



Legislation Text

File #: 991763, **Version:** 2

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991763

..Version

SUBSTITUTE 2

..Reference

..Sponsor

ALD. D'AMATO AND HENNINGSEN

..Title

A substitute ordinance relating to revision of the city zoning code.

..Sections

78-1-16 am

80-64-1 rc

81-136 rp

83-5-5-b-2-c rp

101-27.5-2-a rc

105-71-0 rc

105-71-1 rc

108-11 am

200-001 am

200-08-1-a am

200-08-1-b am

200-08-2 am

200-08-2.5 am

200-08-4 am

200-08-13 am

200-08-16 rc

200-08-18 am

200-08-22 am

200-08-26 am

200-08-27 am

200-08-28 am

200-08-33 am

200-08-34 am

200-08-35.4 cr

200-08-37 rp

200-08-38 ra

200-08-39 ra

200-08-43 am

200-08-45 am

200-08-56 rp

200-08-59 am

200-08-69 am

200-08-69.5 cr

200-08-70 rc

200-08-71 rc

200-08-73 am

200-08-89 am

200-08-95 rc

200-33-8.5-a-1.5 rp
200-33-53 rp
200-33-60 cr
200-33-60.5 cr
200-33-65-b am
200-33-65-d rp
200-33-65-e rn
200-33-65-f rn
200-33-65-f-0 am
200-33-65-g rn
200-33-65-h rn
200-33-65-i rp
200-33-65-j rn
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200-33-65-k cr
200-33-65-L rn
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239-2-2 rc
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239-2-10 rn
239-2-11 rp
239-11-1-a am
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244(title) am
244-01-1 am
244-01-2 rp
244-01-3 rn
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244-01-5 rn
244-01-6 rn
244-2-0 rc
244-2-1-a am
244-2-1-c cr
244-2-1-d cr
244-2-2-a am
244-2-4 rc
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244-4-3.7 am
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244-7-3 rc
244-7-4-a am
244-7-4-b am
244-7-4-c am
244-7-4-e am
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244-7-5 am
244-7-6 rp
244-8-2 rc
244-9-2-b am
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244-10-0 rc
244-10-1-a-0 am
244-10-2-c am
244-10-2-d am
244-10-3-a am
244-10-3-b am
244-10-3-d am
244-15 rc
244-16 rp
244-17 rc
244-18-0 rc
244-18-1-0 am
244-18-3 am
245-4-10 am
245-4-21 am
245-4.5-2-a am
245-6-7 rc
245-6.5-7 rc
245-7-7 rc
245-8-7 am
245-9-7 am
245-10-7 am
246-2-5 am
246-2-6 am
252-75-1 am
252-75-2 am
252-76-3 am
252-76-4-a-0 am
252-76-5 am
262-35 am
262-98-7-a am
262-103-5-f am
262-103-6-b rc
295 rc

..Analysis

This ordinance repeals and recreates the city's zoning code. It also makes related necessary revisions to other sections of the code of ordinances.

..Body

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

Part 1. Section 78-1-16 of the code is amended to read:

78-1. Definitions.

16. KENNEL means [[a profit or nonprofit business]] >>an<< establishment in which more than 3 dogs or 3 cats, or any combination thereof, over the age of 5 months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale or sporting purposes. >>This is the same type of facility referred to as an “animal boarding facility” in ch. 295.<<

Part 2. Section 80-64-1 of the code is repealed and recreated to read:

80-64. Criteria to Determine Excessive Noise. 1. NOISE LIMITATIONS. The following noise limitations are established for any premises in the following zoning districts, as measured at the lot line:

DISTRICT	NOISE RATING NUMBER	DAY	NIGHT
Residential Districts	55	45	
Neighborhood Shopping	55		45
Other Commercial Districts	60		50
Downtown Districts	60		60
Industrial Districts	65		55
Parks		55	45
Institutional	55		45
Planned Development adjacent to an IH or IM district	65	55	
Other Planned Development	55	45	

Part 3. Section 81-136 of the code is repealed.
(Note: The provisions being repealed read as follows:

81-136. Zoning. All fees under this section are nonrefundable.

1. PLANNED DEVELOPMENT. The fee for each planned development application shall be \$1,100.
(See s. 295-813.)

2. SITE PLAN REVIEW. a. The fee for a site plan review shall be \$75 plus \$2 for each linear foot of lot frontage as measured at the street line. Frontage on an alley shall not be counted in this calculation.

b. The fee for an application to alter an approved site plan shall be 50% of the fee assessed under par. a.
(See s. 295-82.)

3. ZONING AMENDMENT. The fee for a zoning amendment application shall be \$570.
(See s. 295-63.)

Part 4. Section 83-5-5-b-2-c of the code is repealed.
(Note: The provision being repealed reads as follows:

83-5. Coin-operated Moving Picture Houses.

5. GRANTING AND DENIAL OF LICENSES.

b. License Requirements.

b-2. Other Requirements.

b-2-c. The distance requirements of s. 295-14-9.)

Part 5. Section 101-27.5-2-a of the code is repealed and recreated to read:

101-27.5. Residential Daytime Parking Privilege for Nonconforming Residential Uses.

2. a. The applicant's residence is located in a dwelling that does not provide the minimum number of parking spaces required by table 295-403-2-a.

Part 6. Section 105-71-0 and 1 of the code is repealed and recreated to read:

105-71. Vision Triangles.

1. STANDARDS. a. Vision Triangles Established. Vision triangles at grade intersections of streets, streets and alleys and streets and access drives shall be as established in s. 295-405-3.

b. Objects Within Vision Triangle. Opaque fences and other opaque objects, such as but not limited to coniferous trees and shrubs and utility boxes, located in the vision triangle shall not exceed 3 feet in height. Semi-opaque and open fences and other semi-opaque objects, such as but not limited to deciduous trees and shrubs, sign and utility poles, traffic standards, and masonry fence piers not exceeding 16 inches in width shall be permitted if they are sufficiently transparent to ensure vehicular and pedestrian safety. Any bushes, hedges, fences, trees or other obstructions, except those permitted as stated in this paragraph, located within the vision triangle are declared to be public nuisances.

Part 7. Section 108-11 of the code is amended to read:

108-11. Closing Hour. All public dances shall be discontinued and all public dance halls located in [[a residence district]] >>residential zoning districts<< as established under >>subch. 5 of<< ch. 295 shall be closed no later than 12:30 a.m., except where such premises are licensed under ss. 90-33 to 90-36. If a public dance hall is located in a >>zoning<< district other than a [[residence]] >>residential<< district established under >>subch. 5 of<< ch. 295, such dances shall be discontinued and such dance halls shall be closed no later than 1:00 a.m. on weekdays and 1:30 a.m. on Sundays, [[central standard time]] and shall not reopen before 10:30 a.m., [[central standard time]]. The chief of police, upon application made to [[him]] >>the chief<< not less than 5 days prior to the date of the holding of such public dance >>,<< may fix the closing not later than 3:00 a.m.

Part 8. Section 200-001 of the code is amended to read:

200-001. Title. Chapters 200 to 295 constitute and may be cited as the [[“Revised Building and Zoning Code of 1986”]] >>Building and Zoning Code<< and may also be referred to, within chs. 200 to 295, as “this code.”

Part 9. Section 200-08-1-a and b of the code is amended to read:

200-08. Definitions.

1. ABANDONED SIGN means:

a. An on-premise or off-premise sign pertaining to or associated with an event, business or purpose which is no longer on-going and which has been inactive or out of business for a period of [[6 consecutive months]] >>90 consecutive days<< or longer; or

b. An on-premise or off-premise sign which contains structural components but no display for a period of [[6 consecutive months]] >>90 consecutive days<< or longer.

Part 10. Section 200-08-2 of the code is amended to read:

2. ACCESSORY BUILDING means a building on the same lot as a principal structure and customarily incidental >>and subordinate<< to the principal structure or use.

Part 11. Section 200-08-2.5 of the code is amended to read:

2.5. ACCESSORY SHED means an accessory building of not more than [[120]] >>150<< square feet in floor area and not more than [[12]] >>14<< feet in height.

Part 12. Section 200-08-4 of the code is amended to read:

4. [[ALTERATIONS]] >>ALTERATION<< means [[every alteration]] >>any change, addition, modification,<< or repair to any structural part of an existing [[building or]] structure, [[or]] >>any change<< which involves room arrangement, fenestration, exit stairways, fire protection [[,]] equipment, exits, application of [[thin veneers or any or all of them]] >>exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features<< .

Part 13. Section 200-08-13 of the code is amended to read:

13. BUILDING means an enclosed structure [[or edifice]] built, erected [[and]] >>or<< framed of component parts for the housing, shelter, support and enclosure of persons, animals [[,]] or property [[of any kind]].

Part 14. Section 200-08-16 of the code is repealed and recreated to read:

16. CHANGEABLE MESSAGE SIGN means a sign which has copy that is changed periodically, such as a time-and-temperature sign, message center or reader board. The sign copy may be changed either manually, with removable or interchangeable letters, or electronically. This term does not include a truck or trailer designed as a mobile, changeable message sign. See also PORTABLE SIGN.

Part 15. Section 200-08-18 of the code is amended to read:

18. COMMISSION means >>, unless otherwise specified,<< the standards and appeals commission.

Part 16. Section 200-08-22 of the code is amended to read:

22. DEPTH OF LOT means the distance from the [[street]] >>front lot<< line [[of the lot to its]] >>to the<< rear >>lot<< line measured in the general direction of the side lines of [[the]] >>a<< lot.

Part 17. Section 200-08-26 of the code is amended to read:

26. DORMITORY means >>, unless otherwise specified,<< a building or part thereof containing a room or rooms to provide sleeping accommodations to persons, without complete separations between cots or beds by partitions or walls. It is not a hotel, household, rooming house or apartment building.

Part 18. Section 200-08-27 of the code is amended to read:

27. DWELLING means >>, unless otherwise specified,<< any building [[or structure]] which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.

Part 19. Section 200-08-28 of the code is amended to read:

28. DWELLING UNIT means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit [[with]] >>providing complete, independent<< facilities which are used [[or intended to be used]] >>by one family<< for living, sleeping, cooking [[and eating of meals]] >>, eating and sanitation<<.

Part 20. Section 200-08-33 of the code is amended to read:

33. FAMILY means >>, unless otherwise specified,<< a person occupying a dwelling unit, or dwelling >>unit<< with one or more persons who are legally related to such occupant by virtue of being husband and wife, son or daughter, mother or father, sister or brother, uncle or aunt, grandparent, grandchild, niece or nephew, cousin, mother-in-law or father-in-law, all of whom comprise no more than one nuclear family unit per household. Included in the term family are 4 or [[less]] >>fewer<< legally assigned foster children, except that more than 4 may be legally assigned if all are related to one

another as brothers or sisters.

Part 21. Section 200-08-34 of the code is amended to read:

34. FLAG means an exhibit made of flexible material mounted on a [[flagpole]] >>pole<< and which represents or symbolizes an organization, group, cause, event [[or]] >>,<< activity >>or unit of government<<.

Part 22. Section 200-08-35.4 of the code is created to read:

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

Part 23. Section 200-08-37 of the code is repealed.

(Note: The provision being repealed reads as follows:

37. GROUND SIGN means a sign erected on one or more freestanding supports or uprights and not attached to any building.)

Part 24. Section 200-08-38 and 39 of the code is renumbered 200-08-35.5 and 35.6 and amended to read:

35.5. [[GROUND]] >>FREESTANDING<< SIGN, PERMANENT means a [[ground]] >>freestanding<< sign permanently affixed to the ground.

35.6. [[GROUND]] >>FREESTANDING<< SIGN, PORTABLE means a [[ground]] >>freestanding<< sign placed upon a premise but not permanently affixed to the ground.

Part 25. Section 200-08-43 of the code is amended to read:

43. HOOD SIGN means [[an on-premise]] >>a<< sign attached to [[or supported by]] >>,<< painted on or suspended from<< a hood.

Part 26. Section 200-08-45 of the code is amended to read:

45. HOTEL means >>, unless otherwise specified,<< any dwelling licensed for this purpose, wherein sleeping accommodations are offered for pay, chiefly to transient guests in 5 or more rooms, but not including a rooming house.

Part 27. Section 200-08-56 of the code is repealed.

(Note: The provision being repealed reads as follows:

56. MOBILE SIGN means a portable ground sign.)

Part 28. Section 200-08-59 of the code is amended to read:

59. NONCONFORMING SIGN means a sign that does not meet the requirements of ch. 244 or [[subch. 7 of ch.]] 295.

Part 29. Section 200-08-69 of the code is amended to read:

69. PERSON means any individual [[persons, partnerships]] , >>partnership,<< firm, organization, association [[or]] >>,<< corporation >>or limited liability company<< , [[their]] >>its<< agents or assigns or other legal entity capable of holding either legal or equitable title to real estate.

Part 30. Section 200-08-69.5 of the code is created to read:

69.5. PORTABLE SIGN means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which can be readily moved. A vehicle carrying advertising, parked at a curb for other than normal transportation purposes, shall be considered a portable sign.

Part 31. Section 200-08-70 of the code is repealed and recreated to read:

70. PREMISES means one or more lots or portions of lots, including any structures, which are contiguous and under common ownership or control.

Part 32. Section 200-08-71 of the code is repealed and recreated to read:

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

Part 33. Section 200-08-73 of the code is amended to read:

73. ROOMER means an occupant of a rooming house who is not a member of the family ~~[[or]]~~ >>of<< the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not ~~[[a member of the family occupying]]~~ >>the primary occupant of<< the dwelling unit.

Part 34. Section 200-08-89 of the code is amended to read:

89. STRUCTURE means, ~~[[as specifically regulated by this code]]~~ >>except in ch. 295<<, anything other than a building which is constructed, erected, and framed of component parts and which is fastened, anchored or rests on a permanent foundation or on the ground for any occupancy or use whatsoever. It includes fair, carnival and festival open structures; fire escape, stairway, or chute escapes and railings; fences and railings; open air observation, water tank and other towers; traveling cranes, hoists and loading or unloading apparatus; open scaffolding, rigging, swinging platforms, bridges; bins, temporary reviewing stands, platforms and structures; canvas or cloth awnings, tents and other such structures; signs, billboards and advertising devices of every description; open terraces and open grade steps, sidewalks or stairways; all other apparatus and all other objects or property not included under the terms "building" and "equipment."

Part 35. Section 200-08-95 of the code is repealed and recreated to read:

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

Part 36. Section 200-33-8.5-a-1.5 of the code is repealed.

(Note: The provision being repealed reads as follows:

200-33. Fees.

8.5. CERTIFICATES OF OCCUPANCY AND ZONING.

a. Certificates of Occupancy.

a-1.5. The required fee for certificates of occupancy for each live/work unit, as provided in s. 295-14-2.5-c, shall be \$25.)

Part 37. Section 200-33-53 of the code is repealed.

(Note: The provision being repealed reads as follows:

53. STANDS FOR MERCHANDISE. The permit fee for temporary stands, sheds and Christmas tree lots used for sale of merchandise as permitted in chs. 239 and 295 shall be \$75 for 3 months.)

Part 38. Section 200-33-60 of the code is created to read:

60. TEMPORARY BUILDINGS AND STRUCTURES. The permit fee for temporary buildings and structures, as permitted in ch. 239, but not including any seasonal market, temporary real estate sales office, temporary concrete/batch plant or live entertainment special event, as these terms are defined in s. 295-201, shall be \$75 for 3 months.

Part 39. Section 200-33-60.5 of the code is created to read:

60.5. TEMPORARY USES. The fee for a temporary use permit, as provided for in s. 295-305, shall be \$75.

Part 40. Section 200-33-65-b of the code is amended to read:

65. ZONING, BOARD OF APPEALS.

b. [[Dimensional variances]] >>Variances<<: \$100 per variance requested.

Part 41. Section 200-33-65-d of the code is repealed.

(Note: The provisions being repealed read as follows:

d. Use variance (per use variance requested) based on lot area:

d-1. 0-10,000 square feet: \$300.

d-2. 10,001-20,000 square feet: \$600.

d-3. Over 20,000 square feet: \$900.)

Part 42. Section 200-33-65-e to h of the code is renumbered 200-33-65-d to g.

Part 43. Section 200-33-65-f-0 of the code is amended to read:

f. On-premise signs: roof signs, [[ground]] >>freestanding<< signs and projecting signs:

Part 44. Section 200-33-65-i of the code is repealed.

(Note: The provision being repealed reads as follows:

i. District boundary line extensions: \$300.)

Part 45. Section 200-33-65-j to L of the code is renumbered 200-33-65-h to j.

Part 46. Section 200-33-65-k of the code is created to read:

k. Beneficial use determination: \$150.

Part 47. Section 200-33-65-m of the code is renumbered 200-33-65-L.

Part 48. Section 200-33-67 of the code is renumbered 200-33-68.

Part 49. Section 200-33-67 of the code is created to read:

67. ZONING, PLAN COMMISSION/COMMON COUNCIL. All fees under this subsection are nonrefundable.

a. Planned Development. The fee for each planned development application shall be \$1,100.

b. Overlay Zone Plan Review. b-1. In an overlay zone where development plan review is required, the fee for plan review shall be \$75 plus \$2 for each linear foot of lot frontage as measured at the street line. Frontage on an alley shall not be included in this calculation.

b-2. The fee for an application to alter an approved development plan shall be 50% of the fee assessed under subd. 1.

c. Zoning Amendment. The fee for a zoning map amendment pursuant to s. 295-307 shall be \$570.

Part 50. Section 200-44 of the code is amended to read:

200-44. Nonconforming Occupancy or Use of Building. Nothing in this code shall required the removal, alteration, or abandonment of, nor prevent the continuance of a legal nonconforming original or changed occupancy or use of a building, structure, or premises or part thereof, lawfully existing at the time of the adoption of this code >>, << except as required by the provisions of [[subch. 3 of ch. 295]] >>s. 295-415<< . Legal nonconforming structures can be converted to less [[restricting]] >>restrictive<< occupancies provided said occupancy complies with the regulations of ch. 295.

Part 51. Section 222-22 of the code is amended to read:

222-22. Wiring [[Mobile]] >>Portable<< Signs. 1. All [[mobile]] >>portable<< signs that require electrical methods and materials shall be served by a 3-wire cord with equipment grounding conductor or plugged into a grounding receptacle on a circuit protected by an over-current device no larger than the rating of the circuit.

2. A ground fault circuit interrupter shall be installed at the source of supply when the distance between a [[mobile]] >>portable<< sign and the outlet exceeds 10 feet in length or when the cord is placed on any driveway, parking area or access walks.

Part 52. Section 239-1-4 of the code is repealed.
(Note: The provision being repealed reads as follows:

239-1. Detached Private Garages.

4. AREA. All private detached garages or detached carports shall be limited in area to 1,000 square feet and as further regulated in ch. 295.)

Part 53. Section 239-1-5 to 10 of the code is renumbered 239-1-4 to 9.

Part 54. Section 239-2-2 of the code is repealed and recreated to read:

239-2. Fences.

2. HEIGHT, SETBACK AND VISION TRIANGLE. Fences shall meet the applicable fence height, setback and vision triangle regulations of ch. 295.

Part 55. Section 239-2-3 to 6 of the code is repealed.

Part 56. Section 239-2-7 to 10 of the code is renumbered 239-2-3 to 6.

Part 57. Section 239-2-5 of the code is amended to read:

239-2. Fences.

5. BARBED WIRE. Barbed wire may be used for fence purposes only on premises [[as permitted in sub. 2]] >>zoned C9H (warehousing and light manufacturing) or industrial,<< and when used shall be located not less than 6 feet above the grade directly below the wire.

Part 58. Section 239-2-11 of the code is repealed.

Part 59. Section 239-11-1-a of the code is amended to read:

239-11. Accessory Sheds and Structures.

1. a. In addition to the regulations of this section, accessory sheds shall comply with the regulations of ss. 239-1-2 and 5 [[,]] and [[295-17]] >>and the applicable provisions of ch. 295<<.

Part 60. Section 240-2 of the code is amended to read:

240-2. Zoning Restrictions on Construction. Buildings not more than 2 stories in height shall be of Type 7 construction or

better when located in a [[restricted office, neighborhood shopping, local business, regional shopping or central business district]] >>residential and office, neighborhood shopping, local business, regional shopping, commercial service or downtown zoning district<< .

Part 61. The title of chapter 244 is amended to read:

CHAPTER 244

>>SIGNS AND<< OUTDOOR ADVERTISING

Part 62. Section 244-01-1 of the code is amended to read:

244-01. Scope. 1. [[OUTDOOR ADVERTISING]] >>GENERAL<<. Except as otherwise regulated herein, the regulations of this chapter shall govern all outdoor signs, advertising structures or devices with respect to location, safety, size, construction, erection, attachment, support, anchorage and maintenance. >>The number, location, height and size of signs is further regulated in ch. 295.<<

Part 63. Section 244-01-2 of the code is repealed.

Part 64. Section 244-01-3 to 6 of the code is renumbered 244-01-2 to 5.

Part 65. Section 244-2-0 of the code is repealed and recreated to read:

244-2. Permits.

Part 66. Section 244-2-1-a of the code is amended to read:

1. PERMIT REQUIRED. a. No person shall erect, construct, enlarge, move, relocate, or maintain any sign or billboard regulated in this chapter >>or ch. 295<< without first obtaining a permit therefor from the commissioner of city development and paying the fee prescribed in this section.

Part 67. Section 244-2-1-c and d of the code is created to read:

c. No permit shall be required for the following:

c-1. Signs listed in s. 295-407-4.

c-2. Permanent and temporary window signs as regulated under s. 295-407-2-b-7 and 8.

d. A permit shall be required for any sign permitted by a variance granted by the board of zoning appeals or the standards and appeals commission.

Part 68. Section 244-2-2-a of the code is amended to read:

2. APPLICATION FOR PERMITS. a. Applications for permits shall be as regulated in s. 200-26, except that at the option of the commissioner of city development the requirements for the submitting of plans (drawings), data, specifications and certified [[lot]] >>survey map<< or plot plan may be modified or waived, provided the proposed sign or billboard is sufficiently described in the application for permit. >>In order to gain an understanding of the location of existing and proposed signs, the commissioner may require the applicant to submit photographs of the premises.<<

Part 69. Section 244-2-4 of the code is repealed and recreated to read:

4. PERMIT ISSUANCE. The commissioner of city development shall issue a permit for any proposed sign that meets the regulations of this chapter and ch. 295.

Part 70. Section 244-3-0 of the code is repealed and recreated to read:

244-3. Maintenance, Abandonment and Removal.

Part 71. Section 244-3-1.5 of the code is created to read:

1.5. SIGNS INSTALLED PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION [city clerk to insert date]. a. Existing Signs Installed with Permits. A sign installed with a permit prior to the effective date of this subsection [city clerk to insert date] may remain as long as the sign does not become an abandoned sign, in which case it shall be subject to the provisions of sub. 2. A box-type sign with a plastic-faced display area may be changed, with a permit, for a new tenant or business, even if the existing sign size is larger than permitted under this code and is considered nonconforming, provided the change to the display area occurs within 90 days after the former tenant or business ceases to occupy the location.

b. Existing Signs Illegally Installed Without Permits. An existing sign for which a permit is required under this code, and for which a permit was also required under the code in effect prior to the effective date of this subsection [city clerk to insert date] but was not obtained, including but not limited to a sign or advertising painted directly on the wall of a building, or a side or advertising painted directly on a former window of a building such that the window became opaque, shall be subject to the following provisions:

b-1. If the sign meets the regulations of this code, the property owner shall, by [city clerk to insert date that is 30 days after the effective date of this ordinance], obtain a permit for the sign or remove the sign.

b-2. If the sign does not meet the regulations of this code, the property owner shall remove the sign by [city clerk to insert date that is 30 days after the effective date of this ordinance].

c. Existing Signs for Which Permits Were not Required Under the Previous Code; Temporary Window Signs and Prohibited Signs. Temporary window signs and signs prohibited by s. 295-407-5 which were installed prior to the effective date of this subsection [city clerk to insert date] shall be removed by [city clerk to insert date that is 30 days after the effective date of this ordinance].

d. Existing Signs for Which Permits Were not Required Under the Previous Code; Signs for Which Permits are Currently Required. For any sign installed prior to the effective date of this subsection [city clerk to insert date] for which no permit was required prior to that date but for which a permit is required under this code, the property owner shall, by [city clerk to insert date that is 30 days after the effective date of this ordinance], obtain a permit for the sign or remove the sign.

Part 72. Section 244-3-2 of the code is repealed and recreated to read:

2. ABANDONED SIGNS. A sign or billboard classified as abandoned is prohibited and shall be removed by the owner of the sign or the owner of the premises upon which located. If the sign conforms with all regulations of ch. 295 and this chapter, then, as an alternative to removal, the facing of the abandoned sign or billboard may be changed so that the advertising content refers to an ongoing, on-site event or business, or changed to a blank, opaque, exterior-grade panel consistent with the original construction and design of the sign and filling the entire display area of the sign, provided that the change of facing is accomplished within 90 days of the actual date of discontinuance of the previously-advertised business, service or activity.

Part 73. Section 244-4-3.7 of the code is amended to read:

244-4. Location; Obstruction; Movement; Historic Buildings.

3.7. No sign or billboard may be placed on a building, structure or site within the [[district]] >>historic third ward, as defined in s. 308-71-2-e,<< without approval of the architectural review board, as provided in s. 308-71.

Part 74. Section 244-7-0 of the code is repealed and recreated to read:

244-7. Freestanding Signs or Freestanding Billboards.

Part 75. Section 244-7-2 and 3 of the code is repealed and recreated to read:

2. HEIGHT. Freestanding signs and billboards shall comply with the applicable height restrictions of ch. 295.

3. LOCATION. Freestanding signs and billboards shall comply with the applicable location restrictions of ch. 295.

Part 76. Section 244-7-4-f of the code is repealed.

(Note: The provision being repealed reads as follows:

4. SUPPORTS AND ANCHORAGE.

f. Portable signs may be permitted, provided such signs do not exceed 6 feet in height and are supported by frames or posts rigidly attached to bases so proportioned that the weight and size of the base is adequate to resist wind pressure.)

Part 77. Section 244-7-5 of the code is amended to read:

5. MAINTENANCE OF PREMISES. Any person occupying any premises by means of a [[ground]] >>freestanding<< sign or billboard shall be subject to the same duties and responsibilities as the owner of the premises with respect to keeping such premises clean, sanitary, inoffensive and free and clear of debris, obnoxious substances and unsightly conditions.

Part 78. Section 244-7-6 of the code is repealed.

(Note: The provision being repealed reads as follows:

6. MOBILE SIGNS. Mobile signs may not be placed in any zoning district in the city.)

Part 79. Section 244-8-2 of the code is repealed and recreated to read:

244-8. Roof Signs or Roof Billboards.

2. MATERIALS. Roof signs and billboards may have facings constructed of materials as regulated in s. 244-7-1. All structural components shall be of approved noncombustible materials.

Part 80. Section 244-9-2-b of the code is amended to read:

244-9. Wall Signs or Wall Billboards.

2. HEIGHT.

b. [[No wall signs shall be erected or maintained to extend more than ½ of the height thereof above the top of the exterior wall to which attached.]] All signs extending above exterior walls shall be provided at each end thereof with a space of not less than 5 feet in width above the wall to which attached to provide access to the roof.

Part 81. Section 244-9-2-c and d of the code is repealed.

(Note: The provisions being repealed reads as follows:

c. No painted on wall sign shall exceed 50 square feet. No more than one painted on wall sign per building elevation shall be allowed. However, a painted on sign exceeding 50 square feet may be permitted by the commissioner of city development upon presentation of a maintenance plan acceptable to the commissioner of city development.

d. No portion of any sign or billboard painted directly upon the surface of a wall shall be located more than 10 feet above the established grade immediately below.)

Part 82. Section 244-9-3-a of the code is amended to read:

3. PROJECTION.

a. No part of any wall sign or billboard, except lighting reflectors, shall extend more than [[10]] >>12<< inches from the face of the wall to which such sign or billboard is attached. Lighting reflectors elevated no less than 10 feet above the established grade may extend 5 feet into a right-of-way, and not closer than 2 feet from the curb line. Reflectors shall not project into an alley.

Part 83. Section 244-10-0 of the code is repealed and recreated to read:

244-10. Signs Projecting into Public Right-of-Way.

Part 84. Section 244-10-1-a-0 of the code is amended to read:

1. MATERIALS. a. All [[projecting]] signs >>projecting into public right-of-way<< shall be constructed of noncombustible materials except as follows:

Part 85. Section 244-10-2-c and d of the code is amended to read:

2. PROJECTION: CLEARANCE.

c. No [[projecting]] sign >>projecting into public right-of-way<< shall at the lowest point be less than 10 feet above the established grade immediately below, except in the historic third ward >>, as defined in s. 308-71-2-e, << where a minimum of 8 feet, 6 inches is prescribed.

d. No [[projecting]] sign shall be permitted [[in]] >>to project into<< a public thoroughfare having a width of less than 30 feet.

Part 86. Section 244-10-3-a and b of the code is amended to read:

3. SUPPORTS AND ATTACHMENT.

a. The dead load of [[projecting]] signs >>that project into public right-of-way<< and the load due to the wind pressure shall be supported entirely by the building or structure to which such signs are attached, by means of structural shapes, chains, wire ropes, or steel guy rods. Lateral supports shall be spaced not more than 8 feet apart unless otherwise approved. Turnbuckles or other approved means of adjustment shall be placed in all chains, wire ropes, or steel rods supporting or bracing [[projecting]] signs >>projecting into public right-of-way<<. No staples, nails, or wire shall be used to secure any projecting sign to any building or structure.

b. No part of a [[projecting]] sign >>projecting into public right-of-way<< shall be supported from a parapet wall unless approved bracing is provided.

Part 87. Section 244-10-3-d of the code is amended to read:

d. Where [[projecting sign]] supports >>for signs projecting into public right-of-way<< are fastened to walls of wood construction, the supporting device shall be fastened securely in an approved manner.

Part 88. Section 244-15 of the code is repealed and recreated to read:

244-15. Illuminated Signs and Billboards. Illuminated signs and billboards shall be permitted subject to the following regulations:

1. All such illumination shall be in accordance with the regulations in ch. 222 and s. 295-409.

2. Illumination shall be confined to the facing of the sign or billboard and shall not cause glare onto abutting properties as prohibited by s. 80-19.

3. Illuminated signs or billboards shall bear an Underwriter's Laboratories, Inc. label of approval or that of any other certified agency.

