

SUBCHAPTER 7 DOWNTOWN DISTRICTS

295-701. Purposes. 1. HIGH-DENSITY RESIDENTIAL (C9A). The high-density residential district is designed and intended to serve as a highly urban living environment for those persons or families desirous of a residential location in close proximity to the city's downtown, as delineated in the city's comprehensive plan.

2. RESIDENTIAL AND SPECIALTY USE (C9B). The residential and specialty use district is designed and intended to allow a compatible mix of urban activities which together result in a cohesive district offering a variety of residential, employment-generating, and neighborhood-serving or specialty retail uses.

3. NEIGHBORHOOD RETAIL (C9C). The neighborhood retail district is designed and intended as a convenience shopping district serving surrounding residential neighborhoods.

4. CIVIC ACTIVITY (C9D). The civic activity district is designed and intended to serve as a regional center for office, governmental, educational, cultural and recreational activities. Retail uses should be limited and should be designed to serve employees in the district, patrons of cultural, recreational, or educational activities, or district residents.

5. MAJOR RETAIL (C9E). The major retail district is designed and intended to be a highly active, intensely developed regional shopping district featuring both convenience and shoppers' retail goods and services.

6. OFFICE AND SERVICE (C9F). The office and service district is designed and intended to serve both as a retail trade and a personal and business services district, as well as a major center of office commercial activities.

7. MIXED ACTIVITY (C9G). The mixed activity district is designed and intended to permit a wide range of retail, service, light manufacturing and residential uses. Because of their operational characteristics, many of the uses allowed in the mixed activity district should be relegated to the peripheral portions of the downtown district.

8. WAREHOUSING AND LIGHT MANUFACTURING (C9H). The warehousing and light manufacturing district is designed and intended to permit those manufacturing, warehousing and distribution uses which, because of tradition or because of functional relationships, choose to locate in the peripheral portions of the downtown district.

295-703. Uses. 1. USE TABLE. Table 295-703-1 indicates the use classifications for various land uses in the downtown districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-703-1:

a. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

b. "L" indicates a limited use. This use is permitted only when the use meets the standards of sub. 2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by sub. 2.

c. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

d. "N" indicates a prohibited use.

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Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE									
Y=Permitted Use S=Special Use	L=Limited Use N=Prohibited Use	Zoning Districts							
Uses		C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
RESIDENTIAL USES									
Single-family dwelling		Y	L	L	L	L	L	L	N
Two-family dwelling		Y	L	L	L	L	L	L	N
Multi-family dwelling		Y	L	L	L	L	L	L	N
Permanent supportive housing		Y	Y	Y	Y	Y	Y	Y	N
Transitional housing		S	S	S	S	S	S	S	N
Attached single-family dwelling		Y	Y	L	L	L	L	L	N
Live-work unit		Y	Y	L	L	L	L	L	S
Mobile home		N	N	N	N	N	N	N	N
Watchman/service quarters		N	N	N	N	N	N	N	Y
Family day care home		L	L	L	L	L	L	L	N
Accessory dwelling unit		N	N	N	N	N	N	N	N
GROUP RESIDENTIAL USES									
Rooming house		S	S	S	S	S	S	S	N
Convent, rectory or monastery		Y	Y	Y	Y	Y	Y	Y	N
Dormitory		S	S	S	S	S	S	S	N
Fraternity or sorority		S	S	S	S	S	S	S	N
Adult family home		L	L	L	L	L	L	L	N
Foster Homes									
Foster family home		Y	Y	Y	Y	Y	Y	Y	N
Small foster home		L	L	L	L	L	L	L	N
Group home or group foster home		L	L	L	L	L	L	L	N
Shelter Care Facilities									
Family shelter care facility		Y	Y	Y	Y	Y	Y	Y	N
Small group shelter care facility		L	L	L	L	L	L	L	N
Large group shelter care facility		S	S	S	S	S	S	S	N
Community living arrangement		L	L	L	L	L	L	L	N

