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THE CHAIR

..Title
A substitute ordinance relating to various revisions to the zoning code.

..Sections
295-201-636 rc
295-405-6-a-1 am
295-405-6-a-2-0 am
295-405-6-a-2-a am
295-405-6-a-2-b am
295-405-6-a-2-c rc
295-505-4-e-3 rc
295-603-1 (table) am
295-603-2-a rn
295-603-2-a cr
295-603-2-b rn
295-603-2-c rn
295-603-2-d rn
295-603-2-e rn
295-603-2-f rn
295-603-2-g rn
295-603-2-h rn
295-603-2-i rn
295-603-2-j rn
295-603-2-k rn
295-603-2-L rn
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295-603-2-r rn
295-603-2-s rn
295-603-2-t rn
295-603-2-u rn
295-603-2-v rn
295-603-2-w rn
295-603-2-x rn
295-603-2-y rn
295-603-2-z rn
295-603-2-aa rn
295-603-2-bb rn
295-603-2-cc rn

295-603-2-dd	rn
295-603-2-ee	rn
295-603-2-ff	rn
295-605-2-i-3-0	am
295-605-2-i-3-a	am
295-605-2-i-3-c	am
295-605-2-i-3-d	am
295-605-2-i-3-f	rc
295-605-4-e-3	rc
295-703-1 (table)	am
295-703-2-a	rc
295-703-2-g-0	am
295-703-2-g-1	am
295-703-2-h	rc
295-703-2-p	rn
295-703-2-p	cr
295-703-2-q	rn
295-703-2-r	rn
295-703-2-s	rn
295-703-2-t	rn
295-703-2-u	rn
295-703-2-v	rn
295-703-2-w	rn
295-703-2-x	rn
295-703-2-y	rn
295-703-2-z	rn
295-703-2-aa	rn
295-705-1 (table)	am
295-705-5.5	am
295-705-6.5	cr

..Analysis

This ordinance makes various revisions to the zoning code, including:

1. Clarifying where dumpsters may be located and requiring consideration of dumpster location prior to building permit issuance.
2. Clarifying the uses that are permitted in the street-activating use area of a building.
3. Making single-, 2- and multi-family dwellings and live-work units a limited use, rather than a permitted use, in the LB3 commercial zoning district.
4. Clarifying glazing and street activation requirements.
5. Classifying general office, government office, medical office, business service, assembly hall, cultural institution and health club uses as permitted uses, rather than limited uses, in certain downtown zoning districts.

6. Prohibiting hotel rooms in the interior street frontage zone of the street level area of a commercial hotel located on a principal arterial or minor arterial street in a downtown zoning district.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-201-636 of the code is repealed and recreated to read:

295-201. Definitions.

636. STREET-ACTIVATING USE AREA means specific interior rooms and spaces within the ground floor of a use that provides visual activation of the street through windows or other openings. Interior parking areas, storage and locker rooms, restrooms, coat-check areas and other passive spaces not intended to be visually open to the outdoors shall not be considered street-activating use areas. Examples of street-activating use areas include but are not limited to:

a. In multi-family residential buildings, lobbies, community rooms, exercise rooms and other similar amenity spaces, but not individual dwelling units.

b. In retail and general service uses, sales areas, product displays, break rooms and other active spaces. Stock rooms, storage rooms and similar areas are not included.

c. In commercial and office uses, and healthcare and social assistance uses, lobbies, reception areas, waiting rooms, conference rooms, amenity spaces, communal working spaces, teller areas, break rooms, and cafeterias, but not spaces such as individual offices, exam rooms or similar spaces where privacy needs are contrary to the intent of visual activation of the street.

d. In entertainment and recreation uses, and accommodation and food service uses, customer seating and waiting areas, and circulation areas.

Part 2. Section 295-405-6-a-1 and a-2-0, a and b of the code is amended to read:

295-405. Landscaping and Screening.

