shall meet the minimum sidewall height requirement specified in table 295-605-2.

f-4. Minimum Height by Street Frontage. In a district having a minimum building height requirement, at least 70% of the building façade along the primary street frontage shall meet this requirement. On secondary and tertiary street frontages, at least 25% of the building façade shall meet the minimum height requirement.

<b>TABLE 295-605-2</b> <b>PRINCIPAL BUILDING DESIGN STANDARDS</b>								
<i>Design Standards for Non-residential and Multi-family Principal Buildings</i>								
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
<b>Primary Street</b>								
Front setback, minimum (ft.) (see s. 295-505-2-b)	average	none	none	none	none	average	none	none
Front setback, maximum (ft.) (see s. 295-505-2-b)	50	average	70	average	average	none	70	average
<b>Secondary Street</b>								
Side street setback, min. (ft.)	none	none	none	none	none	none	none	none
Side street setback max. (ft.)	15	5	25	5	5	none	70	5
Rear street setback, minimum (ft.)	none	none	none	none	none	none	none	none
Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none
Side setback, minimum (ft.)	none	none	none	none	none	none	none	none
Side setback, maximum (ft.)	none	none	none	none	none	none	none	none
Rear setback, minimum (ft.)	none	none	none	none	none	none	none	none
Rear setback, maximum (ft.)	none	none	none	none	none	none	none	none
Lot area per dwelling unit, minimum (sq. ft.)	2,400	1,200	1,200	800	300	1,200	800	1,200
Lot area per dwelling unit, permanent supportive housing, minimum (sq. ft.)	1,200; 2,400 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms	150; 300 for a unit with 2 or more bedrooms	600 1,200 for a unit with 2 or more bedrooms	400; 800 for a unit with 2 or more bedrooms	600; 1,200 for a unit with 2 or more bedrooms
Lot area per transitional housing client, minimum (sq. ft.)	1,200	600	600	400	150	600	400	600
Height, minimum (ft.)	none	18	none	18	30	none	24	none
Height, maximum (ft.)	45	60	45	60	75	85	85	60
Minimum glazed area, primary street frontage	40%	60%	30%	60%	60%	20%	30%	30%
Minimum glazed area, secondary street frontage	10%	15%	10%	15%	15%	10%	15%	10%
Minimum build-out, primary street frontage	none	30%	none	30%	75%	none	30%	none
Minimum build-out, secondary street frontage	none	none	none	none	50%	none	none	none
Multiple principal buildings permitted?	yes	yes	yes	yes	yes	yes	yes	yes
<i>Design Standards for Single family and Two-family Dwellings</i>								
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
Refer to design standards in subch. 5 for this residential district	RM1	RM4	RM2	RM5	RM5	RM2	RM5	RM4

f-5. Measuring Height. The following standards shall be used to determine compliance with the minimum height requirements specified in table 295-605-2:

f-5-a. Height shall be measured from the average grade level at the front façade to the top of the parapet wall or fascia, except as provided in subparagraph. c. With a gabled roof or similar wall conditions, the measurement shall be taken at the midpoint of the gable or similar shape.

f-5-b. Height shall be measured for the portion of the façade that is at the front wall line or not more than 10 feet stepped back. The height of a portion of the building that is not at the front wall line, such as a massing of the building that is set back, shall not count towards compliance with the minimum height requirement.

f-5-c. If a gable or irregular roof shape faces the primary street, the measurement shall be taken at the midpoint of the gable or other roof shape. If a gable or irregular roof shape faces the secondary street or a side lot line, the measurement shall be taken at a point 10 feet back from the front façade.

f-5-d A penthouse for mechanical equipment may not be included when determining compliance with the minimum height requirement unless the penthouse is an integral part of the front façade. Other structures exempt from height limitations, as listed in subd. 1, may not be included when determining compliance with the minimum height requirement.

g. Build-Out Requirement. In a district having a minimum height requirement, the front façade of a building shall be built-out to at least the minimum percentage of the lot street frontage specified in table 295-605-2.

h. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-605-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit. Notwithstanding any other provision of this chapter, any building converted from non-residential use to residential use shall meet the glazing standard specified in table 295-605-2.

i. Design Features. i-1. Intent. The standards of this paragraph are intended to encourage pedestrian-oriented commercial development.

i-2. Entrance Door Orientation. i-2-a. Standard. Every new building shall have a primary entrance door on the front façade.

i-2-b. Multi-Family Use. Every new multi-family building with common hallways to access units shall have a primary entrance door on a front façade or a side street façade, even if other doors serving individual townhouse-style units, or other uses, are present. The main entrance used by residents and visitors, as well as the door where mail is delivered and deliveries are made, is considered the primary entrance of a multi-family residential use. This requirement shall not apply to a building where all units have direct access to the exterior, such as a townhouse building, and a pedestrian path that connects to a public sidewalk in accordance with s. 295-505-4-d-1.

i-2-c. Exception. A primary entrance door shall not be required on the front façade if there is a primary entrance door on a side façade and that door is within 20 feet of the front façade.

i-3. Glazing and Activation. i-3-a. General. All new principal buildings and additions shall have transparent glass windows on both the primary and secondary street frontages according to the percentages listed in table 295-605-2. In addition, no existing building may be altered in such a way that the amount of glazing is reduced below the amount required herein. Whenever a substantial improvement occurs, the building shall meet the street-level glazing requirements of table 295-605-2 at the time the substantial improvement is completed. Non-glass materials such as transparent plastic may not be used to meet transparency requirements. Car washes and light and heavy motor vehicle repair facilities and body shops shall not be required to meet glazing standards unless required by the board.

i-3-b. Area of Required Glazing. For all commercial districts except the LB3 district, the minimum percentage of lineal frontage of the first floor indicated in table 295-605-2 shall have windows at least 4 feet in height with sills not more than 3 feet 6 inches above the interior floor level. For the LB3 district, the requirements shall be at least 6 feet in height and not more than 2 feet 8 inches above the interior floor level.

i-3-c. Transparent Glass. Glass in windows or doors used to meet the glazing requirement shall not obscure clear vision and shall transmit at least 65% of visible daylight (visible transmittance  $\geq .65$ ), regardless of whether the glass is tinted integrally or with applied film. Spectrally selective low-e coatings can meet this requirement. Translucent film may not be applied to the area of required glazing, except that it may be applied below a dining counter mounted along a window, not more than 42 inches above the floor.

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i-3-d. Interior Spaces and Street Activating Uses. Interior spaces behind glazing that is required to meet the minimum linear street frontage glazing as found in the applicable district table shall be occupied by street-activating use areas to a minimum depth of 12 feet, unless a greater depth is required to meet a limited use standard. This requirement shall not apply to areas occupied by permitted dwelling units. Interior walls parallel to the glazing that is greater than the minimum amount required shall be not less than 6 feet from the plane of the glazing.

i-3-e. Window Coverings. Operable interior window coverings may be used for control of sunlight. They may not be used as a means to block required glazing and activation to allow the function of the interior space in a manner contrary to the requirements of subpar. d and the provisions of s. 295-201-636. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque.

i-3-f. Display Racks, Fixtures and Partial Walls. Open-backed display racks, merchandise displays and other non-opaque fixtures, in combination with permitted signs, may obscure not more than 50% of the glazing area. Opaque interior objects shall not block the required glazed area. Examples of items not permitted include, but are not limited to, cabinets, refrigerated merchandise coolers, mechanical equipment and seating booth backs greater than 4 feet high. Walls parallel to the glazing and less than 4 feet high, such as for workspace cubicles, or full-height walls parallel to the glazing that are less than 3 feet wide and not closer than 3 feet apart, for an end cap of shelves or similar furnishing, shall be permitted if not less than 3 feet from the plane of the glazing, even if in the area of required glazing.

i-3-g. Structural Elements. Structural elements of a glazing system that are less than 6 inches in width shall be counted as part of the clear glazing.

i-3-h. Sill Height Exception. In NS1, LB1, RS1 and CS districts, the maximum sill height may be raised to not more than 4 feet 6 inches above the finished floor level.