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Uses		C9A	C9B	C9C	C9D	C9E	C9F	C9G
EDUCATIONAL USES								
Day care center		S	S	S	S	S	S	S
School, elementary or secondary		Y	Y	Y	Y	S	Y	S
College		S	S	S	Y	S	S	Y
School, personal instruction		S	Y	Y	L	L	L	Y
COMMUNITY-SERVING USES								
Library		Y	Y	Y	Y	S	Y	Y
Cultural institution		L	L	Y	Y	Y	Y	Y
Community center		S	S	S	S	S	S	S
Religious assembly		Y	Y	Y	Y	L	Y	L
Cemetery or other place of interment		N	N	N	N	N	N	N
Public safety facility		Y	Y	Y	Y	Y	Y	Y
Correctional facility		N	N	N	S	N	N	N
COMMERCIAL AND OFFICE USES								
General office		L	Y	Y	Y	Y	Y	Y
Government office		L	Y	Y	Y	Y	Y	Y
Bank or other financial institution		L	Y	Y	Y	Y	Y	N
Currency exchange, payday loan or title loan agency		N	S	S	S	S	S	S
Installment loan agency		N	S	S	S	S	S	S
Cash-for-gold business		N	S	S	S	S	S	S
Pawn shop		N	S	S	S	S	S	S
Retail establishment, general		L	Y	Y	Y	Y	Y	S
Garden supply or landscaping center		N	N	N	N	N	N	S
Home improvement center		N	N	N	N	N	N	S
Secondhand store		S	L	L	S	L	L	Y
Outdoor merchandise sales		S	S	S	N	S	S	Y
Artist studio		L	Y	Y	N	L	L	Y
Adult retail establishment		N	N	N	N	N	N	S
Tobacco or E-cigarette retailer		L	L	L	L	L	L	L
HEALTH CARE AND SOCIAL ASSISTANCE USES								
Medical office		L	Y	Y	Y	Y	Y	Y
Health clinic		S	S	S	S	L	Y	Y
Hospital		S	S	S	S	N	S	S
Medical research laboratory		N	S	S	S	S	Y	Y
Medical service facility		N	N	N	N	S	S	S
Social service facility		S	S	S	S	S	S	S
Emergency residential shelter		N	S	S	S	N	N	S
Nursing home		S	S	S	N	N	N	N
Adult day care		S	S	S	S	S	S	S
GENERAL SERVICE USES								
Personal service		L	Y	Y	Y	Y	Y	N

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Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
Business service	S	Y	Y	Y	Y	Y	Y	Y
Catering service	L	L	L	L	L	L	L	Y
Funeral home	N	S	S	N	N	N	Y	N
Laundromat	S	Y	Y	N	S	Y	Y	N
Dry cleaning establishment	L	Y	Y	Y	Y	Y	Y	N
Furniture and appliance rental and leasing	N	S	S	N	S	S	S	S
Household maintenance and repair service	N	Y	Y	N	Y	N	Y	Y
Tool/equipment rental facility	N	S	S	N	S	N	S	S
<i>Animal Services</i>								
Animal hospital/clinic	N	L	L	L	L	L	L	L
Animal boarding facility	N	N	N	N	N	N	N	N
Animal grooming or training facility	N	L	L	L	L	L	L	L
MOTOR VEHICLE USES								
<i>Light Motor Vehicle</i>								
Sales facility	N	N	N	N	N	N	S	Y
Rental facility	N	L	L	L	L	L	L	L
Repair facility	N	S	S	N	S	S	S	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S
Wholesale facility	N	L	L	N	L	L	L	L
<i>Heavy Motor Vehicle</i>								
Sales facility	N	N	N	N	N	N	N	S
Rental facility	N	N	N	N	N	N	S	S
Repair facility	N	N	N	N	N	N	N	S
Body shop	N	N	N	N	N	N	N	S
Outdoor storage	N	N	N	N	N	N	N	S
<i>General Motor Vehicle</i>								
Filling station	N	S	S	S	S	S	S	S
Car wash	N	S	S	S	S	S	S	S
Non-restaurant Drive-through facility	N	S	S	S	S	S	S	S
Electric vehicle charging facility	S	S	S	S	S	S	S	S
<i>Parking</i>								
Parking lot, principal use	S	S	S	S	S	S	S	S
Parking lot, accessory use	S	S	S	S	S	S	S	S
Parking structure, principal use	S	S	L	S	L	L	S	S
Parking structure, accessory use	L	L	L	L	L	L	L	L
Heavy motor vehicle parking lot, principal	N	N	S	S	S	S	S	Y
Heavy motor vehicle parking lot, accessory	S	S	S	S	S	S	S	Y
ACCOMMODATION AND FOOD SERVICE USES								
Bed and breakfast	S	Y	Y	N	L	L	Y	N
Hotel, commercial	L	L	L	L	L	L	L	L