6. SCREENING REQUIREMENTS FOR UTILITARIAN SITE FEATURES AND EQUIPMENT.

a. Screening of Mechanical Equipment, Trash and Recycling Collection Equipment and Dumpster Storage Areas.

a-1. Purpose. The purpose of screening mechanical equipment, trash and recycling collection equipment >>, containers used for solid waste disposal<< and dumpster storage areas is to mitigate the visual impact of such site features on neighborhoods and to protect the aesthetic quality of the city of Milwaukee.

a-2. Where Required. Screening is required when mechanical equipment, trash or recycling collection equipment >>containers used for solid waste disposal<< or a dumpster storage area is visible from an adjacent public street or an adjacent property in a ~~[[non-industrial]]~~ >>residential<< zoning district, ~~[[including a property directly across an alley,]]~~ except that screening is not required for:

a-2-a. Mechanical equipment or >>containers used for solid waste disposal, including<< a dumpster storage area at a wholly residential property with 4 units or less.

a-2-b. Mechanical equipment or >>containers used for solid waste disposal, including<< a dumpster storage area incorporated into the structure it serves.

Part 3. Section 295-405-6-a-2-c of the code is repealed and recreated to read:

a-2-c. Mechanical equipment or containers used for solid waste disposal, including a dumpster storage area that is concealed from street view by the structures on the property. Dumpster storage behind a building may be visible from the alley.

Part 4. Section 295-505-4-e-3 of the code is repealed and recreated to read:

295-505. Design Standards.

4. SITE STANDARDS.

e. Landscaping.

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 3//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 rehabilitation of an existing building, dumpsters or other

containers used for solid waste disposal, including containers for recycled materials, which includes, and the screening for these containers, if required, shall be shown on submitted plans.

Part 5. Table 295-603-1 of the code is amended to read:

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
RESIDENTIAL USES												
Single-family dwelling	Y	Y	Y	Y	[[Y]] >>L<<		Y	Y	Y			
Two-family dwelling	Y	Y	Y	Y	[[Y]] >>L<<		Y	Y	Y			
Multi-family dwelling	Y	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	[[Y]] >>L<<		Y	Y	Y			
Live-work unit	Y	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
GROUP RESIDENTIAL USES												
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
Foster Homes												
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	Y
Small group shelter care facility	L	L	L	L	L	L	L	L	L
Large group shelter care facility	S	S	S	S	S	S	S	S	S
Community Living Arrangement	L	L	L	L	L	L	L	L	L

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
EDUCATIONAL USES								
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
COMMUNITY-SERVING USES								
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
COMMERCIAL AND OFFICE USES								
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
HEALTH CARE AND SOCIAL ASSISTANCE USES								
Medical office	Y	Y	Y	Y	Y	Y	Y	Y
Health clinic	S	S	S	S	S	S	S	S
Hospital	N	N	S	S	S	S	S	S
Medical research laboratory	N	N	S	S	S	S	S	Y
Medical service facility	N	N	S	S	S	S	S	S
Social service facility	S	S	S	S	S	S	S	S
Emergency residential shelter	S	S	S	S	S	S	S	S
Nursing home	S	S	Y	Y	Y	Y	Y	Y
Adult day care	L	L	L	L	L	L	L	L
GENERAL SERVICE USES								
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

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
MOTOR VEHICLE USES								
<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
ACCOMMODATION AND FOOD SERVICE USES								
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
ENTERTAINMENT AND RECREATION USE								
Park or playground	Y	Y	Y	Y	Y	Y	Y	Y

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
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
STORAGE, RECYCLING AND WHOLESALE TRADE USES								
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
TRANSPORTATION USES								
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
INDUSTRIAL USES								
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
AGRICULTURAL USES								

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
Plant, nursey or greenhouse	S	S	S	S	S	S	S	S
Raising of livestock	S	S	S	S	S	S	S	S
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprise	S	S	S	S	S	S	S	S
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	N	Y	Y	Y	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	Y	Y	Y	Y	Y	Y
Sewage treatment plant	N	N	N	N	N	N	N	N
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	S	S	S	S	S	S	S	S
Solar farm	S	S	S	S	S	S	S	Y
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	S
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	L
TEMPORARY USES								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

Part 6. Section 295-603-2-a to ff of the code is renumbered 295-603-2-b to gg.

Part 7. Section 295-603-2-a of the code is created to read:

295-603. Uses.

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.