4. No sign or billboard shall be of such character or shall include such inscription or marking which may be mistaken for a traffic signal, railroad warning sign, or any street traffic mark or sign per s. 346.41, Wis. Stats.

Part 89. Section 244-16 of the code is repealed.

(Note: The provisions being repealed read as follows:

244-16. Clock Signs. 1. All clock signs erected on or after August 11, 1977 shall be attached to and supported by the exterior wall of the building or structure. Such signs shall be either wall signs or projecting signs and shall conform with the applicable regulations of this chapter.

2. Existing clock signs erected prior to August 11, 1977, shall comply with the regulations of s. 244-01-4 and 5.)

Part 90. Section 244-17 of the code is repealed and recreated to read:

244-17. Barber Poles. Barber poles shall comply with the regulations for projecting signs set forth in ch. 295.

Part 91. Section 244-18-0 of the code is repealed and recreated to read:

244-18. Temporary Banners and Other Nonrigid Signs.

Part 92. Section 244-18-1-0 of the code is amended to read:

1. >>SIGNS ON PUBLIC PROPERTY<< PROHIBITED.

Part 93. Section 244-18-3 of the code is amended to read:

3. BANNERS, PAPER, DEBRIS PROHIBITED. Except as permitted by this chapter >>or by the permanent banner sign or temporary banner sign regulations of s. 295-407<< , it shall be unlawful to place, erect, tack, or otherwise fasten, use, or maintain any outdoor advertising such as banners, decorative displays or other advertising devices of cloth, paper, or other nonrigid materials. >>All permitted permanent and temporary banner signs shall be anchored or supported in a manner approved by the commissioner.<<

Part 94. Section 245-4-10 of the code is amended to read:

245-4. Permissible Projections and Encroachments.

10. Oriel >>or bay<< windows may project not more than 24 inches, provided that the lowest portion of such [[oriel]] windows is at least 10 feet above the adjacent established grade. [[Such windows shall not exceed a frontage of 10 feet, and any one such window shall be permitted for every 30 feet of street line wall.]] >>No oriel or bay window that projects into public right-of-way shall exceed 10 feet in width.<< Oriel >>and bay<< windows shall not be permitted to project into a public thoroughfare which is less than 30 feet in width.

Part 95. Section 245-4-21 of the code is amended to read:

21. Signs or advertising devices when constructed as regulated in [[ch. 244]] >>chs. 244 and 295<<.

Part 96. Section 245-4.5-2-a of the code is amended to read:

245-4.5. Placement of Fences in Street Right-of-Way Abutting Residential Property and Public Sidewalk.

2. GENERAL REGULATIONS.

a. All fences erected shall comply with the requirements set forth in s. [[239-2-4 to 11]] >>239-2-3 to 6 and ch. 295<< relative to height [[and material]] >>materials and structural design<< , s. 275-32-8 relative to maintenance, and s. 200-33 relative to permit fees.

Part 97. Section 245-6-7 of the code is repealed and recreated to read:

245-6. Movable Awnings.

7. SIGNS. Signs on movable awnings shall comply with the applicable regulations for awning signs in ch. 295.

Part 98. Section 245-6.5-7 of the code is repealed and recreated to read:

245-6.5. Stationary Fabric Awning.

7. SIGNS. Signs on stationary fabric awnings shall comply with the applicable regulations for awning signs in ch. 295.

Part 99. Section 245-7-7 of the code is repealed and recreated to read:

245-7. Fixed Awnings.

7. SIGNS. Signs on fixed awnings shall comply with the applicable regulations for awning signs in ch. 295.

Part 100. Section 245-8-7 of the code is amended to read:

245-8. Canopies.

7. SIGNS AND ADVERTISING DEVICES. No sign, ornamental illumination or advertising device shall be placed on, hung from, attached to or painted on a canopy, except as regulated in [[ch. 244]] >>chs. 244 and 295<<. Recessed illumination in soffits is permitted, but in no case shall any individual glass panel exceed 576 square inches in area.

Part 101. Section 245-9-7 of the code is amended to read:

245-9. Hoods.

7. SIGNS AND ADVERTISING DEVICES. No sign, ornamental illumination or advertising device shall be placed on, hung from, attached to or painted on a hood, except as regulated in [[ch. 244]] >>chs. 244 and 295<<. Illumination in soffits as regulated in s. 245-8-7 is permitted.

Part 102. Section 245-10-7 of the code is amended to read:

245-10. Marquees.

7. SIGNS AND ADVERTISING DEVICES. No signs or advertising devices shall be hung from or attached to the bottom of a marquee, except that other signs or advertising devices may be attached to or made a part of the sides or front faces of a marquee, as regulated in ch. 244 >>and in accordance with the regulations for hood signs in ch. 295<<. Illumination by means of recessed lighting fixtures or by other approved means shall be provided in soffits or marquees. In no case shall individual glass panels of recessed light fixtures exceed 576 square inches in area.

Part 103. Section 246-2-5 and 6 of the code is amended to read:

246-2. Trailers Prohibited; Exceptions.

5. Unoccupied trailers for demonstration and sale purposes of trailers only may be placed on any vacant premises within the local business, commercial service [[, manufacturing and]] >>or any<< industrial [[districts]] >>district<< as established by ch. 295, provided a certificate of occupancy has first been procured from the commissioner of city development so to do, and provided further that such trailers are located on such premises in a manner approved by the commissioner of city development and do not occupy any required setback as prescribed by ch. 295.

6. The parking of only one unoccupied trailer in an accessory private garage building, or in a rear yard, as defined in s. [[295-7-72 and 189]] >>295-201<< , respectively, on any one premises [[and as directed by the commissioner of city development]], or the parking of unoccupied trailers in any building located in a local business, commercial >>service<< [[and light manufacturing and]] >>or any<< industrial district as regulated by the zoning code, may be permitted, provided a certificate of occupancy has first been procured from the commissioner of city development so to do.

Part 104. Section 252-75-1 and 2 of the code is amended to read:

252-75. Planting and Maintenance of Vegetation. 1. VEGETATION REQUIRED. In addition to any applicable requirements of [[s. 295-75]] >>ch. 295<< , within one year of occupancy of any single-, 2- or multi-family dwelling, a land-disturbing addition to such dwelling or an accessory structure related to such dwelling, the premises upon which such dwelling is located shall be covered with seeded or sodded grass, trees, shrubs, gardens or other vegetation. Such vegetation shall not contain Canada thistle, leafy spurge, field bindweed or any other weed which the commissioner of health, his or her designated representative within the health department, or any other city official to whom the commissioner's functions or duties have been delegated pursuant to a memorandum of understanding determines to be noxious. The vegetation shall thereafter be maintained and shall not be replaced with gravel, pavement or any other non-vegetation material. The area upon which vegetation shall be planted and maintained includes any unpaved portion of the public street between the property line and the curb or edge of the street pavement; however, no vegetation other than grass shall be planted and maintained on public street right-of-way unless approved by the commissioner of public works in accordance with ch. 116.

2. EXCEPTIONS. The provisions of this section shall neither apply to lands that are used for farming activities nor preclude the installation of a driveway, parking space, sidewalk, swimming pool, patio, deck or other accessory use or structure which is otherwise in conformance with this code, provided that no parking space, swimming pool, deck exceeding one foot in height or other accessory use or structure shall be located in a front yard [[, as regulated by ss. 295-13 and 295-17]] >>in violation of any setback requirement, accessory-structure standard or site standard of ch. 295<< . Furthermore, this section shall not preclude installation of non-living landscaping materials, including but not limited to landscaping timbers, wood chips, decorative bark or landscaping stones, provided that such materials are installed and maintained in conjunction with vegetation required under sub. 1.

Part 105. Section 252-76-3 of the code is amended to read:

252-76. Security Barriers in Commercial Districts.

3. EXTERIOR SECURITY BARRIERS. No security barrier shall be placed on the exterior of any portion of any façade of any enclosed building located in a [[restricted office,]] residential and office, neighborhood shopping, local business, commercial service, regional shopping or [[central business]] >>downtown<< zoning district. Any security barrier in place on the exterior of the façade of an enclosed building in one of the specified zoning districts on July 1, 1998, may remain in place until a new certificate of occupancy or certificate of zoning is issued for the premises on which the barrier is located. The security barrier shall be removed within 180 days of the date of issuance of the new certificate of occupancy or certificate of zoning.

Part 106. Section 252-76-4-a-0 of the code is amended to read:

4. INTERIOR SECURITY BARRIERS.

a. Standards. All security barriers placed on the interiors of facades of enclosed buildings located in a [[restricted office,]] residential and office, neighborhood shopping, local business, commercial service, regional shopping or [[central business]] >>downtown<< zoning district shall conform with the following standards:

Part 107. Section 252-76-5 of the code is amended to read:

5. BLOCKAGE OF DOORS OR WINDOWS. No person may replace a security barrier with any opaque materials, including but not limited to wood, masonry products and plastic-type materials, that completely and permanently block, fill or otherwise cover up any door or window opening on any façade of a building located in a [[restricted office,]] residential and office, neighborhood shopping, local business, commercial service, regional shopping or [[central business]] >>downtown<< zoning district. This subsection shall not apply to any boarding of structures required by s. 275-32-7 or ordered by the commissioner pursuant to this code.

Part 108. Section 262-35 of the code is amended to read:

262-35. Setbacks on Residential Properties. All antenna systems located on residential property >>, except transmission towers as defined and regulated in ch. 295,<< shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the antenna as measured from its platform or base to the topmost point. No wires, cables or guy wires shall extend over any street or other public thoroughfare or over any electric power or

communication lines.

Part 109. Section 262-98-7-a of the code is amended to read:

262-98. Beer Gardens.

7. BEER GARDEN AREAS NOT CONTAINED WITHIN A TENT.

a. A beer garden exceeding 250 square feet shall have at least 2 exits from the enclosed or fenced area, located at or near opposite ends of the beer garden. If the beer garden is equal to or less than 250 square feet, only one exit is required. [[Fence heights shall meet the requirements of s. 239-2.]] >>Fences shall comply with the applicable fence height restrictions for the zoning district in which the beer garden is located.<< The total exit width shall be not less than 22 inches per 100 persons with a minimum width of 36 inches per exit.

Part 110. Section 262-103-5-f of the code is amended to read:

262-103. Festival Permits.

5. PERMIT APPLICATION.

f. Fees. The applicant for a festival permit shall pay a permit fee as specified in s. 200-33-15 at the time of application. >>No festival permit fee shall be required if the festival permit applicant is also required to pay a temporary use permit fee for operation of a live entertainment special event, as defined in s. 295-201, pursuant to the procedure in s. 295-305.<<

Part 111. Section 262-103-6-b of the code is repealed and recreated to read:

6. COMPLIANCE WITH OTHER CODE PROVISIONS.

b. The festival use of land or buildings shall be a permitted use in all zoning districts except when the festival constitutes a live entertainment special event, as defined in s. 295-201, in which case the festival shall be a limited use as defined and regulated in ch. 295.

Part 112. Chapter 295 of the code is repealed and recreated to read:

SUBCHAPTER 1
INTRODUCTION

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

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

1. Promote land uses and development that are consistent with the city's comprehensive plan.
2. Promote and protect the public health, safety and general welfare of the city.
3. Secure safety from fire, overcrowding and other dangers.
4. Maintain and promote safe pedestrian and vehicular circulation.
5. Provide adequate standards for light, air and open space.
6. Further the maintenance of safe and healthful water conditions.
7. Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.

8. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
9. Protect environmentally sensitive areas.
10. Encourage compatibility of adjacent land uses.
11. Maintain a compatible scale of development within an area.
12. Promote sound, attractive development within the city.
13. Classify property in a manner that reflects its suitability for specific uses.
14. Assure adequate provision of urban services, including transportation, water, utilities, sewers, schools, parks and other services.
15. Enhance the streetscape and pedestrian environment.
16. Encourage innovative project design in the city, including developments that incorporate mixed uses.
17. Provide for effective signage that is compatible with the surrounding urban environment.
18. Encourage reinvestment in established urban neighborhoods while protecting their unique characteristics.
19. Conserve historic resources.
20. Promote the construction of affordable housing in the city.
21. Establish procedures to increase citizen awareness of land use activities and their impacts, and to coordinate necessary review processes.

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

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

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

TABLE 295-107-2 ZONING DISTRICTS

District	Map Indicator	Most Similar District(s) Under the Previous Code	Subchapter Reference
Residential Districts			
Single-Family	RS1, RS2, RS3, RS4, RS5 and RS6	R/F-1/40, R/F-2/40, R/F-3/40, R/F-4/40 and R/F-5/40	[99]
Two-Family	RT1, RT2, RT3 and RT4	R/D-1/40, R/C-1/40 and R/E/40	[99]
Multi-Family	RM1	R/D/40	5
Multi-Family	RM2	R/C/40	[99]
Multi-Family	RM3	R/D/40, R/D/60 and R/D/85	[99]
Multi-Family	RM4	R/C/40, R/C/60, R/C/85 and R/C/125	[99]
Multi-Family	RM5	R/B/40	[99]
Multi-Family	RM6	R/B/60	[99]
Multi-Family	RM7	R/B/85, R/A/85 and R/A/125	[99]
Residential and Office	RO1, RO2	all O and RO districts	[99]
Commercial Districts			

Neighborhood Shopping	NS1, NS2	all S districts	[99]
Local Business LB1, LB2		all L districts	[99]
Commercial Service	CS	all CS districts	[99]
Regional Business	RB1, RB2	all RS districts	[99]
Central Business	C9A-C9H	C9A-C9H	[99]
Industrial Districts			
Industrial-Office	IO	M/D/40, M/C/60, I/D/40 and I/E/40	[99]
Industrial- Light IL		M/B/85, M/A/125, I/C/60, I/D/40, I/D/60 and I/E/60	[99]
Industrial-Mixed	IM	none	[99]
Industrial-Heavy	IH	I/A125 and I/B/85	8
Special Districts and Overlay Zones			
Parks	PK	none	9
Institutional	TL	all T districts	9
Planned Development	GPD and DPD	GPD and DPD	9
Neighborhood Conservation	NC	none	10
Interim Study	IS	none	10
Development Incentive	DIZ	DIZ	10
Site Plan Review	SP	SPROD	10
Flood Plain	FP1 and FP2	FP1 and FP2	10
Shoreland-Wetland	WL	Shoreland-Wetland	10
Lakefront	LF	LF/C/60	10
Master Sign Program	MSP	none	10

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

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

3. COMBINING PROPERTY. To insure that the zoning of property reflects its suitability for specific uses, the combination of lots will only be permitted if the lot or lots created meet the requirements of this chapter and are located wholly within one zoning district.

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

a. A boundary shown as following, or approximately following, a street, alley or railroad shall be construed as following the centerline of such feature.

b. A boundary line shown as following, or approximately following, a lot line, section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary. Where a dimension is used on the zoning map and a lot of not more than 60 feet in width is divided by a zoning district boundary, the entire property shall be considered to be in the zoning district in which the majority of the property is located.

c. A boundary shown as following, or approximately following, the centerline of a stream, river or other continuously flowing watercourse shall be construed as following the channel centerline of such watercourse. In the event of a natural change in the location of such stream, river or other watercourse, the zoning district boundary shall be construed as moving with the channel centerline.

d. A boundary shown as separated from and parallel to, or approximately parallel to, any of the features listed in this subsection shall be construed to be parallel to such features and at such distance therefrom as shown on the zoning map.

295-111. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. It is not the intent of

this chapter to interfere with, abrogate or annul any easements, covenants or other agreements between parties, or to impair or interfere with any existing provision of law or ordinance or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of structures or premises. However, where this chapter imposes a greater restriction upon the use of land, the provisions of this chapter shall control.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER 2 DEFINITIONS AND RULES OF MEASUREMENT

295-201. Definitions. In this chapter:

1. **ACCESS DRIVE** means a road-way leading from a public right-of-way to a parking area. Such a roadway shall be considered part of the parking area when it is adjacent to one or more parking spaces.

3. **ACCESSORY BUILDING** means a building on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use.

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

7. **ACCESSORY STRUCTURE** means a structure on the same lot as a principal structure and customarily incidental and subordinate to the principal structure or use. An accessory structure may be attached or detached from the principal structure. Examples of accessory structures include, but are not limited to, garages, decks, fences, trellises, flagpoles, stairways, air conditioners and awnings.

9. **ACCESSORY USE** means a use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same site or development site as the principal use.

11. **ADULT ENTERTAINMENT ESTABLISHMENT** means an establishment providing nude dancing or other live or recorded performances that depict, describe or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

13. **ADULT FAMILY HOME** means a facility certified or licensed as an adult family home by the state of Wisconsin or Milwaukee under s. 50.032 or 50.033, Wis. Stats., where 4 or fewer adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.

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

17. **AIRPORT** means facilities for the takeoff and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings and airport auxiliary

facilities, including fences, lighting and antennae systems, on-premise signs, driveways and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities and heliports when part of a larger airport facility.

19. AIRPORT PERIMETER FEATURE means a fence, lighting system, antennae system, on-premise sign, driveway or access road, other than a taxiway, associated with an airport.

21. ALLEY means a service way providing a secondary means of public vehicular access to abutting property and not intended for general traffic circulation.

23. ALTERATION means any change, addition, modification or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.

25. AMBULANCE SERVICE means a privately-owned facility for the dispatch, storage and maintenance of emergency medical care vehicles.

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

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

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

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

35. APARTMENT BUILDING. See MULTI-FAMILY DWELLING.

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

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

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

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

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

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

49. ATTACHED SINGLE-FAMILY DWELLING means one dwelling unit located on a lot, wherever such dwelling unit has

at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.

51. AUTOMOBILE. See LIGHT MOTOR VEHICLE.

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

55. BANK OR OTHER FINANCIAL INSTITUTION means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency or a title loan agency.

57. BED AND BREAKFAST means an establishment which:

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

59. BILLBOARD. See SIGN, OFF-PREMISE.

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

63. BLOCKFACE means that portion of a block adjacent and parallel to the abutting public street and normally extending from one intersecting street to another. A corner lot shall be part of the blockface parallel to the lot's front lot line.

65. BLOOD PROCESSING CENTER. See MEDICAL SERVICE FACILITY.

67. BOARD means the board of zoning appeals.

69. BOATHOUSE means a structure used for the storage of watercraft and associated materials, which has one or more walls or sides.

71. BROADCASTING OR RECORDING STUDIO means an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures. This term does not include a transmission tower.

73. BUFFER means a setback or open space with a fence, wall or landscaping that provides a visual barrier between uses.

75. BUILDABLE AREA means the area enclosed by the front, side and rear setbacks, as well as any side street or rear street setbacks.

77. BUILDING means an enclosed structure built, erected or framed of component parts for the housing, shelter, support and enclosure of persons, animals or property.

79. BUILDING CODE means chs. 200 to 290 of this code.

81. BUILDING ENVELOPE means the 3-dimensional area enclosed by the front, side and rear setbacks and the maximum height, as well as any side street or rear street setbacks.

83. **BUILDING MAINTENANCE SERVICE** means an establishment providing routine maintenance of buildings. This term includes, but is not limited to, a window washing, building cleaning, pest extermination or disinfecting service.
85. **BUILDING SUPPLY STORE.** See **HOME IMPROVEMENT CENTER.**
87. **BULK** means the volumetric character of a structure, including but not limited to combinations of height, lot coverage, floor area, floor area ratio and open space.
89. **BUSINESS SERVICE** means an establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising services, business equipment and furniture sales or rental or protective services. This term includes, but is not limited to, an employment agency, photocopy center, commercial photography studio or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, city planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research and real estate.
91. **CANOPY** means a rigid, roof-like structure which is accessory to a principal building and which provides shelter but is not enclosed. Such a structure, which may be either freestanding or attached to a principal building, is characterized by vertical support elements.
93. **CAR WASH** means an establishment providing washing, waxing or cleaning of light motor vehicles, including access and queuing lanes.
95. **CATERING SERVICE** means an establishment providing the processing, assembly and packaging of food into servings for consumption off-premises without provision for on-site pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering business or by a nonprofit organization operating a meal program.
97. **CEMETERY OR OTHER PLACE OF INTERMENT** means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.
99. **CHANNEL** means a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
101. **CHURCH.** See **RELIGIOUS ASSEMBLY.**
103. **CLERESTORY WINDOW** means a window in the upper part of a wall, with a sill at least 6.5 feet above the interior floor level of a building.
105. **COLLEGE** means an educational institution authorized by the state to award baccalaureate or higher degrees, or any campus of the state vocational, technical and adult education system. This term includes any classroom, laboratory, sporting facility or office associated with such institution. This term does not include a dormitory.
107. **COMMISSION** means the city plan commission.
109. **COMMISSIONER** means, unless otherwise specified, the commissioner of city development or a designated representative.
111. **COMMUNITY CENTER** means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities.
113. **COMMUNITY LIVING ARRANGEMENT** means either of the following facilities licensed, operated or permitted by the state of Wisconsin:
- a. **Residential child care center.** A facility where 4 or more children reside and are provided with care and maintenance for no more than 75 days each in any consecutive 12-month period by persons other than a relative or guardian. The term does not include educational institutions, public agencies, hospitals, maternity homes, nursing homes, sanitariums, foster homes, shelter care facilities, prisons, jails, or institutions for children with mental health disabilities having a capacity of

less than 150 children.

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

115. CONCRETE/BATCH PLANT, TEMPORARY means a temporary facility that produces or processes concrete or asphalt only for use in a particular construction project and only for the duration of that project.

117. CONFORMING USE means any of the following:

a. A use which is currently classified as a permitted use in the zoning district in which it is located.

b. A use which is currently classified as a limited use in the zoning district in which it is located and has received approval from the commissioner.

c. A use which is currently classified as a special use in the zoning district in which it is located and has received special use approval from the board.

d. A use for which the board has granted a variance.

119. CONSTRUCT or CONSTRUCTION means the erection of a new structure or an addition to a structure.

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

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

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

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

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

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

("CROP PRODUCTION" renamed "RAISING OF CROPS OR LIVESTOCK" and relocated accordingly)

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

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

business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

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

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

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

143. DEVELOPMENT means any man-made modification to real estate, including construction or alteration of structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or depositing of materials.

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

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

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

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

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

155. DUPLEX. See TWO-FAMILY DWELLING.

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

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

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

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

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

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

standards or which are to be supplemented or replaced by other pollution control facilities.

169. **EQUAL DEGREE OF HYDRAULIC ENCROACHMENT** means the effect of any encroachment into the floodway as computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.

171. **EQUAL DEGREE OF HYDROLOGIC ENCROACHMENT** means the effect of any development on the storage capacity of a floodplain area, particularly upstream from urban areas, as analyzed assuming an equal loss of flood storage for all property owners and subdivided lots in the storage area of a floodplain on both sides of a river or stream for a significant hydrologic reach.

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

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

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

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

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

183. **FAMILY DAY CARE HOME** means a dwelling unit licensed as a family day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. HFS 45, Wis. Admin. Code, where care is provided for not more than 8 children at any given time.

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

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

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

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

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

195. **FLOOD** means a temporary rise in stream flow or stage that results in water over-topping its banks and inundating areas adjacent to the channel.

197. **FLOOD FRINGE** means that portion of the flood plain outside of the floodway which is covered by flood waters during the regional flood. It is generally associated with standing water rather than rapidly flowing water.

199. **FLOOD INSURANCE STUDY** means an examination, evaluation and determination of flood hazards, and if appropriate, corresponding water surface evaluations; or an examination, evaluation and determination of mudslide, or mud flow, or flood-related erosion hazards. Such studies shall result in the publication of a flood insurance rate map showing the intensity of flood hazards in either numbered or unnumbered areas of potential flooding shown on the map which would be inundated by a regional flood.

201. FLOOD PLAIN means the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe.

203. FLOOD PROFILE means a graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and manmade features along a stream.

205. FLOOD PROTECTION ELEVATION means a point 2 feet above the water surface elevation of the regional flood intended to compensate for unknown factors that contribute to flood heights greater than those computed, including but not limited to ice jams, debris accumulation, wave action and obstructions of bridge openings.

207. FLOODPROOFING means measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in, the flood plain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards such as:

- a. Reinforcing of basement walls.
- b. Underpinning of floors.
- c. Permanent sealing of all exterior openings.
- d. Use of masonry construction.
- e. Erection of permanent watertight bulkheads, shutters and doors.
- f. Treatment of exposed timbers.
- g. Elevation of flood-vulnerable utilities.
- h. Use of waterproof cement.
- i. Adequate fuse protection.
- j. Sealing of basement walls.
- k. Installation of sump pumps.
- L. Placement of automatic swing check valves.
- m. Installation of seal-tight windows and doors.
- n. Installation of wire reinforced glass.
- o. Location and elevation of valuable items.
- p. Waterproofing, disconnecting, elevation or removal of all electrical equipment.
- q. Avoidance of the use of flood-vulnerable areas.
- r. Temporary removal or waterproofing of merchandise.
- s. Postponement of orders or rescheduling of freight shipments.
- t. Operation of emergency pump equipment.
- u. Closing of backwater sewer valves.
- v. Placement of plugs and flood drain pipes.

w. Placement of movable water-tight bulkheads.

x. The shoring of weak walls or structures.

209. FLOOD, REGIONAL means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years.

211. FLOODWAY means a designated portion of the regional flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 feet unless special legal measures are provided. The floodway, which includes the channel, is that portion of the flood plain not suited for human habitation.

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

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

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

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

221. FORMER CODE means ch. 295 in existence as of the date before the effective date of this ordinance [city clerk to insert date].

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

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

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

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

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

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

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

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

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

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

materials or equipment.

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

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

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

a. Public passenger vehicles, as defined in s. 100-3-21.

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

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

d. Tow trucks, as defined in s. 340.01(67n), Wis. Stats.

245. **GROUP HOME OR GROUP FOSTER HOME** means a facility where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

285. HOSTEL. See HOTEL, COMMERCIAL.

287. HOTEL means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include, but shall not be limited to, conference and meeting rooms, restaurants, bars and recreational facilities.

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

291. HOTEL, RESIDENTIAL means a hotel in which at least 70% of the accommodations are regularly used or available

for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.

293. HOUSEHOLD GOODS means products used in the home which are necessary for or supplemental to normal household activities, including small appliances but excluding furniture and major appliances.

295. HOUSEHOLD MAINTENANCE AND REPAIR SERVICE means an establishment providing the repair or servicing of household goods, furniture, appliances or lawn and garden equipment.

297. HYDRAULIC REACH means that portion of a river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile, and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in stream bed slope or vegetation.

299. HYDROLOGIC REACH means a designated length of river, stream or lake where the storage of flood waters therein has been taken into account to reduce the regulatory flood discharge. Major man-made or natural changes in the river character, limits of political jurisdiction or a change in the flood-routing technique used to determine the storage and translation of a flood wave through the area of interest may be used to define the end of a hydrologic reach.

301. IMPERVIOUS SURFACE means a surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-impervious surfaces such as compacted clay, as well as conventional street and alley surfaces, roofs, sidewalks, parking lots and similar improvements.

303. INTENSIFY means to alter the character of a use to the extent that the use generates new or different impacts on the health, safety or welfare of the surrounding neighborhood, including but not limited to the level or amount of traffic, noise, light, smoke, odor, vibration, outside storage or other similar conditions associated with the use.

305. KENNEL. See ANIMAL BOARDING FACILITY.

307. LABORATORY. See MEDICAL RESEARCH LABORATORY or RESEARCH AND DEVELOPMENT.

309. LANDSCAPE MATERIALS means living trees, shrubs and ground cover, fences and other similar natural and decorative features.

311. LANDSCAPE PLAN means a plan associated with a subdivision, land development or parking facility plan indicating the placement of landscape materials, including specifications, species, quantities and method of installation.

313. LAUNDROMAT means an establishment providing washing, drying or dry cleaning machines on the premises for rental use by the general public for laundering or dry cleaning purposes.

315. LAUNDRY. See DRY CLEANING ESTABLISHMENT.

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

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

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

323. LIGHT MOTOR VEHICLE LIMITED WHOLESALE FACILITY means an office for wholesale trade in light motor vehicles where no more than 3 vehicles to be sold are stored on the premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Front Lot Line. The street frontage shall be the front lot line. On a corner lot, the front lot line shall be along the same street as the front lot line of the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street frontage with the smallest dimension shall be the front lot line.
- b. Interior Lot Line. A side lot line that is not also a street lot line.
- c. Rear lot line. The lot line most closely opposite the front lot line. A triangular lot has 2 side lot lines but no rear lot line. For any other irregularly-shaped lot, the rear lot line is any lot line that is nearly opposite the front lot line. An irregularly-shaped lot may have more than one rear lot line.
- d. Side lot line. Any lot line that is neither a front nor a rear lot line.

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

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

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

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

357. LUMBER YARD. See HOME IMPROVEMENT CENTER.

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

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

- a. Processing and packaging of alcohol beverages.
- b. Chemical manufacturing.
- c. Stonework or concrete product manufacturing.
- d. Fabrication of metal products.
- e. Manufacturing of agricultural, construction or mining machinery.
- f. Motor vehicle manufacturing.
- g. Lumber milling.
- h. Ship or boat construction.

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

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

j. Ore smelting facility.

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

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

369. **MATERIAL RECLAMATION FACILITY** means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, an auto wrecker primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

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

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

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

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

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

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

383. **MOTEL**. See **HOTEL**.

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

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

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

391. **NAVIGABLE WATERS** means Lake Michigan, all natural inland lakes within Milwaukee, and all streams, ponds,

sloughs, flowages and waters within the city which are navigable under the laws of Wisconsin.

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

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

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

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

401. **NONCONFORMING STRUCTURE** means a structure which was legally constructed but which no longer complies with the dimensional requirements of the zoning district in which it is located.

403. **NORMAL HIGH WATER MARK** means the line where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

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

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

409. **OFFICIAL LETTER OF MAP AMENDMENT** means official notification from the federal insurance administration that a flood hazard boundary map or flood insurance rate map has been amended.

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

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

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

417. **ORDINARY-HIGH WATER MARK** means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

419. **OUTDOOR MERCHANDISE SALES** means retail sale of produce, other foodstuffs or any of the products listed in sub. 507, primarily outside an enclosed structure, for more than 90 days in any calendar year. This term shall not include a motor vehicle sales facility, garden supply or landscaping center, lumber yard, building supply or home improvement center, or Christmas tree lot.

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

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

425. **PARCEL**. See **LOT**.

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

429. **PARKING LOT, ACCESSORY USE** means surface parking spaces for 5 or more light motor vehicles, and adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles.

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

433. **PARKING SPACE** means an area set aside and designated for the parking of one motor vehicle.