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Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	N
Tavern	S	Y	Y	Y	Y	Y	Y	Y
Brewpub	N	Y	Y	Y	Y	Y	Y	Y
Assembly hall	L	Y	Y	Y	Y	Y	Y	Y
Restaurant without drive-through facility	L	Y	Y	Y	Y	Y	Y	Y
Restaurant with drive-through facility	N	N	N	N	N	N	N	N
ENTERTAINMENT AND RECREATION USES								
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y
Festival grounds	N	N	N	N	N	N	N	N
Recreation facility, indoor	S	S	Y	Y	Y	Y	Y	Y
Recreation facility, outdoor	N	S	S	S	N	N	S	S
Health club	L	Y	Y	Y	Y	Y	Y	Y
Sports facility	S	S	Y	Y	Y	Y	Y	Y
Gaming facility	S	S	S	S	S	S	S	S
Theater	N	Y	Y	Y	Y	Y	Y	Y
Convention and exposition center	N	N	N	Y	Y	Y	Y	N
Marina	N	Y	Y	Y	Y	Y	Y	Y
Outdoor racing facility	N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES								
Recycling collection facility	N	S	S	N	N	N	S	S
Mixed-waste processing facility	N	N	N	N	N	N	N	N
Material reclamation facility	N	N	N	N	N	N	N	N
Salvage operation, indoor	N	N	N	N	N	N	N	N
Salvage operation, outdoor	N	N	N	N	N	N	N	N
Wholesale and distribution facility, indoor	N	S	S	N	N	S	S	Y
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N
<i>Storage Facilities</i>								
Indoor	N	S	S	N	N	S	L	Y
Self-service	N	N	N	N	N	N	L	S
Outdoor	N	N	N	N	N	N	N	N
Hazardous materials	N	N	N	N	N	N	N	N
TRANSPORTATION USES								
Ambulance service	N	N	N	N	N	N	S	S
Ground transportation service	N	N	N	N	N	N	L	Y
Passenger terminal	S	S	S	S	S	S	Y	Y
Helicopter landing facility	N	S	S	S	S	S	S	S
Airport	N	N	N	N	N	N	N	N
Ship terminal or docking facility	N	N	N	N	N	N	Y	Y
Truck freight terminal	N	N	N	N	N	N	N	N
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	Y	Y

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Uses		C9A	C9B	C9C	C9D	C9E	C9F	C9G
INDUSTRIAL USES								
Alcohol beverage facility, micro		N	L	L	L	L	L	Y
Alcohol beverage facility ,large		N	N	N	N	N	N	L
Food processing		N	L	L	N	L	L	Y
Manufacturing, light		N	L	L	N	L	L	Y
Manufacturing, heavy		N	N	N	N	N	N	N
Manufacturing, intense		N	N	N	N	N	N	N
Research and development		N	Y	Y	N	Y	Y	Y
Processing or recycling of mined materials		N	N	N	N	N	N	N
Industrial wastewater treatment facility		N	N	N	N	N	N	N
Contractor's shop		N	N	N	N	N	N	S
Contractor's yard		N	N	N	N	N	N	S
AGRICULTURAL USES								
Plant nursery or greenhouse		N	N	N	N	N	N	S
Raising of livestock		N	N	N	N	N	N	N
Community garden		S	S	S	S	S	S	S
Commercial farming enterprises		N	N	N	N	N	N	N
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio		N	Y	Y	Y	Y	Y	Y
Transmission tower		L	L	L	L	L	L	L
Water treatment plant		S	S	S	S	S	S	S
Sewage treatment plant		S	S	S	S	S	S	S
Power generation plant		N	N	N	N	N	N	N
Small wind energy system		Y	Y	Y	Y	Y	Y	Y
Solar farm		S	S	S	S	S	S	S
Substation/distribution equipment, indoor		S	S	S	S	S	S	Y
Substation/distribution equipment, outdoor		L	L	L	L	L	L	Y
TEMPORARY USES								
Seasonal market		L	L	L	L	L	L	L
Temporary real estate sales office		L	L	L	L	L	L	L
Concrete/batch plant, temporary		L	L	L	L	L	L	L
Live entertainment special event		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 or minor arterial street, as classified on the functional classification of streets and highways map. Street-level dwelling units are permitted on collector and 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 same building as of April 6, 2001.

b-3. The family day care shall not operate between the hours of 10 p.m. and 6 a.m.