Part 8. Section 295-605-2-i-3-0, a, c and d of the code is amended to read:

295-605. Design Standards.

2. PRINCIPAL BUILDING STANDARDS.

i. Design Features.

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-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 $>.65$), 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.<<

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 depth of 15 feet. This requirement shall not apply to areas occupied by permitted dwelling units.<< Interior walls parallel to ~~[[required]]~~ glazing >>greater than the minimum amount required<< shall be not less than 6 feet from the plane of the glazing.

Part 9. Section 295-605-2-i-3-f of the code is repealed and recreated to read:

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 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.

Part 10. Section 295-605-4-e-3 of the code is repealed and recreated to read:

4. SITE STANDARDS.

e. Landscaping.

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 rehabilitation of an existing building, dumpsters or other containers used for solid waste disposal, including containers for recycled materials, which includes, and the screening for these containers, if required, shall be shown on submitted plans.

Part 11. Table 295-703-1 of the code is amended to read:

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
RESIDENTIAL USES								
Single-family dwelling		Y	L	L	L	L	L	N
Two-family dwelling		Y	L	L	L	L	L	N
Multi-family dwelling		Y	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
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
<i>Foster Homes</i>								
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
<i>Shelter Care Facilities</i>								
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
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	S	S	S	S
COMMUNITY-SERVING USES								
Library		Y	Y	Y	Y	S	Y	N
Cultural institution	L		[[L]]	Y	Y	S	Y	N
			>>Y<<					
Community center		S	S	S	S	S	S	S
Religious assembly		Y	Y	Y	Y	L	Y	N
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	[[L]]	Y	Y	Y
					>>Y<<			
Government office	L	Y	Y	Y	[[L]]	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	S	S
Home improvement center		N	N	N	N	N	N	S
Secondhand store		S	L	L	S	L	Y	S

Outdoor merchandise sales	S	S	S	N	S	S	Y	S
Artist studio	L	Y	Y	N	L	L	Y	S
Adult retail establishment	N	N	N	N	N	N	S	S
HEALTH CARE AND SOCIAL ASSISTANCE USES								
Medical office	L	Y	Y	Y	[[L]] >>Y<<	Y	Y	Y
Health clinic	S	S	S	S	L	Y	Y	N
Hospital	S	S	S	S	N	S	S	N
Medical research laboratory	N	S	S	S	S	Y	Y	Y
Medical service facility	N	N	N	N	S	S	S	S
Social service facility	S	S	S	S	S	S	S	S
Emergency residential shelter	N	S	S	S	N	N	S	N
Nursing home	S	S	S	N	N	N	N	N
Adult day care	S	S	S	S	S	S	S	S
GENERAL SERVICE USES								
Personal service	L	Y	Y	Y	Y	Y	Y	N
Business service	S	Y	Y	Y	[[L]] >>Y<<	Y	Y	Y
Catering service	L	S	S	N	N	N	Y	Y
Funeral home	N	S	S	N	N	N	Y	N
Laundromat	S	Y	Y	N	S	Y	Y	N
Dry cleaning establishment	L	Y	Y	Y	Y	Y	Y	N
Furniture and appliance rental and leasing	N	S	S	N	S	S	S	S
Household maintenance and repair service	N	Y	Y	N	Y	N	Y	Y
Tool/equipment rental facility	N	S	S	N	S	N	S	S
<i>Animal Services</i>								
Animal hospital/clinic	N	N	S	N	S	S	S	S
Animal boarding facility	N	N	N	N	N	N	N	N
Animal grooming or training facility	N	N	S	N	S	S	S	S
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	L	S	S	L	S
Parking lot, accessory use	L	S	S	L	S	S	L	S