i-3-i. Rear Street Exception. When a rear street frontage is determined to be a secondary street frontage and the building façade facing that street frontage is more than 25 feet from the rear street property line, there shall be no requirement for glazing.

i-3-j. Multi-Tenant Buildings. In a structure with more than one first-floor tenant space, the percentage of required linear frontage shall be calculated individually for each tenant space, or the building owner shall provide a plan that demonstrates that the glazing requirement is met by aggregating all of the first-floor tenant spaces along the street frontage.

i-4. Alternatives to Glazing. The following alternative window or wall treatments may be used to meet the glazing requirements of subd. i-3:

i-4-a. Other First-floor Windows Outside the Area of Required Glazing. Clerestory windows or low windows that are at least 3 feet in height may be used to meet the requirements of subpar. i-3-b, and shall only be counted at half the rate of regular windows.

i-4-b. Display Cases. Display cases that are located in the area of required glazing and are at least 4 feet in height may be used to meet the requirements of subpar. i-3-b, but shall only be counted at half the rate of regular windows.

i-4-c. Wall Design. On secondary street frontages, walls that are designed to avoid long, flat facades may be used to meet the requirements of subpar. i-3-b, subject to approval by the commissioner of neighborhood services. In order to be counted towards the glazing requirement, the entire wall shall be designed in this manner and individual sections of flat, blank wall surface shall not exceed 25 feet in length.

i-4-d. Windows not Meeting Transparency Standards. Windows that do not meet the transparency standards of subpar. i-3-c shall be counted at 25% of the rate of regular windows. Spandrel glass shall not be counted when determining compliance with transparency requirements, even at the reduced 25% rate.

i-4-e. Other Elements. Subject to approval by the commissioner of neighborhood services, other elements that are integrated into the façade of a building may be used to meet the requirements of subpar. i-3-b and shall be counted at the same rate as regular windows. Such integrated elements include, but shall not be limited to, bus shelters and automatic teller machines.

i-5. Overhead Garage Doors Facing Streets. For any new building or addition constructed in the NS2, LB2, LB3, or RB2 district, an overhead garage door which faces the street shall be set back at least 4 feet from the front façade of the main building mass.

i-6. Restricted Building Wall Materials. The following regulations apply to any non-industrial principal building or addition:

i-6-a. Metal Building Walls. The use of structural corrugated metal wall, or a metal panel-and-batten wall system such as a metal-sided, prefabricated building or a pre-engineered metal building, shall be prohibited when located on any front façade or street façade located within 100 feet of a street lot line. An architectural metal panel façade system with integral trim and integral trim connections to adjacent materials is permitted provided that the architectural metal panel system is not used closer than 1.5 feet from the ground.

i-6-b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 3 feet 4 inches. These materials are permitted on a building's rear, alley and interior lot line facades.

i-6-c. Simulated Stucco Products. Simulated stucco products are prohibited on the ground-level area of a building, and may only be used on the upper one-third of a street façade. These materials are permitted on floors above the ground level on a building's rear, alley and interior lot line facades. For purposes of this subparagraph, the ground-level area of a one-story building is the lowest 12 feet of the building.

i-6-d. Prohibited Stone Cladding. Masonry stone cladding using irregularly-shaped stones, often known as rubble masonry and which is typically laid in an un-coursed manner, is prohibited. This prohibited stone cladding may be composed of river rock or smooth oval-shaped stones or of rough, thinly-layered courses commonly known as ledgerstone. Prohibited materials may be natural stone, manufactured or cultured stone, or veneer siding material.

i-6-e. Fiber-Cement Siding. Fiber-cement siding, including composite material made of cement reinforced with cellulose fibers, or any material that is the equivalent of fiber-cement siding, is prohibited within 1.5 feet of grade on a street façade that is adjacent to a street lot line or sidewalk.