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

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

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

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

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

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

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

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

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

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

f. Personal Instruction School. The use shall not be located in the street level area.

g. Cultural Institution, Bank or Other Financial Institution, General Retail Establishment, Personal Service, Dry Cleaning Establishment, Restaurant without Drive-through Facility, or Health Club. The use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

h. Religious Assembly, Health Clinic, Bed and Breakfast or Assembly Hall.

h-1. The use shall not be located in 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.

h-2. In the case of an assembly hall:

h-2-a. The use shall be located on the premises of, and accessory to, a restaurant or tavern.

h-2-b. The use shall operate within the business hours of the restaurant or tavern to which it is accessory.

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h-2-c. The restaurant or tavern to which the use is accessory holds all licenses necessary to facilitate events in the assembly hall, including but not limited to food dealer, alcohol beverage or public entertainment premises licenses.

i. General Office, Government Office or Medical Office. The use shall be located in a building containing at least one other principal use which is listed as a permitted use in this district.

i-2. In the C9E district, the use shall not be located in the street level area.

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

k. Artist Studio. k-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.

k-2. In the C9E and C9F districts, the use shall not be located in the street level area.

L. Tobacco or E-cigarette Retailer. L-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.

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

m. Catering Service. The use is located in the kitchen of an assembly hall, hotel, restaurant without a drive-through, or a cafeteria that is accessory to an office use.

n. Animal Hospital/Clinic or Animal Grooming or Training Facility. No outdoor run or outdoor kennel shall be provided on the premises.

o. Light Motor Vehicle Rental Facility or Accessory-use Parking Lot. Not more than 10 vehicles shall be parked outside.

p. Limited Wholesale Facility. Not more than 3 vehicles shall be stored outside.

q. Parking Lot, Principal Use or Accessory Use. If located in the C9D district, the parking lot is located in subdistrict B.

r. Parking Structure, Principal Use. At least 50% of the interior street frontage zone, to a depth of 15 feet, shall be devoted to permitted street-activating uses or to uses approved by the board.

s. Parking Structure, Accessory Use. s-1. The parking spaces shall be integrated into a larger structure that houses one or more principal uses of the premises that are permitted uses or have been approved by the board.

s-2. If the structure is in the C9B, C9C, C9D, C9E, C9F or C9G district, at least 50% of the interior street frontage zone, to a depth of 15 feet, shall be devoted to permitted street-activating uses or uses approved by the board.

t. Hotel, commercial. A private hotel room shall not be permitted in the interior street frontage zone of the street level area along a principal arterial or minor arterial street, but shall be permitted along a collector or local street. The interior street frontage zone, which requires street-activating uses, shall be 15 feet in depth in this district. In a case of redevelopment or change of use of an existing building where the first floor is more than 2.5 ft. above grade, private hotel rooms shall be permitted regardless of street type.

u. Storage Facility, Indoor or Self-Service. u-1. The structure to be occupied was constructed prior to March 20, 2015.

u-2. If the use is an indoor storage facility, it shall not be located on the first floor.

u-3. If the use is a self-storage facility, it shall only be located in the basement.

u-4. If the standards of subds. 1 to 3 are not met, the use shall be prohibited.

v. Ground transportation Service. The facility is owned or operated by a government unit.

w. Alcohol Beverage Facility, Micro. w-1. Annual production of fermented malt beverages shall not exceed 5,000 barrels.

w-2. Annual production of vinous spirits shall not exceed 50,000 gallons.

w-3. No production of distilled spirits shall be permitted.

x. Light Manufacturing. x-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.

x-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.

x-3. The use shall not generate noise or odors in violation of ch. 80.

x-4. All manufacturing activities shall occur within an enclosed building.

x-5. At the street level, the street frontage of the building shall be used for retail sales.

y. Large Alcohol Beverage Facility. Annual production of fermented malt beverages shall not exceed 70,000 barrels. If annual production of fermented malt beverages exceeds 70,000 barrels or the facility produces vinous or distilled spirits, the facility shall be a special use.