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

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

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

441. **PASSENGER TERMINAL** means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term does not include an airport or heliport.

443. **PAWN SHOP.** See **SECONDHAND STORE.**

445. **PAYDAY LOAN AGENCY** means an establishment providing loans to individuals in exchange for personal checks as collateral.

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

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

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

453. **PET SHOP.** See **RETAIL ESTABLISHMENT, GENERAL.**

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

457. **PLAZA** means an exterior open space which is open to the public and located between a building and a public

street or pedestrian walkway.

459. **POWER GENERATION PLANT** means a facility that converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power or solar power, into electrical energy or steam. A power generation plant may also perform either or both of the following:

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

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

461. **PREMISES** means one or more lots or portions of lots, including any structures, which are contiguous and under common ownership or control.

463. **PRINCIPAL BUILDING** or **PRINCIPAL STRUCTURE** means a building or structure containing the principal use of the lot on which it is located.

465. **PRINCIPAL USE** means a primary use of a premises which is not accessory to any other use on the premises.

467. **PROCESSING OR RECYCLING OF MINED MATERIALS** means a mine site or the mining or quarrying of stone. This term includes a facility engaged in crushing, grinding, washing, screening, pulverizing, sizing or recycling stone, concrete, asphalt or similar materials.

469. **PUBLIC SAFETY FACILITY** means a government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

471. **RAILROAD SWITCHING, CLASSIFICATION YARD, OR FREIGHT TERMINAL** means a facility for the operation of a line-haul or short-line freight railroad.

473. **RAISING OF CROPS OR LIVESTOCK** means the growing of crops, including any farm, orchard or other establishment used for the growing of crops, or the use of land or buildings for animal or poultry husbandry if permitted by the health department under the provisions of ch. 78.

475. **RECEIVING BODY OF WATER** means any water body, watercourse or wetland into which surface waters flow either naturally or from human-made conveyance.

477. **RECEPTION/TRANSMISSION SYSTEM** means a system of electrical components that emit or receive radio frequency waves, including antennae, communication dishes and similar devices.

479. **RECREATION FACILITY, INDOOR** means a facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.

481. **RECREATION FACILITY, OUTDOOR** means a facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility or health club.

483. **RECREATIONAL VEHICLE.** See **MOTOR VEHICLE, HEAVY MOTOR VEHICLE** or **LIGHT MOTOR VEHICLE.**

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

487. **RECYCLING COLLECTION FACILITY** means a facility for the deposit, sorting or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a

transfer station which receives residential solid waste collected by city forces or deposited by city residents.

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

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

493. RESALE SHOP. See SECONDHAND STORE.

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

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

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

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

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

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

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

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

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

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

515. SALVAGE OPERATION, INDOOR means an establishment providing the storage of any equipment, goods, junk,

material, merchandise or commercial vehicles within a building for more than 48 hours. Such establishment typically performs the dismantling of items for the salvage of useable parts. This term does not include a recycling collection facility, mixed-waste processing facility, material reclamation facility, wholesale and distribution facility or hazardous materials storage.

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

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

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

523. SEASONAL MARKET means a temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

525. SECONDHAND STORE means an establishment in which used merchandise is sold at retail. This term includes a pawn shop but does not include an antique or collectibles store or other general retail establishment.

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

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

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

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

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

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

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

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

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

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

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

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

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

551. SHORELANDS means lands within the following distances from the ordinary high-water mark of navigable waters: 1,500 feet from a lake, pond, estuary or flowage; and 500 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

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

555. SIGN, ABANDONED means:

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

b. A sign which contains structural components but no display for a period of 90 consecutive days or longer.

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

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

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

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

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

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

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

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

573. SIGN, HOOD means a sign attached to, painted on or suspended from a hood.

575. SIGN, MOBILE. See SIGN, PORTABLE.

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

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

otherwise processed on the premises upon which the sign is located.

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

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

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

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

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

591. SIGN, PORTABLE means a sign, sandwich board, mobile reader board, merchandise display or other advertising device which can be readily moved. A vehicle carrying advertising, parked at a curb for other than normal transportation purposes, shall be considered a portable sign.

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

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

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

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

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

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

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

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

609. SITE means a premises.

611. SITE WORK means any of the following:

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

f. Modification of landscaping.

g. Relocation of an existing freestanding sign or installation of a new freestanding sign.

613. SOCIAL CENTER. See COMMUNITY CENTER.

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

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

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

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

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

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

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

629. STORAGE FACILITY, INDOOR means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a mini-warehouse or self-storage facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

659. THEATER means an establishment or facility for presenting motion pictures or live performances for observation by patrons. This term includes an outdoor stage, bandshell or amphitheater, but does not include an adult entertainment establishment.

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

663. TOOL/EQUIPMENT RENTAL FACILITY means an establishment providing the rental of tools, lawn and garden

equipment, party supplies and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

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

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

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

671. UNIVERSITY. See COLLEGE.

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

675. VARIANCE means permission from the board to depart from the literal requirements of this chapter.

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

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

681. WETLANDS means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

683. WETLAND ALTERATION means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

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

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

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

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

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

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

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

699. YARD, SIDE means the area extending between the front yard and rear yard or rear street yard and situated

between the side lot line and the face of the principal building which is parallel to, or most nearly parallel to, the side lot line.

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

295-203. Use Definitions. This section defines each use listed in the use tables of the various zoning districts, in the order the uses are listed in those tables.

1. RESIDENTIAL USES.
 - a. "Single-family dwelling" means a building containing one dwelling unit.
 - b. "Two-family dwelling" means a building containing 2 dwelling units.
 - c. "Multi-family dwelling" means a building containing more than 2 dwelling units.
 - d. "Attached single-family dwelling" means one dwelling unit located on a lot, wherever such dwelling unit has at least 2 exposed exterior walls and is attached by a common vertical wall to an adjacent dwelling unit which is located on another lot and has at least 2 exposed exterior walls.
 - e. "Live-work unit" means a dwelling unit used for both dwelling purposes and any non-residential use permitted in the zoning district in which the unit is located, provided that not more than 2 persons who do not reside in the unit are employed on the premises.
 - f. "Mobile home" means a manufactured building built on a chassis and transported to a site, with or without wheels, axles, hitches or other appurtenances of mobility and regardless of the type of foundation.
 - g. "Watchman/service quarters" means one dwelling unit designed for an employee who is employed on the premises.
 - h. "Family day care home" means a dwelling unit licensed as a day care center by the Wisconsin department of health and family services under s. 48.65, Wis. Stats., and ch. HFS 45, Wis. Admin. Code, where care is provided for not more than 8 children at any given time.
 - i. "Rooming house" means any building or part of any building or dwelling unit occupied by more than 3 persons who are not a family or by a family and more than 2 other persons and where a fee or other consideration is charged for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom with the occupants of one or more 2nd class dwelling units, as defined in s. 200-08-83.
 - j. "Convent, rectory or monastery" means a building used to house the staff of a church or members of a religious order.
 - k. "Dormitory" means a building used as group living quarters for students associated with a college, university, boarding school, orphanage or similar institution.
 - L. "Fraternity" means a building used as group living quarters for members of a general or local chapter of a regularly organized college fraternity.
 - m. "Sorority" means a building used as group living quarters for members of a general or local chapter of a regularly organized college sorority.
 - n. "Adult family home" means a facility certified or licensed as an adult family home by the state of Wisconsin or Milwaukee under s. 50.032 or 50.033, Wis. Stats., where 4 or fewer adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to 7 hours per week of nursing care per resident.
 - o. "Foster family home" means a facility which houses from one to not more than 4 children, is the primary dwelling of a foster parent, and is licensed by either the state of Wisconsin, a county agency or a child welfare agency to provide care

and maintenance of the children by persons other than a relative or guardian of the children.

p. "Small foster home" means a facility which houses from one to not more than 4 children and is operated by a corporation, child welfare agency, association, public agency or religious affiliation licensed by the state of Wisconsin, a county agency or a child welfare agency to provide care and maintenance of the children.

q. "Group home or group foster home" means a facility where 5 to 8 foster children reside and are provided with care and maintenance by persons other than a relative or guardian.

r. "Family shelter care facility" means a nonsecure place of temporary care and physical custody for children, including a holdover room, licensed by the state of Wisconsin under s. 48.66(1)(a), Wis. Stats., which houses not more than 4 children.

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

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

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

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

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

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

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

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

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

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

- b. "Cultural institution" means a nonprofit institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.
- c. "Community center" means a building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities.
- d. "Religious assembly" means a facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college.
- e. "Cemetery or other place of interment" means a place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a crematorium or mortuary.
- f. "Public safety facility" means a government facility for public safety and emergency services including a facility that provides police or fire protection and related administrative facilities.
- g. "Correctional facility" means a correctional institution established under s. 301.13, Wis. Stats., or a state prison established under ch. 302, Wis. Stats.
4. COMMERCIAL AND OFFICE USES. a. "General office" means use of a building for business, professional or administrative offices. A general office is characterized by a low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing architectural, computer software consulting, data management, engineering, interior design, graphic design, real estate, insurance, investment or legal services. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist or chiropractor.
- b. "Government office" means an administrative, clerical or public contact office of a government agency, including a postal facility, together with incidental storage and maintenance of the agency's vehicles.
- c. "Bank or other financial institution" means an establishment providing retail banking, credit and mortgage services. This term does not include a currency exchange, a payday loan agency or a title loan agency.
- d. "Currency exchange" means, in accordance with s. 218.05, Wis. Stats., any person except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under ch. 186, Wis. Stats., which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.
- e. "Title loan agency" means an establishment providing loans to individuals in exchange for receiving titles to the borrowers' motor vehicles as collateral.
- f. "Payday loan agency" means an establishment providing loans to individuals in exchange for personal checks as collateral.
- g. "Retail establishment, general" means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sales of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and tapes, paint and wallpaper, pets, pharmaceutical products, photo equipment and processing, sewing apparatus, sporting goods, stationery, tobacco products and wearing apparel. This term includes, but is not limited to, a grocery store, specialty food store, antique

store, liquor store, butcher shop, delicatessen, portrait studio, furniture or appliance rental establishment or video rental or sales business. This term does not include an adult book store, lumber yard, building supply or home improvement center, garden center or secondhand store.

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

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

j. "Secondhand store" means an establishment in which used merchandise is sold at retail. This term includes a pawn shop but does not include an antique or collectibles store or other general retail establishment.

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

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

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

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

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

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

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

e. "Medical service facility" means an establishment operated such that physicians are present during less than 50 percent of normal business hours and which provides medical services for the specialized diagnosis, testing and treatment of alcoholism, chemical substance abuse, mental illness or sexually transmitted diseases. This term includes,

but is not limited to, a facility offering methadone treatment programs, a prison parole or probation drug treatment distribution center, or a facility where components of human blood are removed and purchased for use in research or the manufacture of consumer or industrial products.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. "Light motor vehicle limited wholesale facility" means an office for wholesale trade in light motor vehicles where no more than 3 vehicles to be sold are stored on the premises.

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

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

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

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

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

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

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

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

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

p. "Parking lot, accessory use" means surface parking spaces for 5 or more light motor vehicles, adjacent access drives and aisles, where the parking spaces are not located in a structure and the parking of motor vehicles is not the principal use of the premises. This term does not include commercial parking operations, which shall be considered a principal use, or the parking of heavy motor vehicles.

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

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

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

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

8. ACCOMODATION AND FOOD SERVICE USES. a. "Bed and breakfast" means an establishment which:

a-1. Provides rooms for rent for short periods of time.

a-2. Provides meals only to renters of rooms in the establishment.

a-3. Is the operator's personal residence.

a-4. Is occupied by the operator at the time of rental.

- a-5. Is operated with a bed and breakfast establishment permit issued by the health department pursuant to s. 75-5.
- b. "Hotel, commercial" means a hotel in which at least 5 rooms or units or at least 70% of the accommodations, whichever is greater, are regularly used or available for occupancy for periods of less than 30 days or are available for more than 30 days but are not the primary residences of the occupants. This classification includes, but is not limited to, a motor lodge, motel or extended-stay hotel.
- c. "Hotel, residential" means a hotel in which at least 70% of the accommodations are regularly used or available for occupancy of continuous periods of 30 days or more by persons who use the hotel as their primary residence.
- d. "Tavern" means an establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.
- e. "Assembly hall" means an establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties and business or retirement functions. This term includes, but is not limited to, a banquet hall, rental hall, non-alcoholic social club, non-denominational chapel or a meeting space for a club or membership organization. This term does not include a convention center.
- f. "Restaurant, sit-down" means a restaurant where the food or beverages sold are consumed at tables located on the premises, where taking food or beverages from the premises is purely incidental, where food or beverages are normally served utilizing nondisposable containers and utensils and where the consumption of food or beverages in vehicles on the premises in which the building is located does not regularly occur, or where the restaurant is located within a building containing more than one principal use other than another restaurant. This term does not include a tavern.
- g. "Restaurant, fast-food/carry-out" means a restaurant other than a sit-down restaurant where the manner of preparation, packaging and serving of food or beverages encourages their consumption outside the building. This term does not include a tavern.
9. ENTERTAINMENT AND RECREATION USES. a. "Park or playground" means a public, noncommercial park, playground or open space. This term does not include a community center, festival grounds, indoor or outdoor recreation facility or sports facility.
- b. "Festival grounds" means an outdoor facility, including accessory buildings and structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.
- c. "Recreation facility, indoor" means a facility for the indoor conduct, viewing or participation in recreational activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a sports facility or health club.
- d. "Recreation facility, outdoor" means a facility for the outdoor conduct, viewing or participation in recreational activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement park or water park. This term does not include a sports facility or health club.
- e. "Health club" means an establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.
- f. "Sports facility" means a place designed and equipped primarily for observation of sports, leisure time activities and other customary and usual recreational activities. Such a facility is typified by temporal peaks in vehicle trip generation. This term includes, but is not limited to, a stadium, ballpark or arena.
- g. "Gaming facility" means a commercial facility where patrons wager money on the outcome of a game, including, but not limited to, a card game or a slot machine.
- h. "Theater" means an establishment or facility for presenting motion pictures or live performances for observation by

patrons. This term includes an outdoor stage, bandshell or amphitheater, but does not include an adult entertainment establishment.

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

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

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

L. "Adult entertainment establishment" means an establishment providing nude dancing or other live or recorded performances that depict, describe or relate to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; fondling or other erotic touching of human genitals (pubic region), buttocks or female breasts; or specified anatomical areas.

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

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

c. "Material reclamation facility" means an establishment engaged in processing and wholesaling scrap from automobiles, concrete, asphalt or industrial or other non-consumer recyclable materials. This term includes, but is not limited to, an auto wrecker primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

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

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

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

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

h. "Storage facility, indoor" means an establishment providing indoor storage of materials, vehicles or goods. This term does not include a hazardous materials storage facility or an indoor wholesale and distribution facility. This term includes, but is not limited to, a mini-warehouse or self-storage facility.

i. "Storage facility, outdoor" means an establishment providing outdoor storage of materials or goods. This term does not

include a hazardous materials storage facility, an indoor wholesale and distribution facility or light or heavy motor vehicle outdoor storage.

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

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

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

b-1. Public passenger vehicles, as defined in s. 100-3-21.

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

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

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

c. "Passenger terminal" means a facility for passenger transportation operations, including but not limited to a passenger rail station, bus terminal or passenger ship terminal. This term does not include an airport or heliport.

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

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

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

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

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

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

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

b-1. Processing and packaging of alcohol beverages.

b-2. Chemical manufacturing.

b-3. Stonework or concrete product manufacturing.

b-4. Fabrication of metal products.

b-5. Manufacturing of agricultural, construction or mining machinery.

b-6. Motor vehicle manufacturing.

b-7. Lumber milling.

b-8. Ship or boat construction.

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

c-1. Animal or poultry slaughter or auction facility.

c-2. Leather tannery.

c-3. Distillery of products for finishes.

c-4. Explosives manufacturer.

c-5. Sawmill.

c-6. Paper or pulp mill.

c-7. Steel mill.

c-8. Petroleum refinery.

c-9. Petrochemical plant.

c-10. Ore smelting facility.

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

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

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

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

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

landscaping center.

b. "Raising of crops or livestock" means the growing of crops, including any farm, orchard or other establishment used for the growing of crops, or the use of land or buildings for animal or poultry husbandry if permitted by the health department under the provisions of ch. 78.

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

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

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

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

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

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

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

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

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

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

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

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

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

15. TEMPORARY USES. a. "Seasonal market" means a temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

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

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

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

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

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

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

5. DISPLAY AREA. The display area of a sign shall be measured as the area, in square feet, of the smallest rectilinear polygon, with a maximum of 8 sides, that describes the portion of the sign which encloses all lettering, wording design, or symbols together with any internally-illuminated or externally-illuminated background that is designed as an integral part of the sign. The following rules shall also be used in measuring display area:

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

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

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

Figure 295-205-5
MEASUREMENT OF DISPLAY AREA

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

a. Attic space having less than 7 feet of head room.

b. Any space devoted to off-street parking or loading.

c. A utility room or furnace room.

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

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

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

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

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

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

- a. Eaves projecting less than 2.5 feet from a building.
- b. Trellises and similar structures which do not have solid roofs.
- c. The portion of any uncovered and unenclosed deck, porch, landing, balcony, planter or stairway that is less than 30 inches above grade.

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

- a. Horizontal Distances. When determining distances for setbacks and structure dimensions, all distances shall be measured along a horizontal line from the appropriate line, edge of building, structure, storage area, parking area or other object. These distances shall not be measured by following the topography of the land.
- b. Shortest Distances. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement shall be made at the closest or shortest distance between the 2 objects, features or points.
- c. Vehicle Stacking or Travel Areas. Minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, shall be measured down the center of the vehicle maneuvering lane. For example, a curving driveway or travel lane is measured along the arc of the driveway or traffic lane.

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

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

- a. The transmission tower height shall include the height of any reception/transmission systems extending above the top of the tower.
- b. Transmission tower height shall be measured in feet.
- c. For a freestanding tower, the height of such tower shall be the height of the tower above finished grade, measured at the center of the tower.
- d. Unless otherwise noted in this chapter, whenever a transmission tower is mounted to a building or other structure, the height of such tower shall be considered to include both the height of the tower itself plus the height of the building or structure from the ground to the lowest point of attachment.

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

SUBCHAPTER 3 ADMINISTRATION, ENFORCEMENT AND APPEALS

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

295-303. Occupancy. Pursuant to s. 200-42, it shall be unlawful to occupy or use any building, structure or premises unless a certificate of occupancy or certificate of zoning has been issued by the commissioner. A separate certificate shall be obtained for each occupancy or use, as specified in this chapter.

295-305. Temporary Use Permits. Temporary use permits authorizing certain temporary use classifications may be issued by the commissioner in accordance with the following provisions:

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

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

3. FINDINGS. In order to approve the application for a temporary use, the commissioner shall make the following findings:

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

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

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

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

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

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

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

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

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

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

c. By Petition. The owners of 50% or more of the area of land included in a proposed amendment may present a petition duly signed and acknowledged to the common council.

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

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

b. Referral to City Plan Commission. Upon introduction, the ordinance to make the zoning map amendment shall be

referred to the city plan commission pursuant to s. 62.23, Wis. Stats.

c. **Staff Actions.** The department shall establish a time and date for a public hearing, notify affected property owners at least 10 days in advance of the hearing and prepare a staff report on the map amendment.

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

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

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

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

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

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

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

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

7. **PROCEDURE FOR TEXT AMENDMENT.** Consideration of a proposed text amendment shall be in accordance with the following procedure:

a. **Referral of Text Amendment.** Upon introduction of an ordinance to amend zoning code text to the common council, the ordinance shall be referred to the zoning code technical committee and to the city plan commission. The zoning code technical committee shall be composed of one representative each of the city attorney's office, the department of neighborhood services, the department of city development and the legislative reference bureau, designated by the respective agency heads, who shall review the proposal for legality and enforceability, administrative efficiency and consistency with the format of this chapter. The committee shall report any recommended changes to the zoning, neighborhoods and development committee and the city plan commission within 30 days. The city plan commission shall hold a class 2 public hearing and, after receiving the report of the zoning code technical committee and a report from the department, shall submit its report and recommendation to the zoning, neighborhoods and development committee.

b. **Zoning, Neighborhoods and Development Committee.** Following receipt of reports from the city plan commission and the zoning code technical committee, the zoning, neighborhoods and development committee shall prepare a recommendation for the common council.

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

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

a. The common council may initiate reconsideration.

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

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

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

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

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

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

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

295-311. Appeals. 1. BOARD OF ZONING APPEALS. a. Creation; Authority. a-1. There is created a board of zoning appeals which shall have the powers granted by state statutes and the authority to interpret this chapter, to approve, conditionally approve or deny variances and special use permits, to make beneficial use determinations and to hear and decide appeals of administrative decisions of the commissioner of city development or the commissioner of neighborhood services that may arise under this chapter or state statutes.

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

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

b. Membership. The board shall consist of 5 members appointed by the mayor, subject to confirmation by the common

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

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

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

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

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

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

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

d-1. Protection of Public Health, Safety and Welfare. The use will be designed, located and operated in a manner so that the public health, safety and welfare is protected.

d-2. Protection of Property. The use, value and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the establishment, maintenance or operation of the special use.

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

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

e. Conditions Of Approval. Conditions of approval may be imposed by the board to prevent or minimize adverse impacts upon the public and the city's neighborhoods and to ensure compatibility of land uses and consistency with the purposes

and intent of this chapter. Conditions of approval may include, but shall not be limited to: limitations on size, bulk and location; standards for landscaping, buffering and lighting; limitations on emissions of odors, dust, smoke, refuse matter, vibration, noise and other factors affecting the comfort, enjoyment, health or safety of residents, workers or visitors in the surrounding area; adequate ingress and egress; and other on-site improvements.

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

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

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

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

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

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

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

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

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

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

f-8-b. Any wells or reservoirs.

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

f-8-d. Floodplains.

f-8-e. Topography at 10-foot intervals.

f-8-f. Environmental corridors.

f-9. Unless included under subd. 7, the applicant shall submit an engineering certification for the proposed site indicating:

f-9-a. Depth to wet-weather seasonal high water table.

f-9-b. Soil drainage, composition, thickness and permeability.

f-9-c. Depth to bedrock and aquifers.

f-10. The applicant shall submit an assessment of the potential environmental impacts of a proposed project or activity following the format and provisions of ch. NR 150, Wis. Adm. Code, which shall include:

f-10-a. A description of the project, including proposed functions.

f-10-b. A description of the proposed site.

f-10-c. Environmental impacts of the proposed project.

f-10-d. Mitigating adverse impacts.

f-10-e. Adverse impacts which cannot be mitigated.

f-10-f. Alternatives to the project, including alternative sites, projects, sizes and designs.

f-10-g. A conclusion as to whether or not an environmental impact statement should be written for the project.

3. VARIANCES. a. Application. Every application for a variance shall be made upon a form which has been furnished by the board secretary and approved by the board. The applicant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the variance request.

b. Public Hearing. Prior to making a determination with respect to a variance request, the board shall hold a public hearing and provide, by mail, written notice of the hearing to the petitioner, at the address provided on the variance application, and to owners of property immediately surrounding and within at least 150 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. Such notice shall state that the board will be considering and conducting a public hearing on a request for a variance, and shall otherwise be in accordance with s. 19.84, Wis. Stats.

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

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

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

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

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

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

d-5. Hardship. The alleged difficulty or hardship is not self-imposed nor is it based solely on economic grounds.

e. Conditions Of Approval. Conditions of approval may be imposed by the board to prevent or minimize adverse impacts upon the public and the city's neighborhoods and to ensure compatibility of land uses and consistency with the purposes and intent of this chapter. Conditions of approval may include, but shall not be limited to: limitations on size, bulk and

location; standards for landscaping, buffering and lighting; limitations on emissions of odors, dust, smoke, refuse matter, vibration, noise and other factors affecting the comfort, enjoyment, health or safety of residents, workers or visitors in the surrounding area; adequate ingress and egress; and other on-site improvements.

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

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

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

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

e. **Applicability To Flood Plain Districts.** The provisions of this subchapter apply to all flood plain districts. No flood plain variance or special use permit shall be granted that would permit any of the following:

e-1. Filling and development contrary to the purpose and intent of the flood plain district.

e-2. A change in the boundaries of either the floodway or the flood fringe overlay district.

e-3. A lower degree of flood protection than a point 2 feet above the regional flood profile elevation.

e-4. Development contrary to the provisions of ch. NR 116, Wis. Adm. Code.

e-5. A use in a district where it is not a permitted or special use.

f. **Additional Procedures Relating to Flood Plain and Shoreland-Wetland Districts.** f-1. **Hearing Notifications.** Notice of a hearing relating to a request for a variance or a special use permit in a flood plain or shoreland-wetland district shall be published in a newspaper of general circulation at least once each week for 2 consecutive weeks. No hearing may be held until at least 7 days following the last publication. Notices shall specify the date, time, place and subject of the hearing, and shall also be mailed to the parties of interest.

f-2. **Notice to Department of Natural Resources.** f-2-a. Copies of applications for variances and special use permits in flood plain and shoreland-wetland districts shall, upon receipt by the board, be transmitted to the Wisconsin department of natural resources. No final board action may be taken on any application for 30 days or until the Wisconsin department of natural resources has made its recommendation, whichever is sooner.

f-2-b. Copies of decisions rendered by the board for variances and special use permits in flood plain and shoreland-wetland districts shall be transmitted to the Wisconsin department of natural resources within 10 days of the effective dates of such actions.

f-3. **Conditions of Approval.** The board may attach such conditions as deemed necessary to further the intent and purposes of such districts. Such conditions may include specifications for: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the board may require the applicant to furnish other pertinent information which is necessary to determine if the proposed use is consistent with the intent and purposes

of such districts.

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

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

c. **Grounds For Appeal.** The application shall state the specific grounds for the appeal. Grounds for appeal shall include at least one of the following:

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

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

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

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

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

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

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

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

g-2. Resulted from an incorrect application of a standard or review criteria.

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

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

6. **BENEFICIAL USE DETERMINATIONS.** a. **Purpose.** The procedures set forth in this section are intended to permit a property owner who believes that application of the provisions of this chapter to the owner's land deprives the owner of substantially all economically beneficial use of the land to apply to the board for relief sufficient to permit economically beneficial use of the land.

b. **Application.** Every request for a beneficial use determination shall be made upon a form which has been furnished by the board secretary and approved by the board. The applicant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is necessary to inform the board of the facts of the request. The application fee specified in s. 200-33 shall be paid at the time the application is filed. Beneficial use determination requests shall be filed within a reasonable time, as provided by the rules of the board.

c. Contents of Application. An application for a beneficial use determination shall contain the following information:

c-1. Documentation of the date of purchase and the purchase price of the property, and any offers to purchase the property made by any person, corporation or association within the last 3 years.

c-2. A description of the physical features and structures present on the property, the property size, the present use and the use of the land immediately prior to the effective date of the zoning code text amendment or map amendment alleged to have caused the property owner to apply for relief.

c-3. Evidence of any investments made by the property owner to improve the land, the dates the improvements were made and the costs of the improvements.

c-4. A description of the uses of land that were available when the land was purchased by the landowner. In addition, a description of the regulations or actions taken by the city related to the land which are alleged to result in an elimination of substantially all economically beneficial use of the land, together with all appraisals, studies and any other supporting evidence.

c-5. A description of the use which the property owner believes represents the minimum legally required economically beneficial use of the land and all documentation, studies and other supporting evidence thereof.

d. Hearing. At the board hearing, all evidence presented shall be under oath and the parties involved shall be permitted to cross-examine witnesses. The sworn testimony and evidence shall pertain to the standards set forth in par. g.

e. Findings. Within 30 days of the close of the hearing, the board shall prepare findings of fact. The findings of the board as to whether the land is provided economically beneficial use shall be based on evidence submitted and the standards in par. g. If the board finds that the applicant has been denied substantially all economically beneficial use of the subject land, the board shall grant the applicant relief by specifying one or more allowable uses of the land that permit economically beneficial use and result in a minimum change from the regulations of this chapter as they apply to the subject land, pursuant to the standards set forth in pars. g and h. The board's findings of fact shall be in writing and shall detail the basis of conclusions from the record of the hearing.

f. Appeals. Any person aggrieved by the board's decision with regards to a beneficial use determination may appeal to a court of law for certiorari review.

g. Deprivation Standards. In determining if a property owner has been deprived of substantially all economically beneficial use of land, the board shall take into account the following factors:

g-1. Economically Viable Use. In making the determination of whether economically viable use of the land is possible under the current circumstances, the board shall first evaluate the uses of the land as permitted by this chapter, as well as the uses of land in relation to the uses permitted on similarly situated lands.

g-2. Diminution in Value. The market value of the land, as established by the comparable sales approach, prior to the effective date of the zoning code text amendment or zoning map amendment alleged to have caused the landowner to apply for relief shall be compared to the market value of the land, as established by the comparable sales approach, after the effective date of the zoning code text amendment or zoning map amendment. Market value of the land prior to the effective date of the zoning code text amendment or zoning map amendment shall constitute the land's highest and best use. All appraisals shall be submitted by qualified licensed appraisers, and shall follow the best professional practices as established by the profession. A mere diminution in market value is not sufficient to support a determination of denial of substantially all economically beneficial use.

g-3. Common Use and Use Consistent with Comprehensive Plan. A use commonly found in the city, although it may not involve further development of the land, is considered an economically viable use. This use shall be consistent with the comprehensive plan and with uses permitted in the zoning district within which the land is located. Consideration shall also be given to land uses that are regarded to be the lowest intensity in the city but which still provide for occupation and living within the city. Such land uses shall also be considered economically viable uses.

g-4. Actual Condition of Land. The actual condition of the land shall be considered. The reality of limited development

potential, given the natural condition of the land, shall not be attributed to the regulations applied to the land. If the land is such that it cannot safely accommodate development with normal grading and clearing practices, this fact shall lower the intensity of use that is considered a minimum economically viable use.

g-5. Only Investment-Backed Expectations Considered. Speculative expectations of land value and development potential shall not be considered. Only reasonable expectations backed by investments as required by the current state of the law shall be considered.

h. Granting of Relief. h-1. General. If the board finds that a property owner has been deprived of substantially all economically beneficial use of land, or is otherwise entitled to relief pursuant to the standards of this subsection, relief shall be granted.

h-2. Minimum Increase. When granting relief, the board shall give the property owner the minimum increase in use density/intensity or other possible concessions from the provisions of this chapter in order to permit an economically viable use of the land or a use that is determined to be required by law. The following criteria shall be used by the board to determine the minimum economically viable use of land and the amount of relief to be granted to the property owner in order to reach that minimum:

h-2-a. The deprivation standards in par. g.

h-2-b. The potential for damages to either persons or land.

h-2-c. The need for a governmental subsidy to future land owners. The cost of such subsidies shall be deducted from the otherwise established minimum economically viable use.