**2.5 ACCESSORY DWELLING UNITS.** The design standards for accessory dwelling units are set forth in table 295-505-2.5.

**3. ACCESSORY STRUCTURE STANDARDS.** a. General Requirements for Accessory Buildings.

a-1. The minimum front setback shall not be less than that of the principal building.

a-2. The minimum side street setback shall not be less than that of the principal building.

a-3. No side setback shall be required.

a-4. If access to a garage is provided from an alley, a minimum setback of 4 feet shall be required. Otherwise, no setback shall be required.

a-5. Maximum building height shall not exceed the district height limit found in table 295-605-2.

a-6. The number of accessory buildings shall not be limited.

b. Structures Accessory to Single-family and Two-family Dwellings. Any structure accessory to a single-family or 2-family dwelling shall meet the requirements set forth in table 295-505-3.

c. Deck Skirting. Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

c-1. The deck is more than 30 feet from any property line.

c-2. The deck is located within 3 feet of a property line and an opaque fence at least 4 feet high is present or is constructed along that property line such that the view of the deck from the neighboring property or public way is obscured.

c-3. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

d. Mechanical Equipment. Mechanical equipment such as, but not limited to, air-conditioning condensers and utility boxes shall be permitted in portions of side yards and rear yards outside required setback areas.

e. Solar Arrays. A ground-mounted solar array that is more than 20 feet in height shall comply with the setback regulations for a principal building. A ground-mounted solar array that is 20 feet or less in height shall comply with the front setback requirement and be set back a minimum of 1.5 feet from all side, side street and rear lot lines.

f. Walls Near Street Frontage. Any wall of an accessory structure or wall used for screening of mechanical equipment, trash and recycling collection equipment, containers used for solid waste disposal or dumpster storage area that is parallel to and within 10 feet of a street frontage shall be subject to the restricted building wall materials requirements of sub. 2-i-6.

**4. SITE STANDARDS** a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all residential and non-residential uses.

b. Parking Spaces. b-1. General. Off-street parking spaces for uses in commercial zoning districts shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

## **295-605-4-c Zoning**

b-2. Reduction Prohibited. The number of parking spaces provided for a use in a commercial zoning district shall not be reduced below the number required by s. 295-403-2.

b-3. Location of Parking Spaces. The location of parking spaces shall be in accordance with table 295-603-1 and any corresponding limited use standards.

b-4. Maximum Number of Vehicles. Not more than 4 motor vehicles may be parked outdoors on a lot containing a single-family or 2-family dwelling.

b-5. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Configuration. An access drive shall generally traverse the front setback at a right angle. The commissioner of public works shall approve the location and design of the curb cut and driveway apron for the access drive.

c-2. Width. An access drive shall not exceed 30 feet in width.

d. Pedestrian Access. d-1. General. Where a lot is adjacent to a public sidewalk, each principal building on the lot shall be served by a clearly identifiable walkway leading from the public sidewalk to the entrance to the building. The presence of an access drive does not fulfill this requirement.

d-2. Paving. All required pedestrian access ways shall be paved with non-asphalt materials.

d-3. Width. All required pedestrian access ways shall be at least 5 feet in width.

e. Landscaping. e-1. Intent. Landscaping shall be designed as an integral part of any development in a commercial zoning district. As in residential and industrial zoning districts, parking lots, dumpsters and similar site features shall be screened such that they are not visible from public streets and neighboring residential properties.

e-2. Parking Lots. All uses, with the exception of single-family and 2-family dwellings, shall provide parking lot landscaping in accordance with s. 295-405.

e-3. Containers Used for Solid Waste Disposal. Every use, except a residential building containing 4 or fewer dwelling units, shall provide an area for all dumpsters or other containers used for solid waste disposal, including containers for recycled materials. Containers used for solid waste disposal shall meet the following location and screening requirements:

e-3-a. On-site Location. All containers, including dumpsters, shall be provided on-site for all uses contained within a building. This location may be in an indoor location on the premises or in an outdoor location that complies with the screening requirements of s. 295-405-6.