- z. Food Processing. 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 food processing activities shall occur within an enclosed building.
- aa. Transmission Tower. aa-1. The tower shall comply with the applicable provisions of s. 295-413.
- aa-2. If the tower is located in a C9A, C9B, C9C, C9D, C9F or C9G district, the tower shall not exceed 150 feet in height or the tower shall be accessory to an elementary or secondary school and be set back from all property lines a distance at least equal to the height of the tower. Any other tower may be allowed as a special use.
- aa-3. If the tower is located in a C9E or C9H district, the tower shall not exceed 150 feet in height. Any other tower may be allowed as a special use.
- bb. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened in accordance with s. 295-405-6-c.
- cc. Seasonal Market. cc-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.
- cc-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.
- cc-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
- cc-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.
- cc-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
- cc-6. The site shall be restored to its previous condition following termination of the market operation.
- dd. Temporary Real Estate Sales Office. dd-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.
- dd-2. Signage shall comply with the requirements of s. 295-407 and the sign regulations of subch. 5.
- dd-3. Customer-accessible restrooms shall be provided.
- dd-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.
- ee. Temporary Concrete/Batch Plant. ee-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.
- ee-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.
- ee-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.
- ee-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.
- ee-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.
- ee-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.

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ff. Live Entertainment Special Event. ff-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.

ff-3. The person, firm or organization coordinating the event shall obtain a public entertainment premises license or a temporary public entertainment premises permit as required by ch. 108.

ff-4. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

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

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

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

4. HOME OCCUPATIONS. A home occupation, except a live-work unit as defined in s. 295-201, shall comply with the following standards when located in a downtown zoning district:

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

b. 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. 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.

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<p>Table 295-705-1 DOWNTOWN DISTRICTS DESIGN STANDARDS</p>						
	C9A subdistrict A	C9A subdistrict B	C9B subdistrict A	C9B subdistrict B	C9C	C9D subdistrict A
Front setback (see s. 295-705-2-a)	avg., but not more than 10 ft.	avg., but not more than 10ft.	no requirement	no requirement	no requirement	no requirement
Side setback	each side setback shall be at least 3 ft., with a minimum of 8 ft. total for 2 sides; however, side setbacks shall not be required when a side lot line is shared by separate townhouse units		no requirement	no requirement	no requirement	each side setback shall be at least 3 ft., with a minimum of 8 ft. total for 2 sides
Side street setback (see s. 295-705-2-a)	avg., but not more than 10 ft.	avg., but not more than 10 ft.	no requirement	no requirement	no requirement	no requirement
Rear setback	10 ft.	10 ft.	no requirement	no requirement	no requirement	no requirement
Rear street setback (see s. 295-705-2-a)	avg. but not more than 10 ft.	avg., but not more than 10 ft.	no requirement	no requirement	no requirement	no requirement
Lot width, minimum	24 ft.	24ft.	none	none	none	100 ft.
Lot area, minimum	none	none	none	none	none	20,000 sq. ft.
Permitted floor area (<i>when surface open space will comprise 40% or less of the development site</i> ; see s. 295-705-4	2(W)+ 7.5(X) +4 (Y)	2(W)+ 7.5(X) +4 (Y)	6(W) +5(X)+ 2.5(Y)	7(W)+10(X) +5(Y)	3(W)+7.5(X) +4(Y)	2(W)+20(X) +10(Y) + 0.05(z)
Permitted floor area (<i>when surface open space will comprise more than 40% but less than 80% of the development site</i>); see s. 295-705-4	5(W)	5(W)	7(W)	8(W)+5(X)+ 2.5(Y)+ 0.3(Z)	6(W)	4(W)+10(X) +5(Y)+ 0.05(Z)
Permitted floor area (<i>when surface open space will comprise 80% or more of the development site</i>); see s. 295-705-4	25(W)-25(X)	25(W)-25(X)	11.5(W)- 11.5(X)	12(W)+12(X) +0.3(Z)	30(W)-30(X)	8(W)+ 0.05(Z)
Building height, minimum	20 ft.	20 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft.	30 ft.
Building height, maximum	none	40 ft.	none	none	none	none