SUBCHAPTER 4
GENERAL PROVISIONS

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

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

2. NUMBER OF SPACES. a. Number Required. The number of off-street parking spaces required for a particular use shall be as specified in table 295-403-2-a. Except for within the C9A district, no off-street parking spaces shall be required for uses located in downtown zoning districts. Prior to issuance of any occupancy or construction permit, documentation that the required parking spaces exist shall be provided to the commissioner. For a use where the number of required spaces is "as required by the board for special use approval," the board shall not be bound to require parking spaces, but if any parking spaces are to be required, such requirement shall be specified by the board at the time of special use approval.

Table 295-403-2-a NUMBER OF PARKING SPACES REQUIRED, BY USE

Uses	No. of Parking Spaces Required
RESIDENTIAL USES	
Single-family dwelling	min. of one space; max. of 4 spaces
Two-family dwelling	min. of one space per dwelling unit; max. of 4 spaces on the premises
Multi-family dwelling:	Zoning Districts
RM1, RM2, RM3, RM4, RO1, NS1, LB1, RB1	1:1 RT4, RM5, RM6, RM7, RO2, NS2, LB2, RB2, CS, C9A, IM
	2:3 * Note: In RM6, RM7, C9A and IM districts, a private elderly housing project shall have one parking space for every 2 dwelling units; in other zoning districts, a private elderly housing project shall have 2 parking spaces for every 3 dwelling units. Public housing for low-income families and public or federally-assisted low-income elderly housing projects shall provide one parking space for every 2 dwelling units.
Attached single-family dwelling	min. of one space; max. of 4 spaces
Live-work unit	one for each live/work unit in the building
Mobile home	N.A.
Watchman/service quarters	none
Family day care home	see requirement for dwelling unit type

Group Residential

Rooming house one for every 2 rooms
Convent, rectory or monastery one per facility
Dormitory one for every 15 beds or fraction thereof
Fraternity or sorority one for every 2 rooms

Adult family home one

Foster Homes

Foster family home one
Small foster home one
Group home or group foster home one

Shelter Care Facilities

Family shelter care facility one
Small group shelter care facility one
Large group shelter care facility one

Community living arrangement one

EDUCATIONAL USES

Day care center none
School, elementary or secondary none
College none

School, specialty or personal instruction none

COMMUNITY-SERVING USES

Library none
Cultural institution none
Community center as required by the board for special use approval
Religious assembly one for every 6 seats in the assembly hall
Cemetery or other place of interment none
Public safety facility none
Correctional facility none

COMMERCIAL AND OFFICE USES

General office one for each 250 sq. ft. of the first 2,000 sq. ft. of gross floor area; one for each 1,000 sq. ft. of gross floor area in excess of 2,000 sq. ft.

Government office see general office

Bank or other financial institution see general office

Currency exchange, payday loan or title loan agency see general retail establishment

Retail establishment, general one for each 500 sq. ft. of gross floor area on the first floor; one for each 1,000 sq. ft. of gross floor area on the 2nd floor and above

Garden supply or landscaping center see general retail establishment

Home improvement center see general retail establishment

Secondhand store see general retail establishment

Outdoor merchandise sales one for each 500 sq. ft. of outdoor or indoor space devoted to the display of goods for sale

Artist studio none

Adult retail establishment see general retail establishment

HEALTH CARE AND SOCIAL ASSISTANCE USES

Medical office see general office

Health clinic see general office

Hospital one for every 4 beds

Medical research laboratory see general office

Medical service facility see general office

Social service facility see general office

Emergency residential shelter as required by the board for special use approval

Nursing home one for every 4 beds

GENERAL SERVICE USES

Personal service establishment see general office

Business service see general office

Building maintenance service see general office

Catering service see general office

Funeral home one for each 100 square feet of floor area of a chapel, parlor or other room used for funeral services, but not less than 4 spaces

Laundromat see general retail establishment

Dry cleaning establishment see general retail establishment

Furniture and appliance rental and leasing see general retail establishment

Household maintenance and repair service see general retail establishment

Tool/equipment rental facility see general retail establishment

Animal Services

Animal hospital/clinic see general retail establishment

Animal boarding facility see general retail establishment

Animal grooming or training facility see general retail establishment

MOTOR VEHICLE USES

Light Motor Vehicle

Sales facility none (permitted use) or as required by the board (special use)

Rental facility none (permitted or limited use) or as required by the board (special use)

Repair facility as required by the board for special use approval

Body shop none (permitted use) or as required by the board (special use)

Outdoor storage none (permitted use) or as required by the board (special use)

Limited wholesale facility none

Heavy Motor Vehicle

Sales facility none (permitted use) or as required by the board (special use)

Rental facility none (permitted use) or as required by the board (special use)

Repair facility none (permitted use) or as required by the board (special use)

Body shop none (permitted use) or as required by the board (special use)

Outdoor storage none (permitted use) or as required by the board (special use)

General Motor Vehicle

Filling station as required by the board for special use approval

Car wash none

Drive-through facility none

Parking

Parking lot, principal use N.A.

Parking lot, accessory use N.A.

Parking structure, principal use N.A.

Parking structure, accessory use N.A.

Heavy motor vehicle parking lot, principal N.A.

Heavy motor vehicle parking lot, accessory N.A.

ACCOMODATION AND FOOD SERVICE USES

Bed and breakfast one for each sleeping room, plus one additional space

Hotel, commercial one for every 1,000 square feet, or fraction thereof, of gross floor area on the ground floor or above

Hotel, residential one for every 2 sleeping rooms

Tavern see general retail establishment

Assembly hall one for every 1,000 square feet of gross floor area or fraction thereof

Restaurant, sit-down see general retail establishment

Restaurant, fast-food/carry-out see general retail establishment

ENTERTAINMENT AND RECREATION USES

Park or playground none

Festival grounds none

Recreation facility, indoor see general retail establishment

Recreation facility, outdoor as required by the board for special use approval

Health club see general retail establishment

Sports facility as required by the board for special use approval

Gaming facility N.A.

Theater one for every 100 square feet of floor area in the theater auditorium

Convention and exposition center as required by the board for special use approval

Marina none

Outdoor racing facility as required by the board for special use approval

Adult entertainment establishment see general retail establishment

STORAGE, RECYCLING AND WHOLESALE TRADE USES

Recycling collection facility none
Mixed-waste processing facility none
Material reclamation facility none
Salvage operation, indoor none
Salvage operation, outdoor none
Wholesale and distribution facility, indoor none
Wholesale and distribution facility, outdoor none

Storage Facilities

Indoor none
Outdoor none
Hazardous materials none

TRANSPORTATION USES

Ambulance service see general office
Ground transportation service see general office
Passenger terminal none
Helicopter landing facility none
Airport none
Ship terminal or docking facility none
Truck freight terminal none
Railroad switching, classification yard or freight terminal none

INDUSTRIAL USES

Manufacturing, light none
Manufacturing, heavy none
Manufacturing, intense none
Research and development none
Processing or recycling of mined materials none
Contractor's shop see general office
Contractor's yard none

AGRICULTURAL USES

Plant nursery or greenhouse none
Raising of crops or livestock none

UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio see general office
Transmission tower see general office
Water treatment plant see general office
Sewerage treatment plant see general office
Power generation plant see general office
Substation/distribution equipment, indoor see general office
Substation/distribution equipment, outdoor see general office

TEMPORARY USES

Seasonal market none
Temporary real estate sales office none
Temporary concrete/batch plant none
Live entertainment special event none

b. Adjustment to Number Required. The number of parking spaces required for a particular use may be reduced in accordance with the following credits:

b-1. For a non-residential use, one space for each off-site parking space which is owned or rented by the property or business owner for the purpose of providing parking to the use in question. Such off-site spaces shall be located within 700 feet of the use, as measured by using the shortest pedestrian route from the nearest corner of the parking facility to the main public entrance of the use served, and not on a site containing a wholly residential use. Such off-site parking spaces shall also conform with the regulations of the zoning district in which they are located.

b-2. One space for each on-street parking space that is located immediately adjacent to the site of the use, provided that

such on-street space is available for public use 24 hours per day.

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

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

b-3-b. The peak hours of parking demand for the uses served by the shared parking facility do not coincide and the peak aggregate parking demand of all uses served shall not exceed the available number of parking spaces at any given time.

b-3-c. The quantity and efficiency of the shared parking facility will serve the uses as well as, or better than, the normally required parking spaces.

b-3-d. The required numbers of loading berths and bicycle parking spaces will be provided.

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

b-4. A reduction of 15% in the number of parking spaces required if the use is located in the area bounded by West Capitol Drive on the north, Lincoln Avenue on the south, Lake Michigan on the east and 43rd Street/Sherman Boulevard on the west. This reduction is permitted because of the relatively high availability of public transit service and resultant potential for reduced parking demand in this area.

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

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

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

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

c. For a newly-constructed building or building addition with over 2,000 square feet of floor area, one bicycle parking space shall be provided for each 2,000 square feet of floor area, up to a maximum of 10 spaces.

3. STANDARDS OF DESIGN. a. Dimensions. Parking spaces shall be a minimum of 8 feet wide and contain at least 160 square feet, excluding drives, lanes or aisles, except that spaces designated for compact cars shall contain at least 120 square feet and be provided with an unobstructed access lane thereto from a public street, alley or other open space approved by the commissioner. At least 50% of the required parking spaces in a parking area shall meet the 160-square-foot area requirement.

b. Paving. All areas used for the parking of motor vehicles or trailers shall have paved or approved surfaces, as required in s. 252-74.

c. Bicycle Parking Spaces. For each required bicycle parking space, a stationary object shall be provided to which a

user can secure the frame and both wheels of a bicycle with a 6-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket, shall be located within 60 feet of the main entrance of the building it serves, and may be located between the street curb and the building, subject to the approval of the commissioner of public works. As an alternative, the following alternative bicycle parking facilities may be provided:

- c-1. Enclosed bicycle lockers.
- c-2. A 3-point bicycle rack which secures the frame and both wheels of each bike.
- c-3. A fenced, covered, locked or guarded bicycle storage area. Such area shall be large enough that each of the required bicycle parking spaces can accommodate a bicycle with a 3-foot handlebar width, a height of 3.5 feet from the bottom of the wheel to the top of the handlebar, and a length of 6 feet from the front of the front wheel to the back of the rear wheel.
- d. Illumination. Parking spaces and areas shall comply with the illumination standards of s. 295-409.
- e. Landscaping. Parking spaces and areas, and their required setbacks, shall comply with the applicable requirements of s. 295-405.

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

b. Types of Landscape Treatment. Each of the different landscaping types has its own objectives for the eye-level surveillance area (3 to 7 feet above grade), as well as for the lower zone (below 3 feet above grade) and the higher zone (above 7 feet). In general, all landscaped perimeters shall have trees planted 25 feet on center, either base shrubs or a low wall, and curbing to prevent landscaping from encroaching on public sidewalks. Variations in required landscaping and edge treatments occur because some situations require a more substantial edge, such as a masonry elements or ornamental metal fencing, and because some situations call for eye-level surveillance through the perimeter area, while others dictate that the view of what is behind the perimeter should be obscured. The purposes of the individual perimeter landscaping and edge treatment types are as follows:

Table 295-405-1-a PERIMETER LANDSCAPING AND EDGE TREATMENT REQUIREMENTS BY USE AND ZONING DISTRICT

Key: required - this is the minimum landscaping/edge treatment requirement for this land use in the specified zoning district
 allowed - this landscaping/edge treatment type may be used as an alternative to the "required" type for this land use in the specified zoning district
 not permitted - this landscaping/edge treatment type cannot be used for this particular use in the specified zoning district
 use not permitted - this land use is not permitted in this zoning district; therefore, no required landscaping type is specified

Type of Use:	Motor Vehicle Sales Lot Heavy Motor Vehicle Parking; Storage Yards							
	Light Motor Vehicle Parking		Mechanical Equipment, etc.		Lt. Motor Veh. Parking Next to Res. Use			
	Type A	Type B	Type C	Type D	Type E	Type F	Type G	Type H
Zoning District:								
NS2, LB2, RB2	not permitted	required			allowed	required	not permitted	required
required								required
NS1, LB1, RB1, CS	required			allowed	not permitted	required	required	allowed
required								required
C9A-C9H	not permitted	required			allowed	use not permitted	not permitted	
required	required	required						

IM	not permitted	required	allowed	required	not permitted	required	required
IO2, IL2	not permitted	required	allowed	required	required	allowed	required
IO1, IL1	required	allowed	allowed	required	required	allowed	required
IH	required	allowed	allowed	required	not permitted	required	required
PK, TL	required	allowed	allowed	use not permitted	use not permitted	use not permitted	use not permitted
RM5-RM7, RO2	not permitted	required	allowed	use not permitted	use not permitted	use not permitted	use not
RT3-RT4, RM3-RM4	not permitted	required	allowed	use not permitted	use not permitted	use not permitted	use not
RS1-RS6, RT1-RT2, RM1-RM2, RO1	required	allowed	not permitted	use not permitted	use not permitted	use not permitted	use not

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

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

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

b-4. Type “D” Landscaping (Motor Vehicle Sales Lot Landscaping). This type is primarily intended for application along street frontages of motor vehicle sales and display lots. It requires regularly-spaced trees and continuous, lower-height base shrubs. Unlike the type A requirement, base shrubs need only grow to a height of 2 feet. This type does not require fences or walls. Fences are allowed, but not required. Plantings in the low-level and high-level zones shall create a continuous edge of plants, while the eye-level zone shall be kept mostly open, consistent with the standards of par. c-5, to allow for surveillance between parking lots and streets.

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

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

b-7. Type “G” Landscaping (Object Screening). This type is primarily intended to surround or visually separate utilitarian objects from street frontages. Examples of items to be screened with type “G” landscaping include mechanical

equipment or enclosures, dumpsters and other trash collection equipment, and loading docks. This type of landscaping does not require trees, but does require screening from the ground level to at least 7 feet above grade. Plantings in the low-level, eye-level and high-level zones shall create a continuous edge of plants, completely obscuring the area behind the landscaped area from view from the street.

b-8. Type "H" Landscaping (Residential Buffers). This type is primarily intended to surround or visually separate parking lots and structures from residential uses. Examples of items to be screened with type "H" landscaping include parking lots for churches and schools, apartment buildings and non-residential uses, as well as principal-use parking lots and structures. This type of landscaping relies primarily on opaque fencing, but also requires trees and shrubs when the parking lot or structure provides parking for uses other than residential, educational or community-serving uses. Opaque fencing provides screening from the ground to at least 7 feet above grade. Tree plantings in the eye-level and high-level zones shall create a continuous edge of plants that completely obscures the parking area from the adjacent residential use or uses. A parking structure may achieve this standard if the required opaque fence/wall is incorporated into the design of the structure itself.

c. Requirements by Landscaping Type. Table 295-405-1-c contains the fence/wall and landscaping requirements for each of the landscaping types described in par. b. When interpreting the requirements of this table, the following standards shall apply:

Table 295-405-1-c FENCE/WALL AND LANDSCAPING REQUIREMENTS FOR LANDSCAPING TYPES

Landscaping Type	Type A Landscaping	Type B Landscaping	Type C Landscaping	Type D Landscaping	Type E Landscaping
Required Fence/Wall	Fence or wall required?	optional	yes	yes if located in LB2	yes
Fence/wall height requirements	6 ft. min.; 9 ft. max.	fence optional; see below	3 ft. min.; 6 ft. max.	6 ft.	if provided, 3 ft. min.; 6 ft. max.
Fence/wall materials required	decorative metal	fence not required	masonry or decorative metal	combination masonry/	any opaque fence type
Fence/wall opacity	100%	100%	100%	100%	100%
Fence/wall location in landscaped area	anywhere within landscaped area	if provided, adjacent to parking	anywhere within landscaped area	anywhere within landscaped area	behind landscaping
landscaping	between object being screened and area of visibility	adjacent to residential property line			

Allowable fence/wall	Masonry wall	up to 4 ft. high	up to 4 ft. high	up to 4 ft. high	up to 4 ft. high	up to 9 ft. high
	up to 9 ft. high	up to 9 ft. high	up to 9 ft. high			
Decorative metal fence	up to 6 ft. high	up to 6 ft. high	up to 6 ft. high; lowest 3 ft. shall be solid wall			up to 6 ft. high
not permitted	not permitted	allowed, but a second row of shrubs shall be required				up to 9 ft. high
Wood fence, open	up to 4 ft. high	not permitted	not permitted	if not in LB2, up to 3.5 ft. high		not permitted
not permitted	not permitted	not permitted	not permitted			
Wood fence, opaque	up to 4 ft. high	not permitted	not permitted	if not in LB2, up to 3.5 ft. high		up to 9 ft. high
up to 9 ft. high	up to 9 ft. high	up to 9 ft. high				
Chain link fence (coated wire only)		up to 6 ft. high	not permitted	not permitted	not permitted	
optional if fence has slats; up to 6 ft. high		optional if fence has slats; up to 6 ft. high			optional if fence has slats; up to 6 ft. high	
slats; up to 6 ft. high	not permitted with or without slats					

Trees and Shrubs Required & Allowed Minimum landscaped area width 5 ft. 5 ft. sufficient for wall, trees and optional shrubs 5 ft. 15 ft. 5 ft.; 15 ft. if a chain-link fence is present sufficient to accommodate required plantings; 15 ft. if a chain-link fence is present sufficient to accommodate fence/wall and optional trees/shrubs

Deciduous street-type trees minimum 1 every 25 ft. allowed but not required unless a loading dock is present 1 every 25 feet or where required by s. 295-405-1-b-8

Ornamental tree option minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide optional minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide minimum 1 every 20 ft. if landscaped area is at least 10 ft. wide 1 every 20 feet if landscaped area is at least 10 ft. wide

Shrub spacing requirement 2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3 ft. on center 2 staggered rows with plants a max. of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. 3 ft. on center one row with plants a max. of 3 ft. on center; if a masonry wall is provided, shrubs are optional if light motor vehicle parking: one row with plants a max. of 3 ft. on center; if heavy motor vehicle parking, 2 staggered rows with plants a max. of 4 ft. on center in each row one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a max. of 4 ft. on center in each row one row with plants a max. of 3 ft. on center; if chain-link fence is provided, 2 staggered rows with plants a maximum of 4 ft. on center in each row; if a 4-ft. opaque fence is provided, only one row shall be planted, max. of 3 ft. on center option or, where required by s. 295-405-1-b-8, one row with plants a max. of 8 ft. on center

Shrub size, min. (at time of planting) 2 ft. in diameter 2 ft. in diameter 2 ft. in diameter if light motor vehicle parking, 1.5 ft. in diameter; if heavy motor vehicle parking, 2 ft. in diameter 2 ft. in diameter 2 ft. in diameter 2 ft. in diameter 2 ft. in diameter

Shrub height, min. (at time of planting) 3 ft. 3 ft. 3 ft. if light motor vehicle parking, 2 ft.; if heavy motor vehicle parking, 3 ft. 6 ft. 6 ft. 6 ft. 3 ft.

Shrub height, max. (at maturity) 3.5 ft. 3.5 ft. 3.5 ft. if light motor vehicle parking, 3.5 ft.; if heavy motor vehicle parking, 4.5 ft. no limit no limit no limit no limit

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

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

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

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

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

used on the building located on the premises for which landscaping is required. If such building is not of masonry construction, the piers may be omitted or constructed of non-masonry material.

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

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

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

c-9. Maintenance. Required landscaping and perimeter features shall be kept free of refuse and debris. All plant materials shall be maintained on an ongoing basis, including seasonal tree and plant replacement.

2. INTERIOR PARKING LOT LANDSCAPING. a. Trees Required. No interior parking lot landscaping shall be required for a parking lot having an area of less than 9,000 square feet. For a parking lot that is 9,000 square feet or more in area, one tree shall be provided for every 9,000 square feet of parking lot area or fraction thereof. Trees shall be at least 2.5 caliper size at the time of planting and of a deciduous street tree variety, including but not limited to maple, linden and ash, that has a leaf and branch structure which creates a uniform crown and an opaque tree canopy. Required trees shall be evenly distributed throughout the parking lot; no parking space shall be located more than 54 feet from the base of a required tree.

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

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

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

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

c-1. In all zoning districts, 10 feet for the intersection of an access drive and a street.

c-2. In the RS6, RT4, RM4 and RO2 zoning districts, 15 feet for the intersection of 2 streets or an alley and a street.

c-3. In the RS5, RT3 and RM3 zoning districts, 20 feet for the intersection of 2 streets or an alley and a street.

c-4. In the RS1 to RS4, RT1 and RT2, RM1 and RM2, RO1, NS1, LB1, RB1, IO1, IL1 and PK zoning districts, 25 feet for the intersection of 2 streets or an alley and a street.

c-5. In all other zoning districts, no vision triangle shall be required at the intersection of 2 streets or an alley and a street.

d. Objects Within Vision Triangle. Opaque fences and other opaque objects, such as but not limited to coniferous trees and shrubs and utility boxes, located in the vision triangle shall not exceed 3 feet in height. Semi-opaque and open fences and other semi-opaque objects, such as but not limited to deciduous trees and shrubs, sign and utility poles, traffic standards, and masonry fence piers not exceeding 16 inches in width, shall be permitted.

295-407. Signs. 1. PURPOSE. The sign regulations in this section apply to signs on private property. The specific

purposes of these regulations are to:

- a. Provide each sign user an opportunity for effective identification by applying uniform standards to entire zoning districts.
- b. Ensure that all signs are architecturally compatible and are in scale with building design.
- c. Maintain and enhance the quality of the city's appearance.
- d. Enable consumers to identify establishments offering goods and services to meet their needs.
- e. Regulate the number and size of signs according to standards consistent with the types of establishments in each zoning district.
- f. Protect residential districts adjoining non-residential districts from adverse impacts of excessive signs.
- g. Regulate signs attached to structures and extending into the public right-of-way.

2. ON-PREMISE SIGNS. a. General. a-1. Sign Construction. All signs shall meet the design and construction specifications of ch. 244.

a-2. Maximum Sign Area. The maximum sign area shall be as specified in the regulations for the applicable zoning district, unless additional sign area is authorized by a master sign program approved pursuant to s. 295-1017.

a-3. Number. See regulations for the applicable zoning district.

a-4. Measurement of Display Area. The display area of a sign shall be measured in accordance with s. 295-205-5.

a-5. Illumination. The light source for an illuminated sign shall be screened and shielded so that it is not visible from a residential district or beyond the curb line.

b. Sign Types. For the purpose of distinguishing different sign types and, thus, different size limitations, the following standards are set forth:

b-1. Freestanding Signs. b-1-a. Type A Freestanding Signs. A type A freestanding sign is characterized by a sign base that is at least as wide as the display area of the sign. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters may be back-lit, carved entablature-type signs and other general individual-letter, non-illuminated signs. Signs of this type are commonly referred to as "monument signs."

b-1-b. Type B Freestanding Signs. A type B freestanding sign is one with a display area that has an internally-illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. Other types of freestanding signs which do not have the characteristics of a type A sign are included in this category. This type may be mounted on one or multiple poles, or may have a monument-type base. If a monument-type base 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 a district sign standards table.

b-1-c. Location. No freestanding sign may project over a property line.

b-2. Wall Signs. b-2-a. Type A Wall Signs. A type A wall sign is one with a display area that does not have an illuminated overall background. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: individual raised letters attached to the wall; letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back-lit; non-illuminated pin-set letters; carved entablature-type signs; other general individual-letter, non-illuminated signs. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-b. Type B Wall Signs. A type B wall sign is one with a display area that has an internally-illuminated or externally-

illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. A permanent banner sign with a display area that is parallel to the building façade is also included in this category. Other types of wall signs which do not have the characteristics of a type A sign, including but not limited to board signs and painted-on wall signs, are included in this category. Such wall signs shall be attached only to flat, opaque wall surfaces.

b-2-c. Standard for Wall Signs. No wall sign shall be erected or maintained to extend more than one-half of its height above the top of the exterior wall to which it is attached.

b-2-d. Exemption from Display Area Limitation. A professional nameplate, street address sign, historical tablet or marker, or sign indicating membership in a civic, business or professional organization shall not be included when calculating the total display area of wall signage provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-3. Awning Signs. b-3-a. Type A Awning Signs. A type A awning sign is one with letters or symbols applied to or integral with an opaque, non-translucent material covering an awning structure. Such sign may be illuminated from a general building lighting source above the awning.

b-3-b. Type B Awning Signs. A type B awning sign is one with letters or symbols applied to or integral with a translucent material covering an awning-like structure. Such sign may be internally illuminated.

b-3-c. Awnings Projecting Beyond Street Lines. Any awning which projects beyond a street line shall comply with the applicable regulations of ss. 245-6, 245-6.5 or 245-7.

b-4. Projecting Signs. b-4-a. Type A Projecting Signs. A type A projecting sign is one with a display area that does not have an illuminated overall background. Only individual letters or symbols may be internally illuminated. This type of sign includes, but is not limited to: letters or symbols cut from an opaque panel such as metal; pin-set letters where individual letters are back lit; non-illuminated pin-set letters; wood or metal board-type signs which may or may not be externally illuminated. If individual letters are used on the sign, they shall be applied to or affixed to a projecting board or to a cabinet not more than 12 inches thick in order for the sign to be considered within the type A category.

b-4-b. Type B Projecting Signs. A type B projecting sign is one with a display area that has an internally illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. A permanent banner sign that projects out from a building is also included in this category. Other types of projecting signs which do not have the characteristics of a type A sign are included in this category.

b-4-c. Maximum Projection. A projecting sign shall not project more than 4 feet from the building face to which it is attached.

b-4-d. Minimum Clearance. A minimum clearance of 10 feet between grade and the bottom of the sign shall be provided, except in the historic third ward (the area designated by common council resolution 870501), where the minimum clearance shall be 8.5 feet.

b-4-e. Projection into Right-of-Way. All projecting signs shall comply with the applicable provisions of s. 244-10.

b-5. Canopy and Hood Signs. b-5-a. Type A Canopy and Hood Signs. A type A canopy or hood sign is characterized by individual letters or symbols which may be internally illuminated. It may also include a sign panel which is integral to the hood or canopy structure, except that the illuminated letters and symbols are cut from an opaque panel. In order for a canopy or hood sign consisting of individual letters affixed to a cabinet to be considered a type A sign, the cabinet shall be not more than 12 inches thick.

b-5-b. Type B Canopy and Hood Signs. A type B canopy or hood sign is one with a display area that has an internally illuminated overall background. This type of sign is typically a plastic-panel-faced box sign which is hung from or mounted on top of a canopy or hood. It may also include a sign panel which is integral to the structure, but is faced with plastic that has a translucent background.

b-5-c. Canopies and Hoods Projecting Beyond Street Lines. Any canopy or hood sign which projects beyond a street

line shall comply with the applicable regulations of ss. 245-8, 245-9 or 245-10.

b-6. Roof Signs. b-6-a. Type A Roof Signs. A type A roof sign is characterized by individual letters or symbols which may be internally illuminated.

b-6-b. Type B Roof Signs. A type B roof sign is one with a display area that has an internally illuminated overall background. This type of sign is typically a plastic-panel-faced box sign. It may also include a sign panel which is integral to the structure, but is faced with plastic that has a translucent background.

b-7. Permanent Window Signs. b-7-a. General Regulations. A permanent window sign is characterized by individual letters or symbols painted or placed on the glazed portion of a window such that window transparency of at least 75% is maintained. A neon sign, board-type sign or plastic-faced box sign placed in a window shall also constitute a permanent window sign. Not more than 25% of the glazed area of a window may be covered by permanent window signs. The display area of a permanent window sign shall be calculated in accordance with s. 295-205-5. In no case shall permanent window signs reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-b. Opaque Backgrounds. Not more than 25% of the glazed portion of a window may be opaquely painted for the purpose of creating a sign or sign background. In no case shall such painting reduce the area of required glazing below the amount required by s. 295-605-2.

b-7-c. Permanent Window Signage in Excess of 25% of Window Area. Permanent window signs or opaque window painting may exceed 25% of the area of a window provided the area of such signs or painting is included in the calculation and regulation of wall signage on the premises.

b-7-d. Exemption from Display Area Limitation. Informational signs placed in windows, including but not limited to signs pertaining to hours of operation, the "OPEN" or "CLOSED" status of the establishment, credit cards honored or membership in civic, business or professional organizations, shall not be included when calculating the display area of permanent window signs provided the aggregate display area of all such signs does not exceed 6 square feet. If the aggregate display area of all signs of these types exceeds 6 square feet, only the portion of the display area in excess of 6 square feet shall be included in the calculation of the total display area of signs on the premises.

b-8. Temporary Window Signs. A temporary window sign is characterized by advertising on paper, cardboard or other flexible material placed inside the glazed portion of a window, said advertising typically, but not always, referring to a sale, promotion or other event that is temporary in nature. Temporary window signs shall meet the following standards:

b-8-a. The aggregate area of all temporary window signs in a window shall not exceed 25% of the area of the glazed portion of the window. This temporary window signage is in addition to any conforming permanent window signage in the same window.

b-8-b. Temporary window signs shall be located on the inside of a window, facing out.

b-8-c. Temporary window signs shall be displayed for not more than 30 days in one calendar year.

b-8-d. Temporary window signs installed prior to the effective date of this ordinance [city clerk to insert date] shall be removed within 30 days.

3. SPECIAL SIGN TYPES. a. Temporary Banner Signs. Temporary banner signs are prohibited, except the following, which shall be permitted provided such signs are attached or supported in accordance with the applicable provisions of s. 244-5:

a-1. Temporary banner signs for construction projects, provided such signs meet the size limitations for the zoning districts in which they are located.

a-2. Temporary banner signs for grand openings. Such signs shall not be displayed for more than 60 days.

a-3. Temporary banner signs advertising special events, such as but not limited to anniversary celebrations, but not including sales promotions. Not more than 2 signs of this type may be erected on a premises in one calendar year, and

the cumulative display period for such signs shall not exceed 60 days.

b. Automatic Changeable Message Signs. Automatic changeable message signs shall be permitted provided messages, other than time or temperature displays, are not changed more frequently than once every 12 hours. The display area of changeable message signs shall be included in the calculation of the total display area of the applicable sign type.

c. Menu Boards. Menu boards for fast-food/carry-out restaurants shall be permitted provided they have a maximum display area of 30 square feet or as approved by the board as part of the plan of operation for a special use. The maximum height of menu boards shall be 6 feet. The display area of menu boards shall be excluded when calculating the total display area of signs on a premises.

d. Entrance/Exit Signs. Entrance and exit signs shall be permitted provided the display area of such signs does not exceed 6 square feet and a business name or advertising does not occupy more than one-third of the display area. Such signs shall be excluded when calculating the total display area of signs on a premises. If an entrance or exit sign exceeds 6 square feet in area, or if a business name or advertising occupies more than one-third of the display area, the portion of the sign in excess of 6 square feet or the portion containing a business name or advertising, respectively, shall be included in the calculation of total display area of signs on the premises.