e-3-b. Alternatives to On-Site Location. An off-site container or dumpster area location may be provided if the applicant submits documents acceptable to the department of neighborhood services showing that the applicant has entered into an agreement with an adjacent property owner for access to containers or dumpster areas that meet the screening requirements of s. 295-405-6. Alternatively, an off-site container or dumpster area location may be provided if the applicant has applied for a special privilege to place solid waste and recycled material storage containers in the public right-of-way pursuant to s. 245-12 and the commissioner of public works has found that the criteria for recommending approval of a special privilege have been met.

e-3-c. Plan Submittal. Prior to the issuance of construction or alteration permits for a new use or a substantial improvement of an existing building, dumpsters or other containers used for solid waste disposal, including containers for recycled materials, and the screening for these containers, if required, shall be shown on submitted plans.

f. Truck Berths. f-1. Size. Every truck berth shall be at least 60 feet in depth by 12 feet in width, except that the width of each truck berth may be reduced to 10 feet where there is more than one berth side-by-side with no intervening obstruction. Each enclosed berth shall be at least 14 feet high.

f-2. Location. To eliminate interference with the public use of sidewalks, streets or alleys, every truck berth shall be located on the same lot as the principal structure it serves.

f-3. Screening. Where berths for more than 2 truck bays are in a yard facing and visible from a public street or a non-industrial district, the truck berths shall be screened in accordance with s. 295-405-6-b. This requirement may be waived in whole or in part, or compliance with it may be delayed, if visibility of the truck berths is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

g. Fences. g-1. General. Fences shall be permitted anywhere on a lot in a commercial zoning district, including placement along property lines. For the purposes of this paragraph, the term "fence" shall include a wall or other similar structure.

g-2. Fences along Streets. Fences along streets shall not exceed a height of 4 feet, with the following exceptions:

g-2-a. A fence may be erected to a height of 6 feet if it is ornamental or if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245. An ornamental fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

g-2-b. An ornamental metal fence may be erected to a height of 8 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 8 feet and the portion of the wall/fence structure above 6 feet high is at least 50% open.

g-3. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 8 feet.

g-4. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

g-5. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

g-6. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, a special privilege granted by the common council pursuant to s. 245-12.

g-7. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

g-8. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner of neighborhood services may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

g-9. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405-3.

g-10. Prohibited Fence Materials. Barbed-wire, concertina-wire and razor-wire fences are prohibited. In the LB3 district, chain-link fences are also prohibited.

h. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the vision triangle regulations of s. 295-405-1-g.

i. Lighting. The regulations for lighting in commercial zoning districts are set forth in s. 295-409.

5. SIGNS. a. General. The design standards for signs in commercial districts are set forth in table 295-605-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B". General standards for each of these categories are found in s. 295-407. The provisions of this subsection explain, qualify or specify exceptions to the standard in table 295-605-5, which pertain specifically to type "A" and type "B" signs in commercial zoning districts.

b. Sign Limitation Based on Lineal Footage. Where table 295-605-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building facade. In each 25-foot segment, the square footage of all signs shall not exceed the maximum area for each type specified in the table and the size of a sign in a facade segment less than 25 feet may be determined by prorating. The square footage allocation for 2 adjoining facade segments may be combined to allow one sign larger than the maximum amount specified. Only one wall, one awning, one projecting and one canopy/hood sign may be located in each facade segment. For a storefront that is less than 25 feet, the same requirements apply; however, the square footage limitation for a wall sign shall be prorated to the lesser amount.

c. Adjustment for Wall Signs on Buildings with Excessive Setbacks. When the wall on which a wall sign is to be mounted is set back more than 150 feet from the street property line, the maximum permitted sign area may be doubled in the LB1, LB2, RB1, RB2 and CS districts. This adjustment shall follow and be in addition to the calculation of permitted area in par. b.

d. Bonus Provision for Type "B" Freestanding Signs. If a monument-type base meeting the base standard for a type "A" freestanding sign is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-605-5.