Parking structure, principal use	S	S	L	S	L	L	S	S
Parking structure, accessory use	L	L	L	L	L	L	L	L
Heavy motor vehicle parking lot, principal	N	N	S	S	S	S	S	Y
Heavy motor vehicle parking lot, accessory	S	S	S	S	S	S	S	Y
ACCOMMODATION AND FOOD SERVICE USES								
Bed and breakfast	S	Y	Y	N	L	L	Y	N
Hotel, commercial	[[S]] >>L<<	[[Y]] >>L<<	[[Y]] >>L<<	[[Y]] >>L<<	[[Y]] >>L<<	[[Y]] >>L<<	[[Y]] >>L<<	[[N]] >>L<<
Hotel, residential	Y	Y	Y	Y	Y	Y	Y	N
Tavern	S	Y	Y	Y	Y	Y	Y	Y
Brewpub	N	Y	Y	Y	Y	Y	Y	Y
Assembly hall	L	[[L]] >>Y<<	Y	Y	[[L]] >>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	[[L]] >>Y<<	Y	Y	[[L]] >>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
INDUSTRIAL USES								

Alcohol beverage facility, micro	N	L	L	L	L	L	Y	Y
Alcohol beverage facility ,large	N	N	N	N	N	N	L	L
Food processing	N	L	L	N	L	L	Y	Y
Manufacturing, light	N	L	L	N	L	L	Y	Y
Manufacturing, heavy	N	N	N	N	N	N	N	N
Manufacturing, intense	N	N	N	N	N	N	N	N
Research and development	N	Y	Y	N	Y	Y	Y	Y
Processing or recycling of mined materials	N	N	N	N	N	N	N	N
Industrial wastewater treatment facility	N	N	N	N	N	N	N	N
Contractor's shop	N	N	N	N	N	N	S	Y
Contractor's yard	N	N	N	N	N	N	S	Y
AGRICULTURAL USES								
Plant nursery or greenhouse	N	N	N	N	N	N	N	S
Raising of livestock	N	N	N	N	N	N	N	N
Community garden	S	S	S	S	S	S	S	S
Commercial farming enterprises	N	N	N	N	N	N	N	N
UTILITY AND PUBLIC SERVICE USES								
Broadcasting or recording studio	N	Y	Y	Y	Y	Y	Y	Y
Transmission tower	L	L	L	L	L	L	L	L
Water treatment plant	S	S	S	S	S	S	S	S
Sewage treatment plant	S	S	S	S	S	S	S	S
Power generation plant	N	N	N	N	N	N	N	N
Small wind energy system	Y	Y	Y	Y	Y	Y	Y	Y
Solar farm	S	S	S	S	S	S	S	S
Substation/distribution equipment, indoor	S	S	S	S	S	S	S	Y
Substation/distribution equipment, outdoor	L	L	L	L	L	L	L	Y
TEMPORARY USES								
Seasonal market	L	L	L	L	L	L	L	L
Temporary real estate sales office	L	L	L	L	L	L	L	L
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L
Live entertainment special event	L	L	L	L	L	L	L	L

Part 12. Section 295-703-2-a of the code is repealed and recreated to read:

295-703. Uses.

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.

Part 13. Section 295-703-2-g-0 and 1 of the code is amended to read:

g. Religious Assembly, Health Clinic, ~~[[Business Service,]]~~ Bed and Breakfast or Assembly Hall.

g-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.<<

Part 14. Section 295-703-2-h of the code is repealed and recreated to read:

h. 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.

Part 15. Section 295-703-2-p to aa of the code is renumbered 295-703-2-q to bb.

Part 16. Section 295-703-2-p of the code is created to read:

p. 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.

Part 17. Table 295-705-1 of the code is amended to read:

<p align="center">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	[[10 ft.]] >>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

<p align="center">Table 295-705-1 DOWNTOWN DISTRICTS DESIGN STANDARDS</p>							
	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 <i>(when surface open space will comprise 40% or less of the development site); see s. 295-705-4</i>	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 <i>(when surface open space will comprise more than 40% but less than 80% of the development site); see s. 295-705-4</i>	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 <i>(when surface open space will comprise 80% or more of the development site); see s. 295-705-4</i>	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

Part 18. Section 295-705-5.5 of the code is amended to read:

295-705. Design Standards.

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.

Part 19. Section 295-705-6.5 of the code is created to read:

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 rehabilitation of an existing building, dumpsters or other containers used for solid waste disposal, including containers for recycled materials, which includes, and the screening for these containers, if required, shall be shown on submitted plans.

..LRB

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

..Attorney
IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney
Date: _____
..Requestor
Department of City Development
..Drafter
LRB177799-2
Jeff Osterman
003/02/2023