4. EXCEPTIONS. Notwithstanding any other provisions of this chapter, the following signs are permitted if they meet the standards specified in this subsection:

a. Signs placed by public utilities or units of government for the safety or welfare of the public, such as signs identifying high voltage underground cable or signs related to the construction of capital improvement projects by units of government.

b. Official fire- or police-related signs or signs required to be maintained by law or governmental order, such as warning, traffic, parking or similar regulatory signs, or warning signs at a railroad crossings.

c. Public service information signs with no commercial messages.

d. Political signs, provided they are removed within 10 days after the election.

e. Any of the following temporary signs, provided such signs do not exceed 6 feet in height, are not located in the public right-of-way and are not illuminated:

e-1. Special event signs not exceeding 6 square feet advertising community-wide events of general interest and sponsored by non-commercial groups, placed for 15 days or less.

e-2. Signs erected and maintained on lots to advertise the leasing, rental or sale of buildings or other improvements located on such lots. Only one such sign shall be permitted on each street frontage. Signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located.

e-3. Residential real estate signs not exceeding 6 square feet relating to open house events or providing directions.

e-4. Signs pertaining to the construction of buildings or the sale or lease of vacant land. Such signs shall not exceed the maximum area specified in the sign regulations of the zoning districts in which they are located. No sign of this type shall exceed 5 feet in height or be illuminated. A construction sign shall be removed within 30 days of issuance of a certificate of occupancy for the building or structure to which the sign pertains.

f. The changeable copy or message portion of a theater marquee or reader board.

g. Painted murals, permanent banners and flags not containing commercial messages.

h. Signs placed on the interiors of buildings such that the signs cannot be seen by the general public from outdoors.

i. Holiday decorations, lights and displays.

- j. Construction or advisory signs installed by units of government.
 - k. Signs of up to 18 square feet in area and not more than 6 feet in height identifying specific geographic areas having common characteristics but multiple ownerships, such as residential subdivisions, commercial shopping areas and industrial parks.
 - L. "NO TRESPASSING," "NO DUMPING" and similar signs not exceeding 6 square feet in area.
 - m. Signs painted on or attached to motor vehicles in a manner allowing normal operation of such vehicles.
5. PROHIBITED SIGNS. The following signs are prohibited:
- a. Animated signs, including pennants, streamers, roof-mounted balloons and other inflatable objects, unless part of a master sign program.
 - b. Automatic changeable message signs, except:
 - b-1. Signs providing time or temperature information only.
 - b-2. Signs with messages that change not more than once every 12 hours.
 - b-3. Signs that are part of an approved master sign program.
 - c. Portable signs.
 - d. Flashing signs.
 - e. Signs attached to or painted on a vehicle parked on a premises for the sole purpose of advertising or relaying commercial messages to the public.
 - f. Signs attached to light poles, canopy supports or utility masts.
 - g. Temporary banner signs, except as permitted under sub. 3.
 - h. Abandoned signs.
6. MAINTENANCE, ABANDONMENT AND REMOVAL. See ss. 244-3, 275-32 and 275-34 for regulations relating to the maintenance, abandonment and removal of signs.
7. PERMITS REQUIRED. See s. 244-2 for information on sign permit requirements.
8. OFF-PREMISE SIGNS. a. Applicability. The standards and regulations of this subsection shall apply to all off-premise signs. Where the standards in this section conflict with those found elsewhere in this code, the most restrictive standards shall apply.
- b. Standards. b-1. General. See the regulations for the applicable zoning district for standards relating to the number, location and size of off-premise signs.
 - b-2. Combustible Signs. No portion of a combustible off-premise wall sign may be located above the sill of a 2nd story window or more than 30 feet above grade, whichever is lower.
 - b-3. Minimum Distance Between Signs. The minimum distance between any 2 off-premise freestanding or roof signs shall be 500 feet. The minimum distance between an off-premise freestanding or roof sign and an off-premise wall sign shall be 200 feet. The minimum distance between any 2 off-premise wall signs shall be 200 feet. The minimum distance requirement does not apply in the following situations:
 - b-3-a. Where off-premise signs are wall or roof signs located on opposite sides of a street from which they are intended

to be viewed.

b-3-b. Where off-premise signs are separated by buildings or other permanent structures in such a way that the display area of only one off-premise sign is visible from a street at one time.

b-4. Distance Measurement. The distance between signs shall be measured in a straight line, without regard to intervening structures, between the nearest components of the 2 signs in question.

b-5. Maximum Height. b-5-a. The maximum height of off-premise freestanding signs shall be 40 feet above grade, except in a local business, commercial service, residential and specialty use or neighborhood retail district, where the maximum height shall be 35 feet unless a sign is located within 50 feet of a building having a height of 35 feet or more.

b-5-b. An off-premise freestanding sign may be located and maintained along a public viaduct or bridge to a height of not more than 50 feet above the roadway of such viaduct or bridge, provided that the sign is set back from the viaduct, bridge or adjoining building a distance equal to or greater than the height of the sign above the roadway.

b-6. Height Measurement. The height of any off-premise freestanding sign is the vertical dimension of the sign measured from the grade of the roadway to which the sign is oriented to the highest point of the sign. However, where a structure bridges the roadway to which an off-premise freestanding sign is oriented and where the structure is within 100 feet of the sign, the height of the sign may be measured from the highest surface grade of the bridge structure.

b-7. Minimum Required Setbacks. b-7-a. Wall Signs. Off-premise wall signs located on front walls of buildings shall be set back a minimum of 5 feet from building corners. Off-premise wall signs located on side or rear walls of buildings shall be set back from building corners a minimum distance equal to 10% of the sign's width or 3 feet, whichever is less, but not less than one foot.

b-7-b. Freestanding Signs. For off-premise freestanding signs, the minimum required setback from any street lot line shall be 30 feet or a distance equal to the height of the sign, whichever is greater. No portion of any off-premise freestanding sign may extend into the public right-of-way or project over any public or private access drive.

b-7-c. Roof Signs. Off-premise roof signs shall be set back 5 feet from any exterior wall facing a public street and 2.5 feet from any other exterior wall.

b-8. Required Residential Buffers. No portion of any off-premise sign may extend into any of the following required residential buffers:

b-8-a. 60 lineal feet from a rear lot line abutting any residential district.

b-8-b. 50 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area up to 300 square feet.

b-8-c. 75 lineal feet from a side lot line abutting any residential district for an off-premise sign having a display area in excess of 300 square feet.

b-9. Signs Near Public Right-of-Way. Any component of an off-premise sign located within 3 feet of the public right-of-way shall be at least 10 feet above grade.

b-10. Lighting Reflectors. Lighting reflectors may extend 12 feet beyond the face of an off-premise sign but may not extend into any required setback or buffer areas.

b-11. Signs on Parking Lots Prohibited. No off-premise sign shall be placed upon any premises used for commercial parking purposes.

c. Signs Adjacent to Freeways and Parkways. Off-premise signs adjacent to freeways or the Lake Parkway shall conform to the following standards:

c-1. Setbacks. c-1-a. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in an

industrial district shall be 75 feet plus 10 feet for each 100 square feet of sign area over 750 square feet.

c-1-b. The minimum setback from the freeway or Lake Parkway right-of-way for a sign located in a commercial district shall be 500 feet.

c-2. Minimum Spacing. The minimum distance between any 2 off-premise signs located on the same side of a freeway or the Lake Parkway shall be 1,000 feet.

c-3. Prohibited Locations. Off-premise signs are prohibited within 1,000 feet of the High Rise Bridge or the Hoan Memorial Bridge/Lake Parkway. In this paragraph, "High Rise Bridge" means that portion of Interstates 94 and 43 located between the center line of West St. Paul Avenue and the center line of West National Avenue, and "Hoan Memorial Bridge/Lake Parkway" means those portions of Interstate 794 and State Trunk Highway 794 located between East St. Paul Avenue extended and the south city limits.

295-409. Lighting. In all zoning districts, all on-site lighting shall have cut-off fixtures that ensure that lighting levels and glare are controlled as follows:

1. No light source shall be visible from an adjoining property or public right-of-way.
2. Where adjoining properties are zoned residential, the maximum illumination at a property line shall be one foot-candle. In all other circumstances, the maximum illumination at a property line shall be 5 foot-candles.

295-411. Encroachments into the Public Right-of-way. See ch. 245.

295-413. Transmission Towers. 1. LIMITED USE STANDARDS. Whenever a transmission tower is a limited use, the permit applicant shall submit, to the department, plans and other permit application materials which demonstrate that the facility will comply with the following standards. If the department finds that the tower will not meet these standards, the tower may only be permitted upon the granting of a special use permit by the board.

a. All ground-level equipment, storage buildings and structural support elements shall be screened by a landscaped buffer which completely surrounds such equipment or structures, except for necessary openings for sidewalks or driveways that provide access to the equipment or structures. The buffer shall be located no farther than 5 feet from the equipment or structures, measured at the nearest point of the buffer to the equipment or structures. The buffer shall be at least 5 feet wide and meet the standards for type "G" landscaping set forth in s. 295-405-1.

b. All access drives shall be paved.

c. The tower shall not be illuminated except as required by the federal aviation administration or other applicable government regulations.

d. If the tower is freestanding and any abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required, the base of the tower shall be set back from the property lines of such abutting property a distance equal to at least 25% of the tower's height.

e. No structure other than related accessory structures may be located in an area 20 feet on each side of the radial line between the center of the transmission tower and each guy anchorage.

f. No tower guy anchor or enclosure for the same may be located closer than 30 feet to any lot line, street line or street line extended if the abutting property contains one or more dwelling units or a structure for which an occupancy certificate is required.

g. The tower's design shall be as advanced as technologically feasible and appropriate for individual site characteristics and proximity to other buildings and uses.

h. If the tower will be located within 1,000 linear feet of any dwelling unit or any structure for which an occupancy certificate is required, the tower permit applicant shall take steps to protect such dwelling units and structures from adverse impacts of the tower. Such steps may include installation of landscaping or buffering beyond what is required in

this subsection, provision of informational materials about the construction and operation of the tower, and scheduling of informational meetings with owners and residents of abutting properties to discuss tower design and construction.

i. The transmission tower permit applicant shall provide a written statement that the permit applicant has made every reasonable effort to locate reception/transmission systems on existing structures. This statement shall be accompanied by documentation that demonstrates that such efforts have been made.

j. When a new transmission tower is erected, it shall be designed to accommodate multiple reception/transmission systems and related equipment. A tower for television or radio facilities shall be designed to support at least 3 additional reception/transmission systems having power equal to or greater than that of the reception/transmission system which the tower is initially built to support. For any transmission tower other than a tower for television or radio facilities, the total number of reception/transmission systems the tower shall be designed to accommodate shall be as follows:

Tower Height	Number of Reception/Transmission Systems					
0-50 feet 350 feet	9 10	51-150 feet 6 plus 2 for each 100 feet or fraction thereof over 350 feet	9 10	151-250 feet 9 10	251-350 feet 9 10	over

k. In addition to presenting a tower design which can accommodate multiple reception/transmission systems and related equipment as required by par. j, the permit applicant shall provide a written statement indicating that the owner or developer will, on a nondiscriminatory basis, make the space provided for multiple reception/transmission systems available to other tower users. To the extent not precluded by physical, mechanical or regulatory limitations, the tower owner or developer shall allow for co-location of reception/transmission systems on the tower at fair market rental rates. The statement may be accompanied by supporting documentation which describes the tower owner or developer's record of making space on the owner or developer's other towers available to other users.

L. If the tower will be used for the transmission of television or radio signals, the tower owner or developer shall provide evidence that construction of the tower may ultimately lead to a net reduction in the total number of transmission towers in the city.

2. ABANDONED TOWERS. Whenever any transmission tower has ceased to be used for the transmission or reception of radio frequency waves for a period of 12 consecutive months, such tower shall be considered abandoned. An abandoned transmission tower shall be removed within 90 days of the end of such 12-month period. Any discontinuance of transmission tower use caused by governmental action and without any contributing fault by the tower user whose use of the tower was discontinued shall not be considered in calculating the length of discontinuance.

3. RECONSTRUCTION OF NONCONFORMING TOWERS. Notwithstanding the provisions of s. 295-415, a nonconforming transmission tower which is destroyed or damaged by fire, storm or other casualty, to the extent that the cost of reconstruction exceeds 50% of the tower's market value at the time of such loss, may be reconstructed provided that the tower owner complies with all applicable requirements for transmission towers specified in sub. 1, and provided that the height of the new tower does not exceed the height of the tower that was destroyed or damaged.

295-415. Nonconformities. 1. PURPOSE. The purpose of this section is to establish regulations governing nonconforming lots, structures and uses and, further, to:

- a. Allow nonconforming lots to be used for single-family homes and accessory structures.
- b. Permit structural alteration or enlargement, but not reconstruction, of nonconforming nonresidential structures that contain conforming uses.
- c. Permit structural alteration, enlargement or reconstruction of nonconforming residential structures or uses.
- d. Encourage nonconforming special uses to obtain board approval, but to allow such uses to continue without being subject to many of the restrictions that are customarily imposed on nonconforming uses.
- e. Allow nonconforming prohibited uses of structures and land to continue, with ordinary repairs and maintenance, but to

encourage that such structures and land eventually be used in a conforming manner.

f. Encourage the alteration, repair and maintenance of conforming uses in nonconforming structures and nonconforming special uses as long as the alteration, repair or maintenance is consistent with this code and with any applicable elements of the city's comprehensive plan.

2. Nonconforming Special Uses. a. Enlargement, Alteration or Intensification. No nonconforming special use, or the buildings, site features or structures associated with such use, shall be enlarged, altered or intensified without the approval of the board except as follows:

a-1. Combined Use. A permitted use may be added to, enlarged, expanded or rebuilt as part of a nonconforming special use without board approval provided the hours of operation are limited to the hours specified in this code, if any, parking is provided in accordance with this code, and the addition, enlargement, expansion or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan.

a-2. Site Plan Changes. Parking areas, landscaping, signs, canopies, fences, awnings or similar site features for a nonconforming special use may be expanded, enlarged or rebuilt without board approval provided that the expansion, enlargement or reconstruction is in conformity with all other provisions of this code and with any applicable elements of the city's comprehensive plan, and does not expand or intensify the nonconformity. In addition, whenever any such change to the parking area of a nonconforming special use occurs, the parking plan for such parking area shall be subject to approval by the commissioner of public works.

a-3. Repairs and Maintenance. The buildings, site features and structures of a nonconforming special use may be repaired and maintained in compliance with this code without board approval.

b. Change Of Use. A non-conforming special use may be changed to another special use enumerated under the regulations of the district in which the use is located only with board approval.

c. Discontinuance Of Use. If the nonconforming special use of a structure, or of a structure and premises in combination, is discontinued for a period of 12 months, such use shall not be resumed thereafter without approval of the board. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming special use, shall not be considered when calculating the length of discontinuance.

d. Deterioration Or Damage. If a structure occupied by a nonconforming special use has deteriorated or is damaged such that its reconstruction ratio, as calculated pursuant to par. e, exceeds 50%, the nonconforming special use shall not be resumed except with approval of the board.

e. Reconstruction Ratio. A reconstruction ratio shall be computed as follows:

$$\begin{array}{l} \text{Reconstruction} \\ \text{Ratio} \\ \text{(percent)} \end{array} = \frac{\begin{array}{l} \text{Estimated cost of restoring the} \\ \text{structure to its prior condition} \end{array}}{\begin{array}{l} \text{Estimated cost of duplicating the} \\ \text{entire pre-existing structure} \end{array}}$$

Estimates of reconstruction ratios shall be based on building industry standard unit costs.

3. NONCONFORMING PROHIBITED USES OCCUPYING STRUCTURES. a. Nonconforming Prohibited Uses. A nonconforming prohibited use may be continued subject to the following regulations:

a-1. Deterioration or Damage. If a structure occupied by a nonconforming prohibited use has deteriorated or is damaged in excess of 50% of its assessed value, the nonconforming prohibited use shall cease operation and shall not be resumed thereafter.

a-2. Extension of Use. The nonconforming prohibited use shall not be intensified, enlarged or extended to other parts of the structure, or extended to occupy any lands outside the structure, that were not occupied by the nonconforming prohibited use on the date such use became a nonconforming prohibited use.

a-3. Change of Use. The nonconforming prohibited use may be changed to another use permitted in the district in which the nonconforming use presently occupying the structure is located, or to a use permitted in a more restrictive district, provided such change will not intensify use of the structure.

a-4. Discontinuance of Use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to the provisions of this chapter.

a-5. Conforming Structures. Conforming structures occupied by nonconforming prohibited uses may be altered or relocated to any other location on the same lot, provided that such structure continues to conform with the requirements of the district in which it is located.

b. Exception For Nonconforming Prohibited Residential Uses. A nonconforming prohibited residential use may be extended, by alteration or enlargement of a structure, by not more than 25% of the existing habitable floor area or 400 square feet, whichever is less, provided that the number of dwelling units is not increased.

4. NONCONFORMING STRUCTURES. a. Repair And Maintenance. Ordinary repair and maintenance within or to a nonconforming structure shall be permitted provided that no dimensional nonconformity of the structure will increase as a result of such repair or maintenance.

b. Enlargements, Alterations Or Relocation. b-1. A nonconforming structure occupied by only conforming uses may be enlarged or structurally altered provided that the enlargement or structural alteration conforms with the setback requirements and all other applicable regulations of the district in which it is located and does not increase the existing dimensional nonconformity of the structure.

b-2. A nonconforming structure occupied by only conforming uses may be relocated if, upon relocation, the structure will be in conformity with all regulations of the district into which it has been relocated.

b-3. A nonconforming structure occupied by a nonconforming prohibited use shall not be enlarged, relocated or structurally altered.

c. Deterioration Or Damage. A nonconforming structure which has deteriorated or is damaged by fire or other casualty such that its reconstruction ratio, as calculated pursuant to sub. 2-e, exceeds 50%, may not be reconstructed unless such reconstruction will result in the structure conforming to all applicable regulations of the zoning district in which it is located and will not increase the dimensional nonconformity of the structure.

d. Exception For Nonconforming Residential Structures. Nonconforming residential structures may be enlarged, altered or reconstructed provided that the applicant can demonstrate that the enlargement, alteration or reconstruction will not increase any dimensional nonconformity of the structure.

5. NONCONFORMING VACANT LOTS. In any district in which single-family dwellings are permitted, one single-family dwelling and permitted accessory structures may be erected on any vacant, single nonconforming lot, provided that:

a. The lot has been legally created.

b. The setback and lot coverage requirements of the district are complied with.

c. The lot complies with all other applicable regulations of the district.

6. NONCONFORMING PROHIBITED USES OF LAND. No nonconforming prohibited use of land shall be:

a. Extended beyond the area of land occupied by, or devoted to, the nonconforming prohibited use.

b. Intensified.

c. Relocated, in whole or in part, to any portion of the same lot not theretofore occupied by the nonconforming prohibited use, unless the use will thereafter conform to all applicable regulations of the district in which it is located.

d. Changed to any use other than a use that is a permitted use or special use in the district in which it is located, subject to board approval of any special use.

e. Resumed if discontinued for a period of 12 months. Any discontinuance caused by governmental action, and without any contributing fault by the person conducting the nonconforming prohibited use, shall not be considered when calculating the length of discontinuance.

7. NONCONFORMING USES AND STRUCTURES IN SHORELAND-WETLAND DISTRICTS. a. Environmental Control Facilities. This section shall not limit the repair, reconstruction, renovation, remodeling or expansion of any environmental control facility in existence on May 7, 1982.

b. Boat Houses. The maintenance and repair of boat houses which were legally constructed but which are located below the ordinary high-water mark of any navigable waters shall comply with s. 30.121, Wis. Stats.

8. PARKING NONCONFORMITIES. a. Enlargements of Existing Buildings. Whenever an existing principal building is enlarged, parking spaces shall be provided for the enlargement in accordance with s. 295-403 and the off-street parking requirement for the building's use and zoning district, even if the building in its pre-enlargement state was not in compliance with applicable off-street parking requirements.

b. Change of Use. If the use of a premises is changed to a use having a greater requirement for parking spaces than the previous use, additional parking spaces shall be provided for the new use in accordance with s. 295-403 and the applicable off-street parking requirement for that particular use and zoning district. If the principal building was erected before February 19, 1953, the number of parking spaces added shall be the difference between the number required for the old use and the number required for the new use. This paragraph does not apply in a downtown zoning district, other than the C9A district, where a use is changed to a permitted use in that district.

c. Reduction in Number of Spaces Provided; When Allowed. Any parking spaces provided as accessory to an existing principal use or structure as of the effective date of this ordinance [city clerk to insert date] shall not be reduced in number below the requirements of this chapter. Any parking spaces which are provided on or after the effective date of this ordinance [city clerk to insert date] as accessory to an existing principal use or structure but which are not required by this chapter need not meet the number-of-parking-spaces requirements of this chapter, but shall meet the design standards of s. 295-403-3.

9. FLOOD PLAIN DISTRICTS. This section shall apply to all flood plain districts. Furthermore, any authorized enlargement, reconstruction, relocation, alteration, extension or change to a nonconforming structure, nonconforming prohibited use or nonconforming special use shall be floodproofed.

10. CONTINUATION OF NONCONFORMITIES. All nonconforming lots, nonconforming structures and nonconforming prohibited uses, including nonconforming prohibited uses which were special uses approved by the board at the time they became nonconforming, may continue subject to the restrictions in this section. However, once a nonconforming prohibited use is replaced by a conforming use, the use shall not be changed back to a nonconforming prohibited use. In addition, where an existing special use which has been approved by the board is rendered nonconforming by a change in the zoning map, such use may be continued as a nonconforming use provided that it receives board approval as a special use, notwithstanding the new prohibited-use status of the use. The regulations of this section shall not apply to any change to an existing structure or any change in the use of a structure or of land for which a permit was issued prior to the amendment of this chapter which created the nonconformity.

295-417. Reconstruction of Residential Uses. Notwithstanding any provision of this chapter, any residential use existing on the effective date of this ordinance [city clerk to insert date] may be reconstructed to its existing dimensions and number of dwelling units. For a nonconforming prohibited residential use, the building permit for reconstruction shall be obtained within 18 months of the date of the demolition, fire or other casualty that destroyed the previous structure.

SUBCHAPTER 5 RESIDENTIAL DISTRICTS

295-501. Purposes. The regulations of this subchapter are intended to promote, preserve, and protect residential neighborhoods. These regulations allow for some non-residential uses, but not to such an extent as to detract from the overall image and character of the residential neighborhood. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, and recreational opportunities. These standards preserve the character of neighborhoods by providing 6 different zones with different densities and development standards. The site development standards allow for flexibility of development while maintaining compatibility within the city's various neighborhoods. In addition, the regulations provide certainty to property owners, developers and neighbors about the limits of what is allowed in a residentially-zoned area. These regulations are also intended to reinforce desired development patterns in existing neighborhoods while accommodating the need for future growth. The purposes of the individual residential districts are as follows:

1. SINGLE-FAMILY RESIDENTIAL DISTRICTS.
 - a. RS1-RS5 Districts. The purpose of the RS1-RS5 districts is to promote, preserve and protect neighborhoods intended for single-family dwellings and having a character slightly more suburban than the RS6 district. These districts require larger lots, larger setbacks and a smaller lot coverage than the RS6 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RS6 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.
 - b. RS6 District. The purpose of the RS6 single-family district is to promote, preserve and protect neighborhoods intended primarily for single-family dwellings with traditional urban character. This district allows smaller lots, smaller setbacks and a higher lot coverage than the other single-family districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800's and early 1900's. This district also allows traditional corner commercial establishments commonly found in more urban neighborhoods.
2. TWO-FAMILY RESIDENTIAL DISTRICTS.
 - a. RT1-RT2 Districts. The purpose of the RT1-RT2 districts is to promote, preserve and protect neighborhoods intended primarily for one- and 2-family dwellings. Properties in these districts typically have larger setbacks and smaller lot coverage than those found in the RT3 or RT4 districts. Commercial uses are not allowed in these districts. The neighborhoods found in RT1 and RT2 districts feature a regular platting standard and a more uniform pattern of development than those of the RT3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.
 - b. RT3 District. The purpose of the RT3 district is to promote, preserve and protect neighborhoods intended primarily for two-family dwellings with a traditional urban character. This district, much like the RT4 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. Unlike the RT4 district, this district does not allow traditional corner commercial establishments. Nor does it allow the establishment of new, small multi-family buildings. The neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform than those of the RT4 district.
 - c. RT4 District. The purpose of the RT4 district is to promote, preserve and protect neighborhoods intended primarily for 2-family dwellings while also permitting a mixture of single-family dwellings and small multi-family dwellings of 3 or 4 units. This district, much like the RT3 district, allows smaller lots, smaller setbacks and a higher lot coverage than the RT1 and RT2 districts. The neighborhoods found in this district were platted and developed, in large part, in the late 1800s and early 1900s. This district also allows traditional corner commercial establishments commonly found in urban neighborhoods.
3. MULTI-FAMILY RESIDENTIAL DISTRICTS.
 - a. RM1-RM2 Districts. The purpose of the RM1-RM2 districts is to promote, preserve and protect neighborhoods intended primarily for low- to medium-density multi-family uses with a more suburban character. These districts require larger lots, larger setbacks and a smaller lot coverage than the RM3 district. The neighborhoods found in these districts feature a regular platting pattern and a more uniform pattern of development than those of the RM3 district. These neighborhoods were platted and developed, in large part, in the mid- to late-1900s, with some areas recently developed.
 - b. RM3 District. The purpose of the RM3 district is to promote, preserve, and protect neighborhoods intended primarily for medium-density residential uses with an urban character. This district, much like the RM4-RM7 districts, allows smaller lots, smaller setbacks and higher lot coverage than the RM1-RM2 districts. However, the neighborhoods in this district were platted and developed, in large part, in the early 1900s and tend to be more uniform and of a lower density than those of the RM4-RM7 districts. This district also allows traditional corner commercial establishments commonly

found in urban neighborhoods.

c RM4-RM7 Districts. The purpose of the RM4-RM7 districts is to promote, preserve and protect neighborhoods intended primarily for high-density multi-family residential uses. These districts allow a wide range of lot sizes, smaller setbacks, and a high percentage of lot coverage. They also allow neighborhood-serving commercial establishments commonly found in urban neighborhoods.

4. RESIDENTIAL AND OFFICE DISTRICTS. a. RO1 District. The purpose of the RO1 district is similar to that of the RM1 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have larger setbacks and lower lot coverage than properties in the RO2 district. The neighborhoods found in this district feature a more uniform pattern of development than neighborhoods in the RO2 district. Neighborhoods in this district were platted and developed in large part in the mid - to late-1900s, with some areas recently developed.

b. RO2 District. The purpose of the RO2 district is similar to that of the RM7 district. However, this district is intended to allow both office and residential uses and to permit the conversion of residential buildings into offices. The intent is to provide for office uses and residential uses that are generally of the same character as residential areas. Properties in this district typically have smaller setbacks and greater lot coverage than properties in the RO1 district. The neighborhoods found in this district were platted and developed in large part in the late 1800s and early 1900s.