## **295-605-5-e Zoning**

e. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street unless the signs are at least 150 feet apart or separated by a building which obstructs the view of each sign from the other sign.

f. Combination Type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

g. Signs Limited by Site. For purposes of applying sign regulations only, a site may include a parcel described by a lease, provided the lease is at least 20 years in length.

h. Temporary Signs. The following temporary signs shall be permitted in all commercial zoning districts:

h-1. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

<b>Zoning District</b>	<b>Max. Sign Area</b>
NS1 and NS2	36 sq. ft.
LB1, LB2 and CS	48 sq. ft.
RB1, RB2 and LB3	72 sq. ft.

h-2. A sign not exceeding 36 square feet erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate.

i. Additional Regulations. See s. 295-407 for additional regulations for on-premise and off-premise signs.

**Table 295-605-5**  
**COMMERCIAL DISTRICT SIGN STANDARDS**

	Zoning District							
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
<i>Freestanding Signs</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>	<i>type "A" permitted only</i>	<i>permitted</i>	<i>permitted</i>	<i>permitted</i>
Maximum number	1 per site	1 per site	1 per street frontage*	1 per site*	1 per site*	1 per street frontage*	1 per street frontage*	1 per site*
Type "A" max. display area (sq. ft.)	64	40	150	100	64	150	150	100
Type "B" max. display area (sq. ft.)	32	20	50	32	NA	75	50	32
Maximum height	10	6	14	14	8	20	20	14
<i>Wall Signs</i>	<i>permitted</i>							
Maximum number	1 per 25 lineal feet							
Type "A" max. display area (sq. ft.)	50	40	75***	50***	100	75***	75***	50***
Type "B" max. display area (sq. ft.)	25	25	32***	25***	25	32***	32***	25***
<i>Projecting Signs</i>	<i>permitted</i>							
Maximum number	1 per 25 lineal feet							
Type "A" max. display area (sq. ft.)	50	50	60	50	100	100	60	50
Type "B" max. display area (sq. ft.)	25	25	30	25	25	50	30	25
<i>Awnning Signs</i>	<i>type "A" permitted only</i>							
Maximum number	1 per 25 lineal feet							
Type "A" max. display area (sq. ft.)	20	10	20	20	20	20	10	20
<i>Canopy &amp; Hood Signs</i>	<i>Permitted</i>							
Maximum number	1 per 25 lineal feet							
Type "A" max. display area (sq. ft.)	50	50	60	50	100	100	60	50
Type "B" max. display area (sq. ft.)	25	25	30	25	25	50	30	25

**295-605-5 Zoning**

**Table 295-605-5  
COMMERCIAL DISTRICT SIGN STANDARDS**

	Zoning District							
	NS1	NS2	LB1	LB2	LB3	RB1	RB2	CS
<i>Roof Signs</i>	<i>not permitted</i>	<i>not permitted</i>	<i>permitted</i>	<i>type "A" permitted only</i>	<i>type "A" permitted only</i>	<i>permitted</i>	<i>permitted</i>	<i>type "A" permitted only</i>
Maximum number	NA	NA	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building
Type "A" max. display area (sq. ft.)	NA	NA	150	150	150	150	150	100
Type "B" max. display area (sq. ft.)	NA	NA	32	NA	NA	32	32	NA
<i>Off-Premise Signs</i>	<i>not permitted</i>	<i>not permitted</i>	<i>permitted**</i>	<i>permitted**</i>	<i>permitted**</i>	<i>permitted**</i>	<i>permitted**</i>	<i>permitted**</i>
Maximum number	NA	NA	1 per site	1 per site	1 per site	1 per site	1 per site	1 per site
Maximum display area per sign (sq. ft.)	NA	NA	300	300	300	300	300	300
Minimum distance between signs	NA	NA	500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs					
Maximum height, freestanding sign (ft.)	NA	NA	35	35	35	35	35	35
Maximum height, wall sign (ft.)	NA	NA	40	40	40	40	40	40
Maximum height, roof sign	NA	NA	25 ft. above roof					

\* Except 2 shall be permitted if the site fronts on 2 streets or has continuous street frontage of at least 180 feet.  
 \*\* Subject to special use permit requirement set forth in s. 295-407-7-d.  
 \*\*\* Adjustment for excessive setback, see s. 295-605-5-c.

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