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Table 295-705-1 DOWNTOWN DISTRICTS DESIGN STANDARDS							
	C9D subdist. B	C9E	C9F subdist. A	C9F subdist. B	C9F subdist. C	C9G	C9H
Front setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Side setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Side street setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Rear setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Rear street setback	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Lot width, minimum	100 ft.	none	none	none	none	none	none
Lot area, minimum	20,000 sq. ft.	none	none	none	none	none	none
Permitted floor area (when surface open space will comprise 40% or less of the development site); see s. 295-705-4	2(W)+ 20(X)+ 10(Y)+ 0.05 (Z)	7(W)+ 13(X)+ 6.5(Y)+ 0.2(Z)	5.5(W)+ 15(X)+ 7.5(Y)+ 0.1(Z)	8(W)+ 20(X)+ 10(Y)+ 0.2(Z)	8(W)+ 20(x)+ 10(Y)+ 0.2(Z)	5(W)+5(X) +2.5(Y)	5(W)+5(X) +2.5(Y)
Permitted floor area (when surface open space will comprise more than 40% but less than 80% of the development site); see s. 295-705-4	4(W)+ 10(X)+ 5(Y)+ 0.05(Z)	8.1(W)+ 2(X)+1(Y) +0.2(Z)	7.5(W)+ 5(X)+ 2.5(Y)+ 0.1(Z)	9(W)+ 10(X)+ 5(Y)+ 0.2(Z)	9(W)+ 10(X)+ 5(Y)+ 0.2(Z)	7(W)	7(W)
Permitted floor area (when surface open space will comprise 80% or more of the development site); see s. 295-705-4	8(W)+ 0.05(Z)	8.5(W)+ 0.2(Z)	9.5(W)+ 0.1(Z)	12(W)+ 0.2(Z)	12(W)+ 0.2(Z)	14(W)- 14(X)	14(W)- 14(X)
Building height, minimum	30 ft.	40 ft.	30 ft.	40 ft.	30 ft.	20 ft.	20 ft.
Building height, maximum	none	none	none	none	50 ft.	none	none

- d. There shall be no external alteration of the dwelling unit to accommodate the home occupation. The existence of the home occupation shall not be apparent beyond the boundaries of the site, except for signage permitted under s. 295-705-7.
- e. Not more than 25% of the total usable floor area of the principal building, including the basement, may be devoted to the home occupation.
- f. 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 be present at one time.
- g. Signage shall meet the requirements of s. 295-705-7.
- h. 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.
- i. 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.

295-705. Design Standards. 1. TABLE OF STANDARDS. The design standards for buildings in downtown districts are set forth in table 295-705-1.

1.5. PURPOSES. The purposes of the design standards of this section are to:

- a. **Maintain Compatibility with Neighborhood Context.** An objective of these design standards is to ensure that buildings in downtown districts fit within the context in which they are built. Building setback, floor area, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.
- b. **Allow Flexibility in Development.** Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.
- c. **Consistency with the Principles of Urban Design.** These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city's comprehensive plan and on file in the office of the commission and in the legislative reference bureau. Downtown development and alterations should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow varying degrees of land use diversity within each zoning district, and promote environments which support transportation diversity consistent with neighborhood context.
- d. **Promote Usage of Sustainable Building Materials that Add Long-Term Value to Neighborhoods.** Façades should be constructed of durable materials that resist denting, splitting, cracking, fading, peeling and other damage. Façade components should be finished-quality materials appropriate for street-facing character, with finished and refined edges, rather than utility-grade materials that are rough and disorderly. Façades should consist of context-appropriate materials that fit the character of urban locations throughout the city.

2. SETBACK REQUIREMENTS. a. **Setback Average and Range.** Whenever table 295-705-1 specifies that a setback shall be determined by averaging, the average setback shall be determined using the formula described in s. 295-505-2-b-4. When this formula is used to determine an average side street or rear street setback, the term "front setback" in s. 295-505-2-b-4 shall be interpreted as the side street setback or rear street setback, respectively.

b. **Building Placement.** b-1. **New Buildings.** At least 70% of the front, side street or rear street façade of any newly constructed principal building shall meet the setback requirements of table 295-705-1. The remaining 30% or less of each façade may be placed anywhere between the property line and the specified maximum setback of 10 feet.

b-2. **Additions and Alterations.** Where portions of an existing building are closer to the front, side street or rear street lot line than are the corresponding facades of the nearest adjacent buildings, a new addition or alteration may be placed as close to the lot line as the portion of the building closest to the lot line. Where an existing building is set back farther from the lot line than are the nearest adjacent buildings, an addition or alteration may extend as close to the lot line as the required setback specified in table 295-705-1.

b-3. **Removal of Portion of Building.** No building may be altered by removing a portion of the building such that the front, side street or rear street façade of the building will no longer meet the setback requirements of table 295-705-1, or will be even less in conformance with those requirements than it already is.

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

3. INTRUSIONS INTO PUBLIC RIGHT-OF-WAY. See ch. 245 for regulations pertaining to intrusions of structures into the public right-of-way.