295-503. Uses. 1. USE TABLE. Table 295-503-1 indicates the use classifications for various land uses in the residential districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-503-1:

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

Table 295-503-1 RESIDENTIAL DISTRICTS USE TABLE

Uses	RS1-RS5	RS6	RT1-RT3	RT4	N = Prohibited Use	RM1-RM2	RM3-RM7	Zoning Districts	RO1	RO2
RESIDENTIAL USES										
Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y		
Two-family dwelling	L	L	Y	Y	Y	Y	Y	Y		
Multi-family dwelling	N	N	L	L	Y	Y	Y	Y		
Attached single-family dwelling	N	N	N	L	L	Y	Y	Y	Y	
Live-work unit	N	N	N	L	L	Y	Y			
Mobile home	N	N	N	N	N	N	N			
Watchman/service quarters			N	N	N	N	N	N	N	
Family day care home	L	L	L	L	L	L	L	L		
Group Residential										
Rooming house		N	N	N	S	S	S	S		
Convent, rectory or monastery		Y	Y	Y	Y	Y	Y	Y	Y	
Dormitory	N	N	N	S	S	S	S	S		
Fraternity or sorority	N	N	N	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	L		
Group home or group foster home			L	L	L	L	L	L	L	L	L
Shelter Care Facilities											
Family shelter care facility	Y	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			N	N	N	S	S	S	S	S	S
Community living arrangement	L	L	L	L	L	L	L	L	L	L	
EDUCATIONAL USES											
Day care center	S	S	S	S	S	S	S	S			
School, elementary or secondary			Y	Y	Y	Y	Y	Y	Y	Y	Y
College	N	S	N	S	S	Y	Y				
School, specialty or personal instruction	N		L	N	N	L	N	L	Y	Y	
COMMUNITY-SERVING USES											
Library	Y	Y	Y	Y	Y	Y	Y				
Cultural institution			N	L	N	L	L	L	L	L	
Community center			N	S	N	S	S	S	S	S	
Religious assembly	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Cemetery or other place of interment			N	N	N	N	N	N	N	N	N
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y		
Correctional facility	N	N	N	N	N	N	N	N	N		
COMMERCIAL AND OFFICE USES											
General office	N	L	N	L	N	L	Y	Y			
Government office			N	L	N	L	Y	Y			
Bank or other financial institution			N	L	N	L	N	L	Y	Y	
Currency exchange, payday loan or title loan agency			N	N	N	N	N	N	N	N	N
Retail establishment, general			N	L	N	L	N	L	L	L	
Garden supply or landscaping center			N	N	N	N	N	N	N	N	N
Home improvement center			N	N	N	N	N	N	N	N	
Secondhand store	N	N	N	N	N	N	N	S	S		
Outdoor merchandise sales			N	N	N	N	N	N	N	N	
Artist studio	N	L	N	L	N	L	Y	Y			
Adult retail establishment			N	N	N	N	N	N	N	N	
HEALTH CARE AND SOCIAL ASSISTANCE USES											
Medical office	N	L	N	L	N	L	Y	Y			
Health clinic	N	N	N	N	N	S	S	S			
Hospital	N	N	N	N	N	N	N	N			
Medical research laboratory			N	N	N	N	N	N	N	N	
Medical service facility	N	N	N	N	N	N	N	N	N		
Social service facility	N	N	N	N	N	S	S	S	S		
Emergency residential shelter	N	N	N	N	N	S	S	S	S		
Nursing home	N	S	N	S	S	S	S	S			
GENERAL SERVICE USES											
Personal service	N	L	N	L	N	L	Y	Y			
Business service	N	S	N	S	N	S	L	L			
Building maintenance service	N	N	N	N	N	N	N	N	N	N	
Catering service	N	L	N	L	N	L	L	L			
Funeral home	N	L	N	L	N	L	Y	Y			
Laundromat	N	N	N	N	N	N	L	L			
Dry cleaning establishment	N	L	N	L	N	L	N	L	L	L	
Furniture and appliance rental and leasing			N	N	N	N	N	N	N	N	N
Household maintenance and repair service			N	N	N	N	N	N	N	N	N
Tool/equipment rental facility	N	N	N	N	N	N	N	N	N		
Animal Services											
Animal hospital/clinic	N	N	N	N	N	N	N	N	N		
Animal boarding facility			N	N	N	N	N	N	N		

Animal grooming or training facility	N	N	N	N	N	N	N	N	N	N
MOTOR VEHICLE USES										
Light Motor Vehicle										
Sales facility	N	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N	N
Body shop	N	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N	N
Limited wholesale facility	N	N	N	N	N	N	N	N	N	N
Heavy Motor Vehicle										
Sales facility	N	N	N	N	N	N	N	N	N	N
Rental facility	N	N	N	N	N	N	N	N	N	N
Repair facility	N	N	N	N	N	N	N	N	N	N
Body shop	N	N	N	N	N	N	N	N	N	N
Outdoor storage	N	N	N	N	N	N	N	N	N	N
General Motor Vehicle										
Filling station	N	N	N	N	N	N	N	N	N	N
Car wash	N	N	N	N	N	N	N	N	N	N
Drive-through facility	N	N	N	N	N	N	N	N	N	N
Parking										
Parking lot, principal use	N	S	N	S	S	S	S	S	S	S
Parking lot, accessory use	Y	L	Y	L	Y	L	Y	L	Y	L
Parking structure, principal use	N	N	N	N	N	N	N	S	S	S
Parking structure, accessory use	N	N	N	N	N	Y	Y	Y	Y	L
Heavy motor vehicle parking lot, principal	N	N	N	N	N	N	N	N	N	N
Heavy motor vehicle parking lot, accessory	N	N	N	N	N	N	N	N	N	N
ACCOMMODATION AND FOOD SERVICE USES										
Bed and breakfast	S	L	L	L	L	L	Y	Y		
Hotel, commercial	N	N	N	N	N	N	N	S		
Hotel, residential	N	N	N	N	N	N	N	Y		
Tavern	N	L	N	L	N	S				
Assembly hall	N	N	N	N	N	N	S			
Restaurant, sit-down	N	L	N	L	N	L	Y	Y		
Restaurant, fast-food/carry-out	N	L	N	L	N	L	L	L	L	
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	N	N	N	N	N	N	N	S	S	
Recreation facility, outdoor	N	N	N	N	N	N	N	N	N	
Health club	N	N	N	N	N	Y	Y			
Sports facility	N	N	N	N	N	N	N			
Gaming facility	N	N	N	N	N	N	N			
Theater	N	N	N	N	L	L				
Convention and exposition center	N	N	N	N	N	N	N	N	N	N
Marina	N	N	N	N	N	N	N			
Outdoor racing facility	N	N	N	N	N	N	N	N		
Adult entertainment establishment	N	N	N	N	N	N	N	N	N	N
STORAGE, RECYCLING AND WHOLESALE TRADE USES										
Recycling collection facility	N	N	N	N	N	N	N	S	S	
Mixed-waste processing facility	N	N	N	N	N	N	N	N	N	
Material reclamation facility	N	N	N	N	N	N	N	N	N	
Salvage operation, indoor	N	N	N	N	N	N	N	N	N	
Salvage operation, outdoor	N	N	N	N	N	N	N	N	N	
Wholesale and distribution facility, indoor	N	N	N	N	N	N	N	N	N	N
Wholesale and distribution facility, outdoor	N	N	N	N	N	N	N	N	N	N
Storage Facilities										
Indoor	N	N	N	N	N	N	N	N		

Outdoor	N	N	N	N	N	N	N	N	N				
Hazardous materials	N	N	N	N	N	N	N	N	N	N			
TRANSPORTATION USES													
Ambulance service	N	N	N	N	N	N	N	N	N	N			
Ground transportation service	N	N	N	N	N	N	N	N	N	N	N		
Passenger terminal	N	N	N	N	N	N	N	N	N	N			
Helicopter landing facility	N	N	N	N	N	N	N	N	N	N			
Airport	N	N	N	N	N	N	N	N	N	N			
Ship terminal or docking facility	N	N	N	N	N	N	N	N	N	N			
Truck freight terminal	N	N	N	N	N	N	N	N	N	N			
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES													
Manufacturing, light	N	N	N	N	N	N	N	N	N	N			
Manufacturing, heavy	N	N	N	N	N	N	N	N	N	N			
Manufacturing, intense	N	N	N	N	N	N	N	N	N	N			
Research and development	N	N	N	N	N	N	N	N	N	N	N		
Processing or recycling of mined materials	N	N	N	N	N	N	N	N	N	N	N	N	
Contractor's shop	N	N	N	N	N	N	N	N	N	N			
Contractor's yard	N	N	N	N	N	N	N	N	N	N			
AGRICULTURAL USES													
Plant nursery or greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
Raising of crops or livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y			
UTILITY AND PUBLIC SERVICE USES													
Broadcasting or recording studio	N	N	N	N	N	N	N	N	N	N			
Transmission tower	L	L	L	L	L	L	L	L	L	L			
Water treatment plant	S	S	S	S	S	S	S	S	S	S			
Sewage treatment plant	N	N	N	N	N	N	N	N	N	N			
Power generation plant	N	N	N	N	N	N	N	N	N	N			
Substation/distribution equipment, indoor	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	
TEMPORARY USES													
Seasonal market	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		
Concrete/batch plant, temporary	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		

2. LIMITED USE STANDARDS. a. Two-Family Dwelling. The premises was legally established and occupied as a 2-family dwelling as of the effective date of this ordinance [city clerk to insert date]. If this standard is not met, a 2-family dwelling is a prohibited use.

b. Multi-Family Dwelling. b-1. In an RT1 to RT3 district, the premises was legally established and occupied as a multi-family dwelling as of the effective date of this ordinance [city clerk to insert date]. If this standard is not met, a multi-family dwelling is a prohibited use.

b-2. In the RT4 district, not more than 4 dwelling units shall be permitted on a single lot. If this standard is not met, a multi-family dwelling is a prohibited use.

c. Attached Single-Family Dwelling. c-1. In an RT1 to RT3 district, not more than 2 dwelling units may be attached to each other. If this standard is not met, an attached single-family dwelling is a prohibited use.

c-2. In the RT4 district, not more than 4 single-family dwellings may be attached to one another.

d. Live-work Unit. d-1. The activity and work area shall be accessory to the residential use of the dwelling unit.

d-2. The occupant of the unit shall be the primary person involved in the business or activity. Not more than 2 other full-time employees may use the live-work space.

- d-3. Only goods produced in the live-work unit may be sold there.
- d-4. No detached garage, shed or exterior space shall be used for the live-work activity.
- d-5. Signage shall be limited to one non-illuminated wall sign of not more than 2 square feet in area.
- e. Family Day Care Home. e-1. The operator of the family day care home shall reside in the dwelling unit in which the day care home is located, 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.
- e-2. There shall be no other family day care home in the building as of April 6, 2001.
- e-3. The family day care home shall not operate between the hours of 10 p.m. and 6 a.m.
- e-4. Signage shall be in conformance with s. 295-505-5-d.
- f. Adult Family Home or Small Group Shelter Care Facility. 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 or small group shelter care facility.
- g. Small Foster Home. The use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.
- h. Group Home, Group Foster Home or Community Living Arrangement. h-1. The use shall not be located within 2,500 feet of a small foster home or another group home, group foster home or community living arrangement.
- h-2. If the use is located in an RS1 to RS6 or RT1 to RT3 district, not more than 8 persons shall reside on the premises. In all other residential districts, not more than 15 persons shall reside on the premises.
- h-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.
- i. Day Care Center. i-1. The use is located in a building containing an elementary or secondary school, college or religious assembly as a principal use.
- i-2. The use shall not operate between the hours of 10 p.m. and 6 a.m.
- j. Specialty or Personal Instruction School, General Office, Government Office, Bank or Other Financial Institution, General Retail Establishment, Artist Studio, Medical Office, Personal Service, Business Service, Catering Service, Funeral Home, Laundromat, Dry Cleaning Establishment, Sit-down Restaurant or Fast-food/Carry-out Restaurant. j-1. In the RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to the effective date of this ordinance [city clerk to insert date], was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been continuously occupied by such non-residential use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.
- j-2. In RO1 and RO2 districts, the use shall either:
- j-2-a. Meet the conditions of subd. 1; or
- j-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.
- j-3. The use shall not operate between the hours of 10 p.m. and 6 a.m.
- k. Cultural Institution. k-1. The use shall be located on an arterial or collector street.
- k-2. The area of the site shall be at least 10,000 square feet.

- L. Parking Lot, Accessory Use. The parking lot shall not be located between a street façade of the principal building and a street lot line.
- m. Parking Structure, Accessory Use. At least 50% of the street frontage of the street-level area shall be occupied by one or more other uses listed as permitted in the zoning district or otherwise approved by the board.
- n. Bed and Breakfast. Not more than 2 guest rooms shall be permitted. In the “Milwaukee Bed and Breakfast District” (the area bounded by West Juneau Avenue, West Michigan Street, North 27th Street and North 35th Street), a maximum of 8 guest rooms shall be permitted.
- o. Tavern. o-1. In the RT4 and RM3 to RM7 districts, the structure to be occupied was constructed prior to the effective date of this ordinance [city clerk to insert date], was originally designed and intended to be occupied in whole or in part by a non-residential use, and has been continuously occupied by such non-residential use. Any enlargement of the structure or area devoted to the non-residential use shall require special use approval by the board.
- o-2. In RO1 and RO2 districts, the use shall either:
- o-2-a. Meet the conditions of subd. 1; or
- o-2-b. Be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.
- p. Theater. The capacity of the theater building shall not exceed 49 persons.
- q. Transmission Tower. q-1. The tower shall comply with the applicable provisions of s. 295-413.
- q-2. If the tower is located in an RS1 to RS6 district or an RT1 to RT4 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit and shall be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit may be allowed as a special use.
- q-3. If the tower is located in an RM1 to RM3 district, the tower shall be accessory to an elementary or secondary school, shall not exceed 2 times the district height limit or 150 feet, whichever is less, and shall be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.
- q-4. If the tower is located in an RM4 to RM7 district or an RO1 or RO2 district, the tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.
- r. Substation/Distribution Equipment, Outdoor. r-1. All structures associated with the use shall be screened with type “G” landscaping, as described in s. 295-405.
- r-2. No structure associated with the use shall be located within 25 feet of a street lot line.
- s. Seasonal Market. s-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.
- s-2. If flowers, plants, Wisconsin-grown farm products or 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.
- s-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

- s-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.
- s-5. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
- s-6. The site shall be restored to its previous condition following termination of the market operation.
- t. Temporary Real Estate Sales Office. t-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.
- t-2. Signage shall comply with the requirements of s. 295-407 and the signage regulations of this subchapter.
- t-3. Customer-accessible restrooms shall be provided.
- t-4. An occupancy permit shall not be required for a temporary real estate sales office meeting the requirements of this paragraph.
- u. Temporary Concrete/Batch Plant. u-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.
- u-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 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.
- u-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.
- u-4. The plant shall not operate between the hours of 9 p.m. and 7 a.m.
- u-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.
- u-6. The plant shall be screened with a 9-foot opaque fence, including but not limited to a chain-link fence with inserted slats.
- v. Live Entertainment Special Event. v-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.
- v-2. If the event will last 4 days or longer, the person, firm or organization coordinating the event shall obtain a festival permit in accordance with s. 262-103.
- v-3. If the event will include carnival rides, the property owner or carnival operator shall obtain a carnival site permit in accordance with s. 87-14.
- v-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.
- v-5. The duration of the event shall be limited to 7 days.
- v-6. A particular property may be used as the site of a live entertainment event not more than once every 3 months, regardless of the event sponsor.
- v-7. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

v-8. When the event has been concluded, the site shall be left clean and restored to its previous condition or improved condition, as appropriate.

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

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

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

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

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

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

c. Home Occupations. 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 subordinate to the residential use of the dwelling unit.

c-2. No one other than a resident of the dwelling unit shall be employed in the conduct of the home occupation.

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

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

c-5. Not more than 20% of the total usable floor area of the principal building and the basement may be devoted to the home occupation.

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

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

e. Roomers. Not more than 2 roomers shall be permitted in any dwelling unit.

295-505. Design Standards. 1. INTRODUCTION. The purposes of the design standards of this section are to:

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

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

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

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Principal building standards are established to ensure that new construction of principal buildings in residential districts, as well as additions and alterations to existing buildings, is appropriate for the surrounding context in terms of size, placement, height and design characteristics. The design standards for principal buildings are set forth in table 295-505-2. These standards apply to non-residential buildings as well as residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Front Setback Standards. b-1. Intent. Front setback standards are intended to ensure that the front façade or elements of new construction or additions maintain relationships to the front lot line that are similar to the corresponding relationships for buildings of similar use in the immediate vicinity. At least 30% of the front façade of a principal building, measured in terms of lineal feet of building frontage, shall meet the standards of this paragraph. The remaining 70% or less of the front façade may be set back farther from the street than the required setback, but not closer to it.

b-2. Setback Average and Range. When table 295-505-2 specifies that the minimum front setback for a principal building in a residential district shall be determined by averaging, the front setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

b-3. Determination of “Front.” b-3-a. Interior Lot. The street frontage shall be the “front.”

b-3-b. Corner Lot. The “front” of a corner lot shall be along the same street as the front of the immediately adjacent interior lot. When a corner lot is immediately adjacent to 2 or more interior lots, the street lot line with the smallest dimension shall be the “front.”

b-3-c. Through Lot. When a lot has only 2 street frontages and those frontages are on opposite sides of the lot, the “front” of the lot shall be along the same street as the fronts of the immediately adjacent interior lots. When the fronts of the immediately adjacent lots are on different streets, the permit applicant shall specify which street frontage is the “front.”

b-3-d. Lot with More than 2 Frontages. When a lot is bounded by more than 2 streets, the permit applicant shall specify which street frontage is the “front.”

b-4. Required Setback For New Construction. When table 295-505-2 requires use of an average to determine front setback, the

Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS

	Single-family Districts			Two-family Districts											
	RS1	RS2	RS3	RS4	RS5	RS6	RT1	RT2	RT3	RT4					
Lot	Lot area, minimum (sq. ft.)			detached housing				20,000	12,000	9,000	7,200				
6,000	3,600	7,200	4,800	3,000	2,400										
	Lot area, minimum (sq. ft.)			attached housing				not applicable	3,600	3,000	1,800	1,800			
	Lot area, maximum (sq. ft.)			none				none	none	none	none	none	none		
	Lot width, minimum (ft.)			detached housing				100	100	75	60	50	30	60	40
30	24														
	Lot width, minimum (ft.)			attached housing				not applicable	30	25	18	18			
	Lot width, maximum (ft.)			none				none	none	none	none	none	none	none	
Density	Lot area per dwelling unit, minimum (sq. ft.)							none	none	none	none				

none	none	3,600	2,400	1,800	1,200									
15&	Lot coverage, minimum	interior lot		none	none	none	none	none	15%	none	none			
50%	Lot coverage, maximum	interior lot		15%	15%	30%	30%	30%	60%	30%	30%			
15%	Lot coverage, minimum	corner lot		none	none	none	none	none	15%	none	none			
60%	Lot coverage, maximum	corner lot		15%	15%	30%	30%	40%	70%	40%	40%			
1,300	Floor area, minimum (sq. ft.)	one-story structure		1,500	1,500									
1,700	Floor area, minimum (sq. ft.)	split-level or taller		1,900	1,900									
Height	Height, minimum (ft.)	none	none	none	none	none	20	none	none	20	20			
	Height, maximum (ft.)	45	45	45	45	45	45	45	45	45	60			
		RS1	RS2	RS3	RS4	RS5	RS6	RT1	RT2	RT3	RT4			
Primary Frontage	Front setback, minimum (ft.)													
average	average	average	average	average	average	average	average	average	average	average	average	average	average	average
average	average	average	average	average	average	average	average	average	average	average	average	average	average	average
none	Front setback, maximum (ft.)	none	none	none	none	none	average	average	average	average	average	average	average	average
none	Side street setback, minimum (ft.)	none	average but never more than 20 ft.	20% of lot width but never more than 15 ft.	10% of lot width but never more than 15 ft.	10% of lot width but never more than 6 ft.	20% of lot width but never more than 15 ft.	10% of lot width but never more than 6 ft.	20% of lot width but never more than 15 ft.	10% of lot width but never more than 6 ft.	10% of lot width but never more than 6 ft.	10% of lot width but never more than 6 ft.	10% of lot width but never more than 6 ft.	10% of lot width but never more than 6 ft.
15	Side street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none	none	none	none	none
Side Setback	North or west side setback, minimum (ft.)	999999	1.5	999999	1.5	999999	1.5	999999	1.5	999999	1.5	999999	1.5	999999
	South or east side setback, minimum (ft.)	999999	3.5	999999	3.5	999999	3.5	999999	3.5	999999	3.5	999999	3.5	999999
	Combined side setback, minimum (ft.)	12	12	12	12	12	12	12	12	12	12	12	12	12
50	Maximum depth of building without side setback adjustment	50	50	50	50	50	50	50	50	50	50	50	50	50
	Max. no. of stories without side or rear setback adjustment	999999	999999	999999	999999	999999	999999	999999	999999	999999	999999	999999	999999	999999
Rear Setback	Rear setback, minimum (ft.)	interior lot	25	25	25	20	15	15	25	25	25	25	25	25
15	Rear setback, minimum (ft.)	corner lot	25	25	25	15	10	10	20	20	10	10	10	10
10	Rear street setback, minimum (ft.)	average	average	average	average	average	average	average	average	average	average	average	average	average
average	Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none	none	none	none	none
average		none	none	none	none	none	none	none	none	none	none	none	none	none
Multiple principal residential buildings permitted?		no	no	no	no	no	no	no	yes	no	no	no	no	no
no		yes	yes											

Table 295-505-2 PRINCIPAL BUILDING DESIGN STANDARDS

Lot	Multi-family Districts Residence & Office									
	RM1	RM2	RM3	RM4	RM5	RM6	RM7	RO1	RO2	
	2,400	Lot area, minimum (sq. ft.)	detached housing		3,600	3,600	3,000	2,400	2,400	2,400
1,800	Lot area, minimum (sq. ft.)	attached housing		3,000	3,000	1,800	1,800	1,800	1,800	
	Lot area, maximum (sq. ft.)	none	none	none	none	none	none	none	none	none
24	Lot width, minimum (ft.)	detached housing		40	40	30	24	24	24	30
	Lot width, minimum (ft.)	attached housing		25	25	18	18	18	18	25

18	Lot width, maximum (ft.)	none	none	none	none	none	none	none	none	none	none	none	none
Density	Lot area per dwelling unit, minimum (sq. ft.)	2,400	1,200	2,400	ea. (3 or more);	3,600	for 2;	1,800	for one				
		1,200	800	400	150	2,400	400						
	Lot coverage, minimum	interior lot	15%	15%	20%	20%	20%	20%	20%	20%	15%	20%	
	Lot coverage, maximum	interior lot	30%	50%	50%	70%	70%	70%	85%	30%	none		
	Lot coverage, minimum	corner lot	15%	15%	20%	20%	20%	20%	20%	15%	20%		
	Lot coverage, maximum	corner lot	40%	60%	60%	85%	85%	85%	85%	40%	none		
	Floor area, minimum (sq. ft.)	one-story structure			none	none	none	none					
none	none	none	none	none									
	Floor area, minimum (sq. ft.)	split-level or taller			none	none	none	none					
none	none	none	none	none									
Height	Height, minimum (ft.)	none	none	20	20	20	20	20	none	20			
4:1	Height, maximum (ft.)	45	45	45	60	60	85	85;	no limit if floor area ratio is less than				
		45	85										
		RM1	RM2	RM3	RM4	RM5	RM6	RM7	RO1	RO2			
Primary Frontage	Front setback, minimum (ft.)												
average	average	average	average	average	average	average	average	average	average				
average	average	average	average	average	average	average	average	average	average				
	Front setback, maximum (ft.)	none	none	average but never more than 15 ft.	average but never more than 20 ft.								
Side Street Setback	Side street setback, minimum (ft.)	none	none	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.	10% of lot width but not more than 15 ft.
	Side street setback, maximum (ft.)	none	none	15	15	15	15	15	15	15	15	15	15
Side Setback	North or west side setback, minimum (ft.)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
	South or east side setback, minimum (ft.)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
	Combined side setback, minimum (ft.)	12	12	12	12	12	12	12	12	12	12	12	12
	Maximum depth of building without side setback adjustment	50	50	75	100								
100	100	100	50	none									
	Max. no. of stories without side or rear setback adjustment	9999999999	9999999999	9999999999	9999999999	9999999999	9999999999	9999999999	9999999999	9999999999	9999999999	9999999999	9999999999
Rear Setback	Rear setback, minimum (ft.)	interior lot	25	25	20	15	15	15	15	10	20		
none	none	none	none	none	none	none	none	none	none	none	none	none	none
	Rear setback, minimum (ft.)	corner lot	10	10	10	10	10	10	10	10	10	10	10
	Rear street setback, minimum (ft.)												
average	average	average	average	average	average	average	average	average	average				
average	average	average	average	average	average	average	average	average	average				
	Rear street setback, maximum (ft.)	none	none	none	none	none	none	none	none	none	none	none	none
Multiple principal residential buildings permitted?		no	no	no	no	yes							

average shall be determined using the most applicable of the following methods:

b-4-a. Adjacent Structures. Where immediately adjacent lots contain principal buildings, the front setback dimensions of those structures shall be averaged to establish the average front setback.

b-4-b. No Adjacent Structures. If one or both adjacent lots do not contain principal buildings, the average front setback shall be determined by averaging the front setbacks of the 2 nearest principal buildings located on the same blockface, on adjacent blockfaces on the same side of the street, on the blockface across the street or on the nearest similar street, in that order.

b-5. Required Setback for Addition or Alteration. b-5-a. In a case where portions of the existing structure are closer to the front street lot line than the nearest adjacent buildings, a new addition or alteration may come up to the portion of the structure closest to the front property line.

b-5-b. Where the existing structure is set back farther from the front property line than the nearest adjacent buildings, a new addition or alteration shall be permitted within the front setback range described in subd. 2 or may be placed up to any point between the existing front setback and the setback range.

b-5-c. No structure may be altered by removing a portion of the structure such that the front of the building will no longer be within the allowed setback range, or will be even farther from the permitted range than it already is.

b-6. Atypical Properties. b-6-a. When determining the required setback, the commissioner shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

b-6-b. When determining the required setback, the commissioner shall exclude any building with a setback that is at least 25 percent less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

b-7. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

b-8. Adjustment Due to Topography. Where a sloping front yard rises at least one foot for every 2 feet of run and application of the maximum front setback requirement would result in the front of the proposed building being placed on the slope or within 10 feet of the crest of the sloping front yard, the maximum front setback may be increased to not more than 10 feet back from the crest of the sloping front yard.

b-9. Exception for All Non-Residential Uses. There shall be no minimum front setback for a principal structure of any non-residential use located on a corner lot.

b-10. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum front setback otherwise required.

c. Side Setback Standards. c-1. Minimum Setback for Property Adjacent to Developed Parcels. A new principal building on a property that is adjacent to another property containing an existing principal building located closer than 1.5 feet from the shared property line shall maintain a minimum dimension of 3 feet from such existing structure, even when table 295-505-2 allows the new structure to be less than 3 feet from the property line.

c-2. Adjustment for Buildings with Excessive Depth. When a structure exceeds the maximum depth specified in table 295-505-2, as measured from the front façade of the building, 1.5 additional feet of side setback shall be required for each additional 10 feet of building depth. Only the portion of the structure which exceeds the maximum building depth shall be required to have the additional setback. This adjustment shall not apply on the side of a lot that abuts an alley or for a side street setback.

c-3. Adjustment for Buildings with Excessive Number of Stories. As specified in table 295-505-2, 4 additional feet of side setback shall be required on each side for each additional story above the maximum number of stories allowed. Only stories above the maximum story shall be required to have these additional setbacks. This adjustment shall not apply on the side of a building that abuts an alley.

d. Side Street Setback Standards. d-1. Build-to Line. Where a maximum side street setback is specified, at least 30% of the side street façade shall meet that requirement.

d-2. Exception for All Non-Residential Uses. There shall be no minimum side street setback for a principal structure of any non-residential use located on a corner lot.

d-3. Exception for Educational and Community-serving Uses. Principal structures of educational and community-serving uses may be set back a distance greater than the maximum side street setback specified in table 295-505-2.

e. Rear Street Setback Standards. e-1. Determination of Required Setback. There shall be no maximum rear street setback. The minimum rear street setback for both new construction and additions to existing structures shall be determined by using the most applicable of the following methods:

e-1-a. Adjacent Structures. Where immediately adjacent lots contain principal or accessory buildings, the rear street setback shall be calculated as the average of the distance between the rear-most façade element or roofed area of the adjacent buildings and the street property line.

e-1-b. No Adjacent Structures. Where one or both of the immediately adjacent lots do not contain buildings, the rear street setback shall be determined by averaging the rear street setbacks of the 2 nearest buildings located on the same blockface, in adjacent blockfaces on the same side of the street, in the blockface across the street or on the nearest similar street, in that order. Buildings included in this calculation may be either principal structures or accessory structures.

e-2. Setback Average and Range. When table 295-505-2 specifies that the minimum rear street setback for a principal building in a residential district shall be determined by averaging, the minimum rear street setback may be anywhere in the range of the average setback minus 20% to the average setback plus 20%.

e-3. Atypical Properties. e-3-a. When determining the required setback, the commissioner shall exclude any building with a setback that exceeds the average setback of other buildings on the blockface by more than 25 percent.

e-3-b. When determining the required setback, the commissioner shall exclude any building with a setback that is at least 25 percent less than the average setback of other buildings on the blockface if the permit applicant requests such exclusion.

e-4. Exclusion of Non-residential Buildings. When determining the required setback for residential buildings, the commissioner shall exclude the setbacks of non-residential buildings if the permit applicant requests such exclusion.

f. Permitted Setback Intrusions. f-1. General. In order for buildings to have various features that provide variety, articulation and unique character, standards are established to allow certain elements of modest size to be placed in setback areas. These standards are found in table 295-505-2-f.

f-2. Porches. As used in table 295-505-2-f, the term “porch” refers to a covered, open-sided protrusion from the principal building. It does not refer to an enclosed porch, which is

Table 295-505-2-f PRINCIPAL BUILDING INTRUSIONS INTO SETBACK AREAS

Type of Intrusion	Front or Rear Street Setback	Side Street Setback	Side Setback	Rear Setback
Porch	Shall not encroach into required setbacks; however, stairs leading to a porch may encroach.			Shall not encroach into required setbacks; however, stairs leading to a porch may encroach. Up to 4 ft.; however, the porch shall not be more than 6 ft. wide or be closer than 3 ft. from the side property line and shall be open on all sides.
Uncovered wheelchair ramp	Permitted in setback only if: 1. The commissioner determines that the lift cannot reasonably be built in the rear setback. 2. The ramp has skirting material to screen the areas beneath the ramp. 3. The ramp is kept in a reasonably good state of repair and maintenance. 4. Trees or shrubs displaced by the ramp shall be relocated or replaced. 5. The ramp shall not intrude into the public right-of-way.			
Uncovered wheelchair lift	Permitted anywhere in rear setback area.			
Planter	Permitted in setback only if: 1. Skirting with a minimum height of 4 feet is provided. 2. The lift is equipped to prevent lowering if the area beneath the lift is not clear of obstructions. 3. The lift has skirting material which prevents obstructions to the movement of the chair.			
Air-conditioning condenser	Permitted anywhere in a setback area, but shall not exceed 4 feet in height.			Not permitted unless the use on the adjacent lot is non-residential or unless any dwelling on the adjacent lot is at least 15 feet from the lot line. Permitted anywhere in rear setback area.
Hood or awning	Up to 6 feet	Up to 6 feet	Up to 4 feet, but not closer than 2 feet from any property line.	
Eave	Up to 4 feet	Up to 4 feet	Up to 2 feet or one-half of the required setback, whichever is less. Up to 4 feet, but not closer than 2 feet from any property line.	
Balcony	Up to 4 feet	Up to 4 feet	Not permitted	Up to 4 feet, but not closer than 2 feet from any property line.
Fire escape	Not permitted	Not permitted	Permitted only along a side facing an alley	Up to 6 feet, but not closer than 2 feet from any property line.
Bay window	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line. Not more than one-third of the façade may have similar protrusions.			
Chimney	Up to 6 feet in width and 30 inches in projection, but never closer than 18 inches from a side property line.			

considered part of the principal building, or to an uncovered porch, which is considered a deck.

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

right-of-way.

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

h-1-a. Chimneys and flues.

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

h-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.

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

h-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.