4. CALCULATION OF PERMITTED FLOOR AREA. a. Variables. As indicated in the permitted floor area standards in table 295-705-1, one or more of the following 4 variables may be used to determine how much building floor area will be allowed for any development project:

- a-1. The size of the development site (W).
- a-2. The amount of surface open space (X).
- a-3. The amount of qualifying roof top open space (Y).
- a-4. The size of an interior atrium or mall (Z).

b. Formulas. Exact formulas vary from district to district. In general, the larger the development site and the more surface open space, roof top open space or atrium space provided, the more floor area permitted. Paragraphs c to f describe how to calculate each of the 4 variables.

c. Size of the Development Site (W). c-1. In most cases, the size of the development site equals the gross area of the primary building site. However, when a lot separated from the primary building site will be developed or utilized in conjunction with development of the primary building site, the gross area of such lot may be counted as part of the development site if:

c-1-a. The separate lot is under the same ownership as the primary building site.

c-1-b. The separate lot is or will be physically connected to the primary building site in a manner allowing human passage.

c-1-c. The property owner files an overall development plan with the commissioner of neighborhood services indicating the total floor area to be constructed on the development site; and

c-1-d. The property owner files a deed restriction indicating that the total floor area shown on the development plan will not be increased without the express approval of the common council.

c-2. Any portion of the primary building site and any portion of a qualifying separate lot which is dedicated to the public for open space use may be counted as part of the development site.

d. Amount of Surface Open Space (X). The city encourages the creation of surface open space and permits construction of additional building floor area when it is provided. The amount of surface open space equals the size of the development site (W) less:

d-1. The area of the development site covered by structures at grade.

d-2. The area underneath cantilevered portions of such structures where the cantilevered portions are less than 24 feet above grade; and

d-3. The area of the development site designed for surface vehicular use.

e. Amount of Qualifying Roof Top Open Space (Y). Sometimes plazas or other open space amenities can be created on the roof of structures. The city encourages development of roof top open space and permits construction of additional building floor area when roof top open space meets the following criteria:

e-1. It will be improved in such a way that it can be classified as a walkway, plaza, courtyard or other open space amenity.

e-2. Its average length and width will each exceed 10 feet.

e-3. It will be open to the sky.

e-4. It will be designed and intended primarily for use by the public or by the employees, residents or patrons of the development site's principal building. Improved roof top areas designed primarily for maintenance activities do not qualify.

f. Size of an Interior Atrium or Mall (Z). f-1. The city encourages the creation of qualifying interior atrium or mall space which is designed in such a way that it either will or eventually could be connected to the downtown skywalk system. In certain zoning districts development of additional building floor area is permitted when such space is provided. Qualifying atrium or mall space shall:

f-1-a. Be 2 or more stories in height.

f-1-b. Have a volume of at least 10,000 cubic feet.

f-2. The size of qualifying interior atrium or mall space shall be the volume of said space measured in cubic feet.

5. BUILDING HEIGHT. a. Exceptions to Height Limitations. All structures shall comply with the height limitations established in each zoning district, if any, except the following:

- a-1. Chimneys and flues.
- a-2. Water towers or tanks other than those located on the roof of a building.
- a-3. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.
- a-4. Parapet walls or cornices extending above the height limit not more than 5 feet.
- a-5. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.
- a-6. Religious assemblies, convents, schools, dormitories, colleges, libraries and museums. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.
- a-7. Transmission towers which are in compliance with the height-related standards of s. 295-703-2-u.
- a-8. Solar farms and solar arrays.
- b. Exception to Minimum Height Requirement. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

5.5. GLAZING. The glazing requirements applicable to the LB3 district, as specified in s. 295-605-2-i-3, shall apply to all properties in downtown zoning districts, except properties in the C9A and C9H districts and ground floor residential uses permitted on collector and local streets, which shall meet the glazing requirements of the LB2 district.

6. FENCES. a. General. Fences shall be permitted anywhere on a lot in a downtown zoning district, including placement along property lines. For the purposes of this subsection, the term "fence" shall include a wall or other similar structure.

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

b-1. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245.

b-2. An ornamental metal fence may be erected to a height of 8 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 8 feet and the portion of the wall/fence structure above 6 feet high is at least 50% open.

c. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 8 feet in the C9A district. No limit applies in other subdistricts.

d. Barbed Wire. Barbed wire shall not be permitted except in the C9H district, where it may be used for fence purposes provided that it is located not less than 6 feet above the grade directly below the wire. Razor wire and concertina wire are prohibited in all circumstances.

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

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

g. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.

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

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

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

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6.5. 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:

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.

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.

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.

7. SIGNS. a. **Sign Classification Table.** Table 295-705-7 specifies the classification of various types of signs when located in the downtown districts. The sign types in this table are defined in s. 295-201. The following are the classifications indicated in table 295-705-7:

a-1. "L" indicates a limited-permission sign. This sign shall be permitted only when the commissioner of neighborhood services finds that the sign will meet the standards of par. b. If the sign cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-2. "N" indicates that a sign of this type is prohibited.

Table 295-705-7								
DOWNTOWN DISTRICT SIGN CLASSIFICATIONS								
	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H
On -premise								
Awning	L	L	L	L	L	L	L	L
Canopy	L	L	L	L	L	L	L	L
Hood	L	L	L	L	L	L	L	L
Wall	L	L	L	L	L	L	L	L
Freestanding	L	L	L	L	L	L	L	L
Roof	L	L	L	L	L	L	L	L
Projecting	N	L	L	L	L	L	L	L
Marquee	N	L	L	L	L	L	L	L
Off-premise								
All	N	L	N	N	N	L	N	N

b. **Limited-Permission Sign Standards.** b-1. **Awning Signs.** b-1-a. The sign shall be not more than 12 inches in height.

b-1-b. If the awning to which such sign is attached is made of translucent material, the awning shall not be internally illuminated.

b-2. **Canopy and Hood Signs.** If the sign has a display area larger than 25 square feet, the sign shall be a type A sign.

b-3. **Wall Signs.** b-3-a. If the sign has a display area larger than 50 square feet, the sign shall be a type A sign.

b-3-b. The sign shall be attached only to a flat, opaque wall surface.

b-4. **Freestanding Signs.** b-4-a. The sign's display area shall not be larger than 35 square feet.

b-4-b. The sign shall be a type A sign.

b-5. **Roof Signs.** If the sign has a display area larger than 50 square feet, the sign shall be a type A sign.

b-6. Projecting Signs. If the sign has a display area larger than 25 square feet, the sign shall be a type A sign.

b-7. Marquee Signs. If the sign has a display area larger than 50 square feet, the sign may be illuminated only by internal lights.

b-8. Off-Premise Signs. b-8-a. The sign shall not be located within 300 feet of a residential district or 100 feet of a residential use.

b-8-b. The sign's display area shall not be larger than 300 square feet. If this condition is not met, the sign is prohibited.

b-8-c. No off-premise sign shall be placed upon any premises used as a parking lot.

b-8-d. Off-premise automatic changeable message signs shall be subject to the special use permit requirement set forth in 295-407-7-d.

c. Temporary Signs. The following temporary signs shall be permitted in all downtown zoning districts:

c-1. A sign pertaining to the construction of a building or the sale or lease of vacant land not exceeding 72 square feet.

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

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

8. LANDSCAPING REQUIREMENTS. a. Following Demolition of a Structure. In addition to requirements set forth in s. 218-6-8, whenever a structure in any downtown zoning district is demolished, the site shall be covered with sodded grass and shall have at least one tree planted for every 25 lineal feet of street frontage. A continuous landscaped area at least 5 feet wide with 2 staggered rows of shrubs spaced 4 feet on center in each row and an ornamental metal fence shall be provided along all street frontages. If plans for new development on the site are submitted to the department, these landscaping requirements shall not apply.

b. Uses for Which Landscaping is Required. All land uses in downtown zoning districts shall be in compliance with all applicable landscaping requirements of s. 295-405.

9. RESTRICTED BUILDING WALL MATERIALS. The following regulations apply to any non-industrial principal building or addition, as well as any accessory structure wall that is parallel to and within 10 feet of a street frontage, or a wall used for screening of mechanical equipment, trash and recycling equipment, containers used for solid waste disposal or dumpster storage area that is parallel to and within 10 feet of a street frontage:

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

b. Concrete Masonry Units. Utility-grade concrete masonry units, such as standard concrete block and split-face block, are permitted along a building's street-facing frontage provided that their use is limited to the base of the façade to a height not exceeding 2 feet 8 inches. These materials are permitted on a building's rear, alley and interior lot line facades.

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

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

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.

[Pages 858 to 870 are blank.]