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

h-1-g. Transmission towers which are in compliance with the height-related standards of s. 295-503-2-q.

h-1-h. Buildings in the RM7 district which have a floor area ratio of less than 4:1.

h-2. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

i. Lot Coverage. The lot coverage standards set forth in table 295-505-2 relate to the proportion of a lot occupied by principal buildings. Accessory structures shall not be included when determining principal building lot coverage.

j. Multiple Principal Buildings. j-1. Intent. Standards for properties with more than one principal building are established to recognize the various contexts in which this type of development occurs and to allow practical use and improvement of such properties. More than one principal residential building shall be permitted on a lot only as provided in table 295-505-2. Multiple principal non-residential buildings shall be permitted in all residential zoning districts. The standards of this paragraph apply to both multiple principal residential buildings and multiple principal non-residential buildings.

j-2. Distance Between Buildings. The front-to-back minimum distance between 2 principal residential buildings shall be 10 feet. The side-to-side minimum distance between 2 principal residential buildings shall be 5 feet. There shall be no required minimum distance between 2 principal non-residential buildings.

j-3. Side Setback. The minimum side setback shall be as specified in table 295-505-2.

j-4. Rear Setback. Where the rear of a property abuts an alley, the minimum rear setback shall be 4 feet, regardless of the requirement specified in table 295-505-2.

j-5. Lot Coverage. On a lot having multiple principal residential buildings, maximum lot coverage may be increased by up to an additional 15% as long as the accessory building lot coverage is reduced by a corresponding amount.

k. Conversion of Non-Residential Buildings to Residential Use. A non-residential building may be converted to residential use. The density regulations of table 295-505-2 shall be applicable to any such conversion. Where the conversion would otherwise be prohibited by these density regulations, each existing non-residential unit may be converted to one residential unit.

L. Design Features. L-1. Intent. The standards of this paragraph are intended to enable a residential building to be compatible with its context, as well as to encourage pedestrian-oriented residential development.

L-2. Entrance Door Orientation. L-2-a. Standard. Every new principal building shall have an entrance door that faces a street.

L-2-b. Exception. A new principal building may have an entrance door that does not face a street if the building or building site includes physical features that clearly identify the location of the front entrance of the building and are readily visible from the public right-of-way. Examples of such features include, but shall not be limited to, covered stoops, porches, retaining walls and masonry planters.

L-3. Overhead Garage Doors Facing Streets. For any new building constructed in the RS6, RT3, RT4 and RM3-RM7 districts, an attached garage which has an overhead garage door that faces the street shall be set back at least 4 feet from the front façade of the main building mass. The following exceptions shall apply:

L-3-a. An overhead garage door may be flush with the front façade of the building if the building has a porch, floor-to-ceiling bay window, balcony, hood, canopy, integral planter, landscaping wall or other significant design feature or combination of features which extend at least 4 feet forward from the wall plane on which the door is placed. A garage door which is recessed within the thickness of the garage wall as a result of typical construction practices shall be considered “flush.”

L-3-b. An overhead garage door may be flush with the front façade of the building if at least 40% of the façade on which the door is located is comprised of windows.

3. ACCESSORY STRUCTURE STANDARDS. a. Introduction. The design standards for accessory structures in residential districts are set forth in table 295-505-3. These standards apply to accessory structures of permitted non-residential uses in residential districts, as well as to structures which are accessory to residential buildings. The provisions of this subsection explain, qualify or specify exceptions to the standards in the table.

b. Principal Building Required. No accessory building shall be located on a lot not containing a principal building. If a principal building on a lot is removed, any accessory building on the lot shall also be removed within 60 days and the premises made compliant with this code.

c. Maximum Lot Coverage. See table 295-505-3 to determine which structures shall be included when calculating the lot coverage of accessory structures. The total lot coverage of all accessory structures which are subject to inclusion in the lot coverage calculation shall not exceed 15% of the lot area.

d. Maximum Number. Not more than 2 accessory buildings may be located on a single lot.

e. Maximum Size. For any lot occupied solely by a single-family or 2-family dwelling, no garage or deck shall exceed 1,000 square feet in area.

f. Garages and Sheds. f-1. General. An accessory building that is 150 square feet or less in area shall meet the requirements for sheds set forth in table 295-505-3. An accessory building that is greater than 150 square feet in area shall meet the requirements for garages set forth in table 295-505-3. A carport or similar roofed structure shall meet the requirements for either garages or sheds, depending on the size of the structure.

f-2. Location. A garage or shed may be located in the rear yard of the principal structure. A garage or shed may also be located in the side yard, provided it is not in the required side setback area of the principal structure. Garages and sheds shall not be permitted in front yards.

Table 295-505-3 ACCESSORY STRUCTURE DESIGN STANDARDS

	Garage Shed	Deck/stoop less than one foot above grade	Deck/stoop one to 3 feet above grade	Deck/stoop 3 to 7 feet above grade	Deck/stoop more than 7 feet above grade	Open trellis or arbor
Included in lot coverage calculation?	Yes	Yes	No	No	Yes	Yes
Minimum front setback	Same as principal building; if the garage door faces the front of the lot, an additional 4 ft. shall be required.	Same as principal building.	No restriction.	Same as principal building.	Same as principal building.	Same as principal building.
Minimum side street setback	Same as principal building.	Same as principal building.	No restriction.	Same as principal building.	Same as principal building.	No restriction.
Minimum rear street setback	Averaged in accordance with s. 295-505-2-e.	No restriction.	No restriction.	Same as principal building.	Same as principal building.	Same as principal building.
Minimum side setback when located in the side yard	No restriction.	Up to property line; however, all railings above 4 feet shall be at least 50% open.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	Same as principal building.	Same as principal building.	Same as principal building.
Minimum side setback when located in the rear yard	1.5 feet	1.5 feet	No restriction.	No restriction.	1.5 feet;	however, all railings above 4 feet shall be at least 50% open.
	No restriction.	No restriction.	1.5 feet;	however, all railings above 4 feet shall be at least 50% open.	No restriction.	No restriction.

Min. rear setback	4 feet; may be reduced to 1.5 feet if there is no alley.	4 feet; may be reduced to 1.5 feet if there is no alley.	No restriction.	No restriction.	1.5 feet; however, all railings above 4 feet shall be at least 50% open.	4 feet; may be reduced to 1.5 feet if there is no alley.	No restriction.
Max. height of sidewall	10 feet	8 feet	No restriction.	No restriction.	No restriction.	10 feet	8 feet
Max. overall height	24 feet	14 feet	Not applicable.	Not applicable.	Not applicable.	14 feet	14 feet

f-3. Roof Overhang. A roof overhang may not project into a required setback area. Gutters shall not be considered part of a roof overhang.

f-4. Dormers. Dormers shall be permitted provided that, in the aggregate, they are no wider than half of the side of the gable, begin no closer than 4 feet from either of the gable ends and have a roof pitch of at least 3:12.

f-5. Parapet Walls. A parapet wall on a flat-roofed garage may extend up to 2 feet above the permitted sidewall height.

f-6. Rooftop Decks. Railings for a rooftop deck may extend up to 3.5 feet above the maximum sidewall height if they are at least 50% open. Portions of a parapet wall may also extend up to 3.5 feet above the permitted sidewall height if these sections are no wider than half the width of the side of the garage on which they are located.

f-7. Roof Type. A shed may have a gambrel-style roof. A garage may have a gambrel-style roof only if the principal building has a gambrel-style roof. When a gambrel-style roof is used, its pitch shall be similar to the roof pitch of the principal building.

f-8. Attachment to Principal Building. A garage or shed may be attached to a principal building. If an attached garage or shed has no second-floor living space, it shall be included in the lot coverage calculation for accessory structures, rather than the lot coverage calculation for the principal building.

f-9. Exception for Small Lots. Notwithstanding the limitations of subd. 1, a garage shall be permitted to have an area of at least 484 square feet.

g. Uncovered Wheelchair Lifts and Ramps. Uncovered wheelchair lifts and ramps shall be permitted within required setback areas in accordance with the provisions of table 295-505-2-f. Adjacent deck areas shall also be in compliance with the applicable provisions of this table. Uncovered wheelchair lifts and ramps shall not be included in the calculation of lot coverage of accessory structures.

h. Decks and Stoops. h-1. General. Decks and stoops shall meet the requirements set forth in table 295-505-3. Decks and stoops are classified into the following 4 categories on the basis of height above grade:

h-1-a. At grade to not more than one foot above grade.

h-1-b. More than one foot above grade to not more than 3 feet above grade.

h-1-c. More than 3 feet above grade to not more than 7 feet above grade.

h-1-d. More than 7 feet above grade.

h-2. Exception. Notwithstanding the requirements of table 295-505-3, a principal building may have a deck or stoop up to 3 feet above grade in the front or side street setback provided the area of the deck or stoop does not exceed 25 square feet.

h-3. Stairs. Stairs leading to a permitted deck, stoop or building entrance may be located in a required setback area.

h-4. Deck Skirting. Skirting to screen the area underneath the deck shall be provided for any deck that is more than 2 feet above grade. Skirting shall not be required if any of the following are true:

h-4-a. The deck is more than 30 feet from any property line.

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

h-4-c. The area adjacent to the deck is landscaped with plantings that obscure the view of the underside of the deck from the neighboring property or public way.

i. Open Trellises and Arbors. An open trellis or arbor may be located in the front yard, side yard or rear yard in accordance with table 295-505-3.

j. Children's Playhouse. A playhouse shall not be subject to any of the regulations of this subsection, except that no playhouse shall be located in the front yard or the required side setback.

k. Mechanical Equipment. k-1. Permitted 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. Air conditioning condensers may also be placed in the required setback areas of a principal building to the extent allowed by table 295-505-2-f.

k-2. Wood-burning Furnaces. Because of their potential to create adverse off-site effects, outdoor wood-burning furnaces are prohibited in all residential districts.

L. Other Accessory Structures. Miscellaneous accessory structures shall meet the requirements applicable to the most similar accessory building or site feature for which requirements have been established.

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

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

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

b-3. Location of Parking Spaces. Parking spaces may be located in a rear yard or the portion of a side yard that is beyond the required setback. Parking spaces shall not be located within the front yard or in the side setback, rear street setback or side street setback of the principal building.

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

b-5. Commercial Vehicles. Not more than one commercial vehicle may be parked on a lot in a single-family, 2-family or multi-family zoning district.

b-7. Recreational Vehicles. Not more than one recreational vehicle, other than a motorcycle or snowmobile, may be parked on a lot in a single-family, 2-family or multi-family district.

b-8. Maximum Vehicle Length. No vehicle in excess of 22 feet in length may be parked on a lot in a single-family, 2-family or multi-family district.

b-9. Unregistered Vehicles. No motor vehicle lacking valid license plates shall be parked for a period exceeding 30 days outside any structure or lot used in whole or in part for residential purposes.

c. Access Drives. c-1. Location. An access drive leading to parking spaces in a permitted rear-yard or side-yard location may be located in a required setback area. An access drive which leads to permitted parking spaces may also be used for parking, but any such parking shall not count toward the parking-space requirements of s. 295-403-2. An access drive may be placed directly adjacent to an interior side property line.

c-2. Configuration. An access drive shall generally traverse the front 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-3. Width. An access drive traversing the side yard to a permitted parking area of a residential building shall not exceed 18 feet in width. An access drive leading to an overhead garage door facing the street shall be not more than 2 feet wider, on each side, than the door being served.

c-4. Shared Drives. c-4-a. For any single-family dwelling or 2-family dwelling constructed after July 31, 1996, in an RS1-RS4, RT1-RT2 or RM1-RM2 district, any access drive to the abutting public street shall be located on the lot on which the dwelling is located, and shall not be shared with an adjoining lot.

c-4-b. For any newly-constructed single-family dwelling or 2-family dwelling in an RS5-RS6, RT3-RT4 or RM3-RM7 district, or for any newly-constructed multi-family dwelling, a shared access drive shall be permitted provided there exists a recorded legal instrument which guarantees access to the drive for occupants of each dwelling served by the shared drive and which assigns responsibility for maintenance of the drive.

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

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

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

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

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

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after the effective date of this code [city clerk to insert date], or a residential building containing more than 4 dwelling units and constructed after the effective date of this code [city clerk to insert date], shall be screened with type "G" landscaping, as described in s. 295-405, or shall be incorporated into the structure it serves.

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

f-2. Fences Along Front Property Lines. A fence located along a front property line shall not exceed 4 feet in height. However, an ornamental metal fence may be erected to a height of 6 feet. Such ornamental fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

f-3. Fences in Side Yards. A fence located in a side yard shall not exceed 4 feet in height. However, a fence may be erected to a height of 6 feet if the entire fence is constructed of chain link, wrought iron or similar open construction or if the area above 4 feet high is at least 50% open. An example of the latter is a fence that is opaque to a height of 4 feet and is topped with not more than 2 feet of wood lattice. Any side-yard fence may be erected to a height of 6 feet if it is located more than 10 feet from a side lot line.

f-4. Fences in Rear Yards. A fence located in a rear yard may be erected to a height of 6 feet. However, if the fence is located along a side street or rear street, it shall also comply with subd. f-5.

f-5. Fences Along Side Streets and Rear Streets. A fence located along a side street or rear street property line shall not exceed 4 feet in height, with the following exceptions:

f-5-a. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless the fence has been erected in accordance with the applicable provisions of ch. 245.

f-5-b. An ornamental fence may be erected to a height of 6 feet. Such fence may include masonry piers, provided the fence is at least 50% open overall. An ornamental metal fence may also be constructed atop a masonry wall, provided the combined height of the wall and fence does not exceed 6 feet and the portion of the wall/fence structure above 4 feet high is at least 50% open.

f-6. Fences Enclosing Swimming Pools. A fence which encloses a swimming pool shall also comply with all department of neighborhood services rules and regulations for swimming pools.

f-7. Higher Fences on Abutting Properties. Where a fence is located along a lot line that abuts another property, and a higher fence is permitted directly across the property line on that property, the fence may be erected to the height permitted on the abutting property.

f-8. Fences at Construction Sites. Notwithstanding any other provisions of this paragraph, fences not exceeding 9 feet in height may be erected around construction sites and shall be removed immediately upon completion of the project.

f-9. Fences at Sports Facilities. Notwithstanding any other provision of this paragraph, the commissioner may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

f-10. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirements of s. 295-405.

f-11. Orientation of Supporting Members. The vertical and horizontal supporting members of a fence shall face the interior of the lot on which the fence is located.

f-12. Fence Gates and Trellises. At a gate, walkway or other entrance area, a decorative gate or trellis may extend above the permitted fence height to a maximum of 10 feet in height. A decorative gate or trellis shall not exceed 6 feet in width.

f-13. Fences or Retaining Walls Extending into Public Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by, and only in accordance with, the provisions of ss. 245-4.5 and 245-4.6 or a special privilege granted by the common council pursuant to s. 245-12.

f-14. Prohibited Fence Materials. Barbed-wire, concertina-wire and razor-wire fences are prohibited.

g. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or other street shall comply with the vision triangle regulations of s. 295-405-3.

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

5. SIGNS. a. General. The design standards for signs in residential districts, except RO1 and RO2 districts, shall be based on the use of the property, as set forth in table 295-505-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B." General standards for each of these categories are found in s. 295-407. The provisions of this subsection explain, qualify or specify exceptions to the standards in table 295-505-5, which pertain specifically to type "A" and type "B" signs in residential zoning districts.

b. Single-family, 2-family and 3-family Dwellings. Except for permitted temporary signs, no other signage shall be allowed.

c. Elementary and Secondary Schools, Colleges and Religious Assembly. c-1. Changeable Message Signs. Automatic changeable message signs shall not be permitted. A manual changeable message sign shall be permitted only if it uses reverse copy (white letters on black background).

c-2. Bonus Provision for Freestanding Signs. The maximum display area for a freestanding sign at an elementary or secondary school, college or religious assembly may be increased by up to 50% if the following conditions are met:

c-2-a. Not more than one freestanding sign may be erected on the premises.

c-2-b. The premises shall have at least 240 feet of street frontage.

c-2-c. The base of the sign shall be at least as wide as the display surface of the sign.

c-2-d. Any illumination directed at the sign shall be shielded so that the source of illumination is not visible from any property line.

c-2-e. The sign shall be set back at least 30 feet from any residential use.

d. Family Day Care Homes. Signs shall not be permitted.

e. Bed and Breakfast Establishments. A bed and breakfast establishment may have one non-illuminated sign of any type, provided the sign does not exceed 4 square feet in area.

f. Signs in the RO1 and RO2 Districts. All signs in the RO1 district shall comply with the sign standards for the NS1 Table 295-505-5 RESIDENTIAL DISTRICT SIGN STANDARDS

	Elementary and secondary schools, colleges and religious assembly	All other permitted uses except single-family, 2-family and 3-family dwellings, family day care homes and bed and breakfast establishments
Freestanding Signs	permitted	permitted
Maximum number	1 per site	1 per site
Total type "A" and type "B" display area (sq. ft.)	18; monument-style sign only	18; monument-style sign only
Type "B" max. display area (sq. ft.)	18	18
Maximum height	999	
Wall Signs	permitted	permitted
Maximum number	1 per principal building	1 per street frontage
Total type "A" and type "B" display area (sq. ft.)	18	18
Type "B" max. display area (sq. ft.)	18	18
Projecting Signs	permitted	permitted
Maximum number	1 per principal building	1 per principal building
Total type "A" and type "B" display area (sq. ft.)	12	12
Type "B" max. display area (sq. ft.)	12	12
Awning Signs	permitted	permitted
Maximum number	1 per principal building	1 per principal building
Total type "A" and type "B" display area (sq. ft.)	10	10
Type "B" max. display area (sq. ft.)	10	10
Canopy and Hood Signs	permitted	permitted
Maximum number	1 per principal building	1 per street frontage
Total type "A" and type "B" display area (sq. ft.)	24	24
Type "B" max. display area (sq. ft.)	12	12
Roof Signs	not permitted	not permitted
Off-premise Signs	not permitted	not permitted

district. All signs in the RO2 district shall comply with the sign standards for the NS2 district.

g. Construction or Vacant Land. A sign pertaining to the construction of a building or the sale or lease of vacant land shall not exceed:

Zoning District	Max. Sign Area
RS1-RS6	36 sq. ft.
RT1-RT4	36 sq. ft.
RM1-RM3	36 sq. ft.

RM4-RM6 48 sq. ft.
 RM7, RO1-RO2 72 sq. ft.

h. Sale or Lease of Improved Real Estate. A sign to advertise the sale or lease of a building or other improved real estate shall be permitted provided it does not exceed 6 square feet in area.

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-LB2). 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.

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.

Table 295-603-1 COMMERCIAL DISTRICTS USE TABLE

Y = Permitted Use	L = Limited Use	S = Special Use	N = Prohibited Use	Zoning Districts				
Uses	NS1	NS2	LB1	LB2	RB1	RB2	CS	
RESIDENTIAL USES								
Single-family dwelling	Y		Y	Y	Y	Y	Y	Y

Two-family dwelling	Y	Y	Y	Y	Y	Y	Y		
Multi-family dwelling	Y	Y	Y	Y	Y	Y	Y		
Attached single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y	
Live-work unit	Y	Y	Y	Y	Y	Y	Y		
Mobile home	N	N	N	N	N	N	N		
Watchman/service quarters	N	N	N	N	N	N	N	N	N
Family day care home	Y	Y	Y	Y	Y	Y	Y	Y	
Group Residential									
Rooming house	S	S	S	S	S	S	S	S	
Convent, rectory or monastery	Y	Y	Y	Y	Y	Y	Y	Y	Y
Dormitory	Y	Y	Y	S	N	N			
Fraternity or sorority	S	S	S	S	N	S	N		
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
Shelter Care Facilities									
Family shelter care facility	Y	Y	Y	Y	Y	Y	Y	Y	
Small group shelter care facility			L	L	L	L	L	L	L
Large group shelter care facility			S	S	S	S	S	S	S
Community living arrangement	L	L	L	L	L	L	L	L	
EDUCATIONAL USES									
Day care center	L	L	L	L	L	L	L		
School, elementary or secondary			Y	Y	Y	Y	Y	Y	Y
College	Y	Y	Y	Y	Y	Y			
School, specialty or personal instruction			Y	Y	Y	Y	Y	Y	Y
COMMUNITY-SERVING USES									
Library	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	Y	Y	Y		
Cemetery or other place of interment			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		
COMMERCIAL AND OFFICE USES									
General office	Y	Y	Y	Y	Y	Y			
Government office	Y	Y	Y	Y	Y	Y	Y		
Bank or other financial institution			Y	Y	Y	Y	Y	Y	Y
Currency exchange, payday loan or title loan agency					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
Home improvement center			N	N	S	S	Y	Y	Y
Secondhand store	S	S	S	S	S	S	S		
Outdoor merchandise sales			S	S	S	S	S	S	
Artist studio	Y	Y	Y	Y	Y	Y	Y		
Adult retail establishment			N	N	N	N	S	S	N
HEALTH CARE AND SOCIAL ASSISTANCE USES									
Medical office	Y	Y	Y	Y	Y	Y	Y		
Health clinic	S	S	S	S	S	S	S		
Hospital	N	N	S	S	S	S	S		
Medical research laboratory			N	N	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
Nursing home	Y	S	Y	Y	Y	Y	Y		

GENERAL SERVICE USES

Personal service	L	L	L	L	L	L	L				
Business service	Y	Y	Y	Y	Y	Y	Y				
Building maintenance service	N	N	S	S	Y	Y	Y	Y			
Catering service	Y	Y	Y	Y	Y	Y	Y				
Funeral home	Y	Y	Y	Y	Y	Y	Y				
Laundromat	Y	Y	Y	Y	Y	Y	Y				
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	Y
Household maintenance and repair service			Y	Y	Y	Y	Y	Y	Y	Y	Y
Tool/equipment rental facility	Y	Y	Y	Y	Y	Y	Y	Y			

Animal Services

Animal hospital/clinic	L	L	L	L	L	L	L				
Animal boarding facility		L	L	L	L	L	L	L			
Animal grooming or training facility		L	L	L	L	L	L	L	L		

MOTOR VEHICLE USES

Light Motor Vehicle

Sales facility	N	N	S	S	Y	Y	S				
Rental facility	L	L	L	L	Y	Y	Y				
Repair facility	N	N	S	S	S	S	S				
Body shop	N	N	S	S	S	S	S				
Outdoor storage	N	N	S	S	S	S	S	S			
Limited wholesale facility		Y	Y	Y	Y	Y	Y	Y	Y		

Heavy Motor Vehicle

Sales facility	N	N	S	S	S	S	S				
Rental facility	N	N	S	S	S	S	S				
Repair facility	N	N	N	N	S	S	N				
Body shop	N	N	N	N	S	S	N				
Outdoor storage	N	N	N	N	N	S	S	N			

General Motor Vehicle

Filling station	N	N	S	S	S	S	S				
Car wash	N	N	L	L	L	L	L				
Drive-through facility	L	L	L	L	L	L	L				

Parking

Parking lot, principal use		L	L	Y	L	Y	L	L			
Parking lot, accessory use	Y		L	Y	L	Y	Y	Y			
Parking structure, principal use			S	S	L	L	L	L	L		
Parking structure, accessory use		Y	L	Y	L	Y	Y	Y	Y		
Heavy motor vehicle parking lot, principal use	N			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				
Hotel, commercial	Y	Y	Y	Y	Y	Y	Y				
Hotel, residential	Y	Y	Y	Y	Y	Y	Y				
Tavern	L	L	Y	Y	Y	Y					
Assembly hall	S	S	S	S	S	S	S				
Restaurant, sit-down	Y	Y	Y	Y	Y	Y	Y	Y			
Restaurant, fast-food/carry-out	L	L	L	L	L	L	L	L	L		

ENTERTAINMENT AND RECREATION USES

Park or playground	Y	Y	Y	Y	Y	Y	Y				
Festival grounds	N	N	N	N	N	N	N				
Recreation facility, indoor		S	S	Y	Y	Y	Y	Y			
Recreation facility, outdoor		S	S	S	S	S	S	S	S		
Health club	Y	Y	Y	Y	Y	Y	Y				
Sports facility	N	N	S	S	S	S	S				
Gaming facility	N	N	N	N	N	N	N				
Theater	L	L	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			
Adult entertainment establishment	N	N	N	N	N	S	S	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	Y	
Wholesale and distribution facility, outdoor			N	N	S	S	S	S	S	S	
Storage Facilities											
Indoor	S	S	L	L	L	L	Y				
Outdoor	N	N	S	S	S	S	S				
Hazardous materials	N	N	N	N	N	N	N	N			
TRANSPORTATION USES											
Ambulance service	N	N	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				
Helicopter landing facility	N	N	S	S	S	S	S				
Airport	N	N	N	N	N	N	N				
Ship terminal or docking facility	N	N	N	N	N	N	N				
Truck freight terminal	N	N	N	N	N	N	N				
Railroad switching, classification yard or freight terminal	N	N	N	N	N	N	N	N	N	N	N
INDUSTRIAL USES											
Manufacturing, light	N	N	L	L	L	L	L				
Manufacturing, heavy	N	N	N	N	N	N	N				
Manufacturing, intense	N	N	N	N	N	N	N				
Research and development	N	N	S	S	S	S	S	S			
Processing or recycling of mined materials			N	N	N	N	N	N	N	N	
Contractor's shop	N	N	L	L	L	L	L				
Contractor's yard	N	N	S	S	S	S	S				
AGRICULTURAL USES											
Plant nursery or greenhouse	N	N	N	N	N	N	N	N			
Raising of crops or livestock	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				
Water treatment plant	S	S	Y	Y	Y	Y	Y				
Sewage treatment plant	N	N	N	N	N	N	N				
Power generation plant	N	N	N	N	N	N	N				
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				
Temporary real estate sales office	L	L	L	L	L	L	L	L	L		
Concrete/batch plant, temporary	L	L	L	L	L	L	L	L			
Live entertainment special event	L	L	L	L	L	L	L	L			

2. LIMITED USE STANDARDS. a. Adult Family Home or Small Group Shelter Care Facility. 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 or small group shelter care facility.

b. Small Foster Home. The use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

- c. Group Home, Group Foster Home or Community Living Arrangement. c-1. 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.
- c-2. Not more than 15 persons shall reside on the premises.
- c-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.
- d. Day Care Center. d-1. The use is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use.
- d-2. The use shall not operate between the hours of 12 a.m. and 5 a.m.
- e. General Retail Establishment or Personal Service. The use shall not be operated between 12 a.m. and 5 a.m. if it located within 150 feet of a residential district.
- f. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.
- g. Light Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.
- h. Car Wash. h-1. If any mechanical washing equipment is used:
- h-1-a. The car wash shall not be located within 150 feet of a residential use.
- h-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.
- h-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.
- h-1-d. Each driving lane shall be not less than 10 feet wide.
- h-1-e. A queue lane of at least 200 feet in length shall be provided on the premises.
- h-1-f. All wastewater shall be contained entirely on the premises.
- h-2. If no mechanical washing equipment is used:
- h-2-a. The car wash shall not be located within 150 feet of a residential use.
- h-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.
- h-2-c. One or more driving lanes shall be provided to allow for continuous movement of vehicles into the washing and cleaning operations.
- h-2-d. Parking for at least 4 vehicles shall be provided on the premises.
- h-2-e. All wastewater shall be contained entirely on the premises.
- i. Drive-through Facility. i-1. A queue lane of at least 200 feet shall be provided on the premises.
- i-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.
- i-3. The facility shall not be located within 150 feet of a residential use.

i-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.

i-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.

j. Parking Lot, Principal Use. j-1. The width of the paved parking area shall not exceed 60 feet as measured from side lot line to side lot line.

j-2. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.

j-3. No alley shall be relied upon for vehicular circulation purposes.

j-4. The parking lot shall not be located on a corner lot.

k. Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and a street lot line.

L. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be occupied by one or more other uses listed as permitted in the district or otherwise approved by the board.

m. Tavern. The structure to be occupied was constructed prior to the effective date of this ordinance [city clerk to insert date], was originally designed and intended to be occupied in whole or in part by a non-residential use and has been continuously occupied by such non-residential use.

n. Fast-food/Carry-out Restaurant. n-1. The use shall be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

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

o. Theater. The capacity of the building shall not exceed 49 persons.

p. Indoor Wholesale and Distribution Facility or Indoor Storage Facility. The gross floor area of the building shall not exceed 3,600 feet.

q. Ground Transportation Service. q-1. Not more than 15 vehicles shall be stored on the premises at any one time.

q-2. The vehicle storage area shall meet the applicable perimeter landscaping and residential buffer standards of s. 295-405-1.

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

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

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

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

s. 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.

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

t-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.

u. Substation/Distribution Equipment, Outdoor. u-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

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

v. Seasonal Market. v-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.

v-2. If flowers, plants, Wisconsin-grown farm products or 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.

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

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

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

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

w. Temporary Real Estate Sales Office. w-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.

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

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

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

x. Temporary Concrete/Batch Plant. x-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.

x-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 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.

x-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.

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

x-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.

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

y. Live Entertainment Special Event. y-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.

y-2. If the event will last 4 days or longer, the person, firm or organization coordinating the event shall obtain a festival permit in accordance with s. 262-103.

y-3. If the event will include carnival rides, the property owner or carnival operator shall obtain a carnival site permit in accordance with s. 87-14.

y-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.

y-5. The duration of the event shall be limited to 15 days.

y-6. A particular property may be used as the site of a live entertainment event not more than once every 3 months, regardless of the event sponsor.

y-7. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

y-8. When the event has been concluded, the site shall be left clean and restored to its previous condition or improved condition, as appropriate.

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

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

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

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

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

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

c. Home Occupations. 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 subordinate to the residential use of the dwelling unit.

c-2. No one other than a resident of the dwelling unit shall be employed in the conduct of the home occupation.

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

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

c-5. Not more than 20% of the total usable floor area of the principal building and the basement may be devoted to the home occupation.

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

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

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

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

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

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

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

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 commercial 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 commercial 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 meet both the minimum and maximum front setback requirements. The remaining 30% or less of the front façade may be set back any distance from the front street property line.

Table 295-605-2 PRINCIPAL BUILDING DESIGN STANDARDS
Design Standards for Non-residential and Multi-family Principal Buildings

	NS1	NS2	LB1	LB2	RB1	RB2	CS					
Primary Street												
Front setback, minimum (ft.)		average		none		average		none	average		none	none
Front setback, maximum (ft.)	50		average		70	average		none	70		average	
Secondary Street												
Side street setback, min. (ft.)	none	none	none	none	none	none	none	none				
Side street setback, max. (ft.)	15	9999	none		70	99						
Rear street setback, minimum (ft.)		none	none	none	none	none	none	none				
Rear street setback, maximum (ft.)		none	none	none	none	none	none	none				
Side setback, minimum (ft.)		none	none	none	none	none	none	none				
Side setback, maximum (ft.)		none	none	none	none	none	none	none				
Rear setback, minimum (ft.)		none	none	none	none	none	none	none				
Rear setback, maximum (ft.)		none	none	none	none	none	none	none				
Lot area per dwelling unit, minimum (sq. ft.)			2,400	1,200	1,200	800	1,200	800	1,200			
Lot coverage, minimum (interior lot)		15%	30%	15%	30%	none	15%	15%				
Lot coverage, minimum (corner lot)		20%	40%	20%	40%	none	20%	20%				
Height, minimum (ft.)	none	18	none	18	none	24	none					
Height, maximum (ft.)	45	60	45	60	85	85	60					
Minimum glazed area, primary street frontage		40%	60%	30%	60%	20%	30%	10%				
Minimum glazed area, secondary street frontage		10%	15%	10%	15%	10%	15%	10%	15%	5%		
Multiple principal buildings permitted?	yes	yes	yes	yes	yes	yes	yes	yes				
Design Standards for Single-family and Two-family Dwellings												
	NS1	NS2	LB1	LB2	RB1	RB2	CS					
Refer to design standards in subch.			5		for this residential district			RM1	RM4	RM2	RM5	RM2
RM5	RM4											

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

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

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

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

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

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

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

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

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

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

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

f-1-a. Chimneys and flues.

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

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

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

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

f-1-f. Churches, 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-t.

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-2. Exception to Minimum Height Requirement. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

g. Lot Coverage. g-1. General. The lot coverage standards set forth in table 295-605-2 refer to the proportion of a lot occupied by principal buildings. Accessory structures shall not be included when determining principal building lot coverage.

g-2. Exceptions. Motor vehicle uses and fast-food/carry-out restaurants shall not be subject to lot coverage requirements.

h. Conversion of Non-Residential Buildings to Residential Use.

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

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

i-2. Entrance Door Orientation. Every new building shall have a primary entrance door on the front façade. A primary entrance door shall not be required on the front façade if there is a primary entrance door on a side façade and that door is within 20 feet of the front façade.

i-3. Glazing. i-3-a. General. All new principal buildings and additions shall have transparent glass windows on both the primary and secondary street frontages according to the percentages listed in table 295-605-2. Non-glass materials such as transparent plastic may not be used to meet transparency requirements.

i-3-b. Area of Required Glazing. The percentage of lineal frontage of the first floor indicated in table 295-605-2 shall have windows at least 4 feet in height with sills not more than 3 feet 6 inches above the interior floor level.

i-3-c. Transparent Glass. Glass in windows or doors used to meet the glazing requirement shall transmit at least 65% of visible daylight (visible transmittance ³.65), regardless of whether the glass is tinted integrally or with applied film. Spectrally selective low-e coatings can meet this requirement.

i-3-d. Interior Spaces. Interior walls parallel to required glazing shall be not less than 6 feet from the plane of the glazing.

i-3-e. Window Coverings. Operable interior window coverings may be used. Such coverings include, but are not limited to, blinds and draperies. No window covering may be permanently affixed or adhered to the window such that the window becomes permanently opaque.

i-3-f. Display Racks and Fixtures. Display racks within 4 feet of a window shall be open-backed and shall not obscure more than 50% of the glazing area.

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

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

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

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

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

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

i-4-c. Wall Design. On secondary street frontages, walls that are designed to avoid long, flat facades may be used to meet the requirements of subpar. i-3-b, subject to approval by the commissioner. 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.

i-4-e. Other Elements. Subject to approval by the commissioner, 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, 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.

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 rear setback of 4 feet shall be required. Otherwise, no rear 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.

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

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

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

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

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

-family or 2-family dwelling.

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

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

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

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

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

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

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

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

e-3. Dumpsters. A dumpster storage area for a non-residential building constructed after the effective date of this code [city clerk to insert date], of a residential building containing more than 4 dwelling units and constructed after the effective date of this code [city clerk to insert date], shall be screened with type "G" landscaping, as described in s. 295-405, or shall be incorporated into the structure it serves.

f. Fences. f-1. General. Fences shall be permitted anywhere on a lot in a 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.

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

f-2-a. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the sidewalk, or 5 feet from the property line if there is no sidewalk. In no case does this provision allow a fence to be erected in the public right-of-way, unless a special privilege allowing such fence has been granted by the common council pursuant to ch. 245.

f-2-b. 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.

f-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.

f-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.

f-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.

f-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.

f-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.

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

f-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.

f-10. Prohibited Fence Materials. Barbed-wire, concertina-wire and razor-wire fences are prohibited.

g. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the vision triangle regulations of s. 295-405-3.

h. 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 façade. In each 25-foot segment, the square footage of all wall signs shall not exceed the maximum area specified in the table, except the square footage allocation for 2 adjoining façade segments may be combined to allow a sign larger than the maximum amount specified.

c. Bonus Provision for Monument-style Freestanding Signs. If a monument-type base is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-605-5.

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

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

Zoning District	Max. Sign Area
NS1 and NS2	36 sq. ft.
LB1, LB2 and CS	48 sq. ft.
RS1 and RS2	72 sq. ft.

d-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.

Table 295-605-5 COMMERCIAL DISTRICT SIGN STANDARDS

Zoning District		NS1	NS2	LB1	LB2	RB1	RB2	CS			
Freestanding Signs	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Maximum number	1 per site	1 per site	1 per site	1 per site	1 per site	1 per street frontage	1 per site	1 per street frontage	60	40	100
1 per street frontage	1 per site	1 per site	1 per site	1 per site	1 per site	1 per street frontage	1 per site	1 per street frontage	60	150	100
Total type "A" and type "B" display area	permitted (sq. ft.)	60	40	100	60	150	100	60	150	100	60
Type "B" max. display area (sq. ft.)	30	20	50	30	75	50	30	30	75	50	30
Maximum height	10 99 14	14	20	20	14	14	14	14	14	14	14

Wall Signs permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Total type "A" and type "B" display area	permitted per 25	lineal feet (sq. ft.)	40	40	60				
40 60 60 40									
Type "B" max. display area per 25 lineal feet (sq. ft.)	25	25	30	25	30	25	30	30	25
Projecting Signs permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Maximum number 1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Total type "A" and type "B" display area	permitted (sq. ft.)	50	50	60	50	100	60		
50									
Type "B" max. display area (sq. ft.)	25	25	30	25	50	30	25		
Awning Signs type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only	type "A" permitted only
Maximum number 1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Total type "A" display area	permitted (sq. ft.)	20	10	20	10	20	10	20	
Canopy and Hood Signs permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
Maximum number 1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.
Total type "A" and type "B" display area	permitted (sq. ft.)	50	50	60	50	100	60		
50									
Type "B" max. display area (sq. ft.)	25	25	30	25	50	30	25		
Roof Signs not permitted	not permitted	permitted	type "A" permitted only	permitted	permitted	permitted	permitted	permitted	permitted
type "A" permitted only									
Maximum number NA	NA	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building	1 per building
Total type "A" and type "B" display area	permitted (sq. ft.)	NA	NA	100	100	100	100	100	100
50									
Type "B" max. display area (sq. ft.)	NA	NA	50	50	50	50	50	50	50
Off-premise Signs not permitted	not permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted	permitted
permitted	permitted								
Maximum number NA	NA	1 per site	1 per site	1 per site	1 per site	1 per site	1 per site	1 per site	1 per site
Maximum display are per sign (sq. ft.)	NA	NA	300	300	300	300	300	300	300
Minimum setback from all property lines	NA	NA	height of the sign						
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	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	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	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	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	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	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	35
Maximum height, wall sign (ft.)	NA	NA	40	40	40	40	40	40	40
Maximum height, roof sign	NA	NA	25 ft. above roof						

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, warehousing 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.

Table 295-703-1 DOWNTOWN DISTRICTS USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use Zoning Districts

Uses	C9A	C9B	C9C	C9D	C9E	C9F	C9G	C9H	Zoning Districts	
RESIDENTIAL USES										
Single-family dwelling			Y	Y	L	L	L	L	L	N
Two-family dwelling			Y	Y	L	L	L	L	L	N
Multi-family dwelling			Y	Y	L	L	L	L	L	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	N	
Watchman/service quarters			N	N	N	N	N	N	N	Y
Family day care home	L	L	L	L	L	L	L	L	N	
Group Residential										
Rooming house			S	S	S	S	S	N	S	N
Convent, rectory or monastery			Y	Y	N	Y	N	N	N	N
Dormitory	Y	Y	N	Y	N	N	N	N	N	
Fraternity or sorority	S	S	N	S	N	N	N	N	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	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	S	N				
Community living arrangement	L	L	L	L	L	L	L	L	N				
EDUCATIONAL USES													
Day care center	S	S	S	S	S	S	S	S					
School, elementary or secondary	Y	Y	Y	Y	Y	Y	S	Y	Y	S			
College	S	S	Y	S	S	Y	Y						
School, specialty or personal instruction	S	Y	Y	S	S	S	S	S	Y	S			
COMMUNITY-SERVING USES													
Library	Y	Y	Y	Y	S	Y	Y	N					
Cultural institution	L	L	Y	Y	S	Y	Y	N					
Community center	S	S	S	S	S	S	S	S					
Religious assembly	Y	Y	Y	Y	L	Y	L	N					
Cemetery or other place of interment	N	N	N	N	N	N	N	N	N	N			
Public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y				
Correctional facility	N	N	N	S	N	N	N	N					
COMMERCIAL AND OFFICE USES													
General office	L	Y	Y	Y	L	Y	Y	Y					
Government office	L	Y	Y	Y	L	Y	Y	Y					
Bank or other financial institution	L	Y	Y	Y	Y	Y	Y	Y	Y	N			
Currency exchange, payday loan or title loan agency	N	S	S	S	S	S	S	S	S	S	S	S	S
Retail establishment, general	L	Y	Y	S	Y	Y	Y	Y	S				
Garden supply or landscaping center	N	N	N	N	N	N	N	N	S	S			
Home improvement center	N	N	N	N	N	N	N	N	S				
Secondhand store	N	S	S	N	S	S	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	N	S	S				
HEALTH CARE AND SOCIAL ASSISTANCE USES													
Medical office	L	Y	Y	Y	L	Y	Y	Y					
Health clinic	S	S	S	S	L	Y	Y	N					
Hospital	S	S	S	S	N	S	S	N					
Medical research laboratory	N	S	S	S	S	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	N	S	N				
Nursing home	S	S	S	N	N	N	N	N					
GENERAL SERVICE USES													
Personal service	L	Y	Y	S	Y	Y	Y	N					
Business service	S	Y	Y	Y	L	Y	Y	Y					
Building maintenance service	N	S	S	N	L	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	Y	N				
Furniture and appliance rental and leasing				N	S	S	N	S	S	S	S	S	S
Household maintenance and repair service				N	Y	Y	N	Y	N	Y	Y	Y	Y
Tool/equipment rental facility	N	S	S	N	S	N	S	S					
Animal Services													
Animal hospital/clinic	N	N	S	N	S	S	S	S					
Animal boarding facility	N	N	N	N	N	N	N	N	N				
Animal grooming or training facility	N	N	S	N	S	S	S	S	S				
MOTOR VEHICLE USES													
Light Motor Vehicle													
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			
Limited wholesale facility			N	Y	Y	N	L	Y	L	Y		
Heavy Motor Vehicle												
Sales facility	N	N	N	N	N	N	N	S				
Rental facility	N	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			
General Motor Vehicle												
Filling station	N	S	S	S	S	S	S	S				
Car wash	N	S	S	S	S	S	S	S				
Drive-through facility	N	S	S	S	S	S	S	S	S			
Parking												
Parking lot, principal use		S	S	S	S	S	S	S	S	S		
Parking lot, accessory use		L	S	S	S	S	S	S	S	S		
Parking structure, principal use			S	S	L	S	L	L	L	S	S	
Parking structure, accessory use			S	S	L	S	L	L	L	S	S	
Heavy motor vehicle parking lot, principal			N	N	S	S	S	S	S	S	S	Y
Heavy motor vehicle parking lot, accessory			S	S	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	Y	Y	Y	Y	Y	Y	N			
Hotel, residential		Y	Y	Y	N	Y	Y	Y	N			
Tavern	S	Y	Y	Y	Y	Y	Y	Y				
Assembly hall	S	S	Y	Y	L	Y	Y	Y				
Restaurant, sit-down		L	Y	Y	Y	Y	Y	Y	Y			
Restaurant, fast-food/carry-out		L	L	L	L	L	L	L	L	L		
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	L	Y	Y	Y			
Sports facility		S	S	Y	Y	Y	Y	Y				
Gaming facility		S	S	S	S	S	S	S				
Theater	N	Y	Y	Y	Y	Y	Y					
Convention and exposition center			N	N	N	Y	Y	Y	Y	Y	N	
Marina	N	Y	Y	Y	Y	Y	Y					
Outdoor racing facility		N	N	N	N	N	N	N	N			
Adult entertainment establishment			N	N	N	N	N	N	N	S	S	
STORAGE, RECYCLING AND WHOLESALE TRADE USES												
Recycling collection facility		N	S	S	N	N	N	N	S	S		
Mixed-waste processing facility		N	N	N	N	N	N	N	N	N		
Material reclamation facility		N	N	N	N	N	N	N	N	N		
Salvage operation, indoor			N	N	N	N	N	N	N	N		
Salvage operation, outdoor			N	N	N	N	N	N	N	N		
Wholesale and distribution facility, indoor				N	S	S	N	N	S	Y	Y	
Wholesale and distribution facility, outdoor				N	N	N	N	N	N	N	N	
Storage Facilities												
Indoor		N	S	S	N	N	S	Y	Y			
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	N	S	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	N	Y	Y				
Truck freight terminal	N	N	N	N	N	N	N	N	N				
Railroad switching, classification yard or freight terminal	N			N	N	N	N	N	N	N	Y	Y	

INDUSTRIAL USES

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	Y				
Processing or recycling of mined materials				N	N	N	N	N	N	N	N		
Contractor's shop	N	N	N	N	N	N	S	Y					
Contractor's yard	N	N	N	N	N	N	S	Y					

AGRICULTURAL USES

Plant nursery or greenhouse	N	N	N	N	N	N	N	N	S				
Raising of crops or livestock	N	N	N	N	N	N	N	N	N				

UTILITY AND PUBLIC SERVICE USES

Broadcasting or recording studio	N	Y	Y	Y	L	Y	Y	Y					
Transmission tower	L	L	L	L	L	L	L	L					
Water treatment plant	S	S	S	S	S	S	S	S					
Sewage treatment plant	S	S	S	S	S	S	S	S					
Power generation plant	N	N	N	N	N	N	N	N					
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	L	L			
Live entertainment special event	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. No dwelling unit or accessory parking, storage facilities or mechanical equipment shall be located in the street level area.

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

b-2. There shall be no other family day care home in the same building as of April 6, 2001.

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

c. Adult Family Home or Small Group Shelter Care Facility. The use shall not be located within 2,500 feet of a community living arrangement, small foster home, group home or group foster home, another adult family home or small group shelter care facility.

d. Small Foster Home. 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. 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 persons 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.

- f. Cultural Institution, Bank or Other Financial Institution, General Retail Establishment, Personal Service, Catering Service, Dry Cleaning Establishment, Sit-down Restaurant, Fast-food/Carry-out Restaurant or Health Club. The use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.
- g. Religious Assembly, Health Clinic, Business Service, Building Maintenance Service, Bed and Breakfast, Assembly Hall or Broadcasting or Recording Studio. The use shall not be located in the street level area.
- h. General Office, Government Office or Medical Office. h-1. In the C9A district, the use shall be located in a building containing at least one other principal use which is listed as a permitted use in this zoning district.
- h-2. In the C9E district, the use shall not be located in the street level area.
- i. Artist Studio. i-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.
- i-2. In the C9E and C9F districts, the use shall not be located in the street level area.
- j. Light Motor Vehicle Rental Facility or Accessory-use Parking Lot. Not more than 10 vehicles shall be parked outside.
- k. Limited Wholesale Facility. Not more than 3 vehicles shall be stored outside.
- L. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage shall be devoted to permitted uses or uses approved by the board.
- m. Light Manufacturing. m-1. The gross floor area devoted to the use shall not exceed 3,600 square feet.
- m-2. The use shall not operate between the hours of 9 p.m. and 7 a.m.
- m-3. The use shall not generate noise or odors in violation of ch. 80.
- m-4. All manufacturing activities shall occur within an enclosed building.
- m-5. At the street level, the street frontage of the building shall be used for retail sales.
- n. Transmission Tower. n-1. The tower shall comply with the applicable provisions of s. 295-413.
- n-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.
- n-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.
- o. Substation/Distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
- p. Seasonal Market. p-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.
- p-2. If flowers, plants, Wisconsin-grown farm products or 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.
- p-3. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
- p-4. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

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

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

q. Temporary Real Estate Sales Office. q-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.

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

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

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

r. Temporary Concrete/Batch Plant. r-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.

r-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 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.

r-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.

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

r-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.

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

s. Live Entertainment Special Event. s-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.

s-2. If the event will last 4 days or longer, the person, firm or organization coordinating the event shall obtain a festival permit in accordance with s. 262-103.

s-3. If the event will include carnival rides, the property owner or carnival operator shall obtain a carnival site permit in accordance with s. 87-14.

s-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.

s-5. The duration of the event shall be limited to 7 days.

s-6. A particular property may be used as the site of a live entertainment event not more than once every 3 months, regardless of the event sponsor.

s-7. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

s-8. When the event has been concluded, the site shall be left clean and restored to its previous condition or improved condition, as appropriate.

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

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

Table 295-705-1 DOWNTOWN DISTRICTS DESIGN STANDARDS						
	C9A subdistrict A	C9A subdistrict B	C9B subdistrict A	C9B subdistrict B	C9C	C9D
subdistrict A						
Front setback requirement	avg., but not more than 10 ft. 10 ft.	avg., but not more than 10 ft.	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					
Side street setback	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	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.	24 ft.	none	none	none	100 ft.
Lot area, minimum	none	none	none	none	none	20,000 sq. ft.
Permitted floor area (when lot coverage is 40% or less); see s. 295-705-4	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)	2(W) + 7.5(X) + 4(Y)	2(W) + 7.5(X) + 4(Y)
Permitted floor area (when lot coverage is greater than 40% but less than 80%); see s. 295-705-4	7(W) + 8(W) + 5(X) + 2.5(Y) + 0.3(Z)	6(W)	4(W) + 10(X) + 5(Y) + 0.05(Z)	5(W)	5(W)	5(W)
Permitted floor area (when lot coverage is 80% or more); see s. 295-705-4	11.5(W) - 11.5(X)	12(W) + 12(X) + 0.3(Z)	30(W) - 30(X)	8(W) + 0.05(Z)	25(W) - 25(X)	25(W) - 25(X)
Building height, minimum residential; otherwise 30 ft.	20 ft.	20 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft. if wholly residential; otherwise 30 ft.	20 ft.	20 ft. if wholly residential; otherwise 30 ft.
Building height, maximum	none	40 ft.	none	none	none	none
Required usable open space (as defined in s. 295-201) dwelling unit	75 sq. ft./ dwelling unit	75 sq. ft./ dwelling unit	75 sq. ft./ dwelling unit	75 sq. ft./ dwelling unit	75 sq. ft./ dwelling unit	75 sq. ft./ dwelling unit

Table 295-705-1 DOWNTOWN DISTRICTS DESIGN STANDARDS

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 requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Side setback requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Side street setback requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Rear setback requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement	no requirement
Rear street setback requirement	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 lot coverage is 40% or less); see s. 295-705-4	5(W) + 5(X) + 2.5(Y)	5(W) + 5(X) + 2.5(Y)	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)	2(W) + 20(X) + 10(Y) + 0.05(Z)	7(W) + 13(X) + 6.5(Y) + 0.2(Z)
Permitted floor area (when lot coverage is greater than 40% but less than 80%); see s. 295-705-4	8.1(W) + 2(X) + 1(Y) + 0.2(Z)	7(W)	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)	4(W) + 10(X) + 5(Y) + 0.05(Z)	8(W) + 20(X) + 10(Y) + 0.2(Z)
Permitted floor area (when lot coverage is 80% or more); see s. 295-705-4	7(W)	7(W)	8(W) + 0.05(Z)	8.5(W) + 0.2(Z)	9.5(W)	8(W) + 0.05(Z)	8.5(W) + 0.2(Z)

+ 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
Required usable open space (as defined in s. 295-201)	75 sq. ft./ dwelling unit						

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.

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.

(Note: An example illustrating many of the calculation procedures outlined in this subsection is contained in an appendix to this chapter prepared by the department of city development and available from the legislative reference bureau.)

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 city development 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. Churches, 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-m.

b. Exception to Minimum Height Requirement. Motor vehicle-related uses shall not be subject to a minimum building height requirement.

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.

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 may permit a fence in excess of 6 feet in height in specific locations on a premises to prevent balls and other objects from damaging adjoining buildings or premises.

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

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

a-1. "L" indicates a limited-permission sign. This sign is permitted only when the commissioner 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	N	L	L	L
Hood L	L	L	L	N	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	N	N	L	L	L
Marquee	N	L	N	N	N	N	L	L
Off-premise								
All	N	L	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 composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background.

b-3. Wall Signs. b-3-a. If the sign has a display area larger than 50 square feet, the sign shall be composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background.

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 base of the sign shall be at least as wide as the display area.

b-4-c. The display area of the sign shall not have an illuminated background. Only individual letters or symbols may be internally-illuminated.

b-5. Roof Signs. If the sign has a display area larger than 50 square feet, the sign shall be composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background.

b-6. Projecting Signs. If the sign has a display area larger than 25 square feet, the sign shall be composed only of individual letters or symbols. Such individual letters or symbols may be cut from or applied to an opaque background.

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.

c. Temporary Signs. The following temporary signs shall be permitted in all commercial 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.

8. LANDSCAPING REQUIREMENTS 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. Required trees shall be

at least 2.5-inch-caliper size at the time of planting, of a deciduous street tree variety and located within 15 feet of the street lot line.

SUBCHAPTER 8
INDUSTRIAL DISTRICTS

295-801. Purposes. 1. INDUSTRIAL-OFFICE (IO). This district provides sites for modern, clean industry and supporting, non-residential land uses that complement industrial uses or require an industrial environment. Older portions of this zoning district (IO2) often form corridors which provide a buffer between residential areas and more intensive industrial districts. The newer portions of this district (IO1) are in the form of office-industrial parks or business parks with campus-style layouts and designs. The IO district has a performance-oriented transition area where it adjoins residential neighborhoods. Buffering and other requirements in the transition area are intended to protect the character of such neighborhoods.

2. INDUSTRIAL-LIGHT (IL). This district is intended to provide sites primarily for light industrial uses that utilize medium-sized buildings and do not have extensive outdoor storage areas or operations. This district includes both older industrial corridors (IL2) and modern industrial parks (IL1). While most buildings contain clean, light industrial uses, some commercial and office uses may also be included. This district contains heavier uses than the IO district and requires more extensive buffering from adjoining residential areas.

3. INDUSTRIAL-MIXED (IM). This district is intended to provide for the orderly conversion of certain older industrial and warehousing areas with multi-story buildings to residential, commercial or office uses for which the buildings, at the present time, may be better suited. These areas have an urban character. Buildings were typically built without setbacks or yards and often with little or no off-street parking.

4. INDUSTRIAL-HEAVY (IH). This district accommodates high-intensity industry and often includes very large structures, extensive exterior storage, exterior mechanical operations, or heavy truck or equipment operations. It also accommodates uses that require large or isolated sites or harbor, airport or rail service. This district includes the historic industrial core of the city. It has a strong relationship to shipping and rail services and includes the port of Milwaukee, the Menomonee valley and various railroad corridors. Most sites within the IH district have already been developed or redeveloped. These sites seldom have excess land to provide buffer areas. Where possible, the IH district should be separated from residential neighborhoods with less intensive, non-residential districts.

295-803. Uses. 1. USE TABLE. Table 295-803-1 indicates the use classifications for various land uses in the industrial districts. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in table 295-803-1:

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

Table 295-803-1 INDUSTRIAL DISTRICTS USE TABLE

Uses	IO1/IO2	IL1/IL2	IM	IH	N = Prohibited Use	Zoning Districts
RESIDENTIAL USES						
Single-family dwelling	N	N	Y	N		
Two-family dwelling	N	N	Y	N		
Multi-family dwelling	N	N	Y	N		
Attached single-family dwelling	N	N	Y	N		
Live-work unit	N	N	Y	N		

Mobile home	N	N	N	N					
Watchman/service quarters			Y	Y	N	Y			
Family day care home	N	N	Y	N					
Group Residential									
Rooming house	N	N	S	N					
Convent, rectory or monastery	N	N	Y	N					
Dormitory	N	N	Y	N					
Fraternity or sorority	N	N	S	N					
Adult family home	N	N	L	N					
Foster Homes									
Foster family home	N	N	Y	N					
Small foster home	N	N	L	N					
Group home or group foster home			N	N	L	N			
Shelter Care Facilities									
Family shelter care facility	N	N	Y	N					
Small group shelter care facility			N	N	L	N			
Large group shelter care facility			N	N	S	N			
Community living arrangement	N	N	L	N					
EDUCATIONAL USES									
Day care center	S	S	L	S					
School, elementary or secondary			N	N	Y	N			
College	S	S	S	N					
School, specialty or personal instruction	S	S	S	N					
COMMUNITY-SERVING USES									
Library	N	N	Y	N					
Cultural institution			N	N	L	N			
Community center			N	N	S	N			
Religious assembly			N	N	N	N			
Cemetery or other place of interment			N	N	N	N			
Public safety facility	Y	Y	Y	Y					
Correctional facility	N	N	N	N					
COMMERCIAL AND OFFICE USES									
General office	Y	Y	Y	L					
Government office	Y	Y	Y	Y	L				
Bank or other financial institution			S	S	Y	N			
Currency exchange, payday loan or title loan agency			N	N	Y	N	S	N	
Retail establishment, general			N	N	Y	N			
Garden supply or landscaping center			N	Y	Y	N			
Home improvement center			N	Y	Y	N			
Secondhand store	N	N	S	N					
Outdoor merchandise sales			N	N	L	N			
Artist studio	N	Y	Y	N					
Adult retail establishment			N	N	S	N			
HEALTH CARE AND SOCIAL ASSISTANCE									
Medical office	S	N	S	N					
Health clinic	L	N	S	N					
Hospital	N	N	N	N					
Medical research laboratory			Y	Y	Y	N			
Medical service facility	N	S	N	N					
Social service facility	N	S	S	N					
Emergency residential shelter	N	N	N	N					
Nursing home	N	N	N	N					
GENERAL SERVICE USES									
Personal service	N	N	Y	N					
Business service	Y	S	Y	N					
Building maintenance service	S	Y	S	N					
Catering service	S	Y	Y	N					

Funeral home	N	N	N	N				
Laundromat	N	N	Y	N				
Dry cleaning establishment			N	N	Y	N		
Furniture and appliance rental and leasing					N	N	Y	N
Household maintenance and repair service					N	Y	Y	N
Tool/equipment rental facility	N	Y	Y	N				
Animal Services								
Animal hospital/clinic	N	Y	L	Y				
Animal boarding facility		N	Y	L	Y			
Animal grooming or training facility		N	Y	L	Y			
MOTOR VEHICLE USES								
Light Motor Vehicle								
Sales facility	N	S	S	S				
Rental facility	L	S	S	S				
Repair facility	N	S	S	L				
Body shop	N	S	S	L				
Outdoor storage	N	Y	S	Y				
Limited wholesale facility		Y	Y	Y	Y			
Heavy Motor Vehicle								
Sales facility	N	Y	S	Y				
Rental facility	N	Y	S	Y				
Repair facility	N	L	S	L				
Body shop	N	L	S	L				
Outdoor storage	N	L	S	Y				
General Motor Vehicle								
Filling station	S	S	S	S				
Car wash	S	S	S	S				
Drive-through facility	S	S	S	S				
Parking								
Parking lot, principal use		Y	Y	L	Y			
Parking lot, accessory use		Y	Y	L	Y			
Parking structure, principal use			Y	Y	L	Y		
Parking structure, accessory use			L	L	L	L		
Heavy motor vehicle parking lot, principal use		S	L	L	L	Y		
Heavy motor vehicle parking lot, accessory use			Y	Y	Y	Y	Y	Y
ACCOMODATION AND FOOD SERVICE USES								
Bed and breakfast	N	N	Y	N				
Hotel, commercial	L	N	Y	N				
Hotel, residential	N	N	Y	N				
Tavern	L	L	Y	L				
Assembly hall	S	S	S	N				
Restaurant, sit-down	L	L	Y	L				
Restaurant, fast-food/carry-out	L	L	L	L				
ENTERTAINMENT AND RECREATION USES								
Park or playground	S	S	S	S				
Festival grounds	N	N	N	N				
Recreation facility, indoor		N	S	Y	N			
Recreation facility, outdoor		N	N	S	N			
Health club	L	L	Y	N				
Sports facility	N	S	S	N				
Gaming facility	N	S	N	N				
Theater	N	Y	N					
Convention and exposition center			S	N	S	N		
Marina	Y	Y	Y	Y				
Outdoor racing facility	N	N	N	S				
Adult entertainment establishment			N	N	N	N		
STORAGE, RECYCLING AND WHOLESALE TRADE USES								

Recycling collection facility	S	Y	S	Y			
Mixed-waste processing facility	N	L	S	L			
Material reclamation facility	N	N	N	L			
Salvage operation, indoor	L	L	L	L			
Salvage operation, outdoor	N	S	S	S			
Wholesale and distribution facility, indoor			Y	Y	Y	Y	
Wholesale and distribution facility, outdoor			S	Y	S	Y	
Storage Facilities							
Indoor	Y	Y	Y	Y			
Outdoor	N	Y	S	Y			
Hazardous materials	N	N	N	S			
TRANSPORTATION USES							
Ambulance service	Y	Y	S	Y			
Ground transportation service	S	Y	S	Y			
Passenger terminal	Y	Y	Y	Y			
Helicopter landing facility	S	S	S	S			
Airport	N	Y	N	N			
Ship terminal or docking facility	N	Y	N	Y			
Truck freight terminal	N	S	S	L			
Railroad switching, classification yard or freight terminal	N				Y	Y	Y
INDUSTRIAL USES							
Manufacturing, light	Y	Y	Y	Y			
Manufacturing, heavy	N	S	S	Y			
Manufacturing, intense	N	N	N	S			
Research and development	Y	Y	Y	Y	Y		
Processing or recycling of mined minerals			N	N	N	S	
Contractor's shop	S	Y	Y	Y			
Contractor's yard	S	Y	Y	Y			
AGRICULTURAL USES							
Plant nursery or greenhouse	Y	Y	Y	Y			
Raising of crops or livestock	Y	Y	Y	Y			
UTILITY AND PUBLIC SERVICE USES							
Broadcasting or recording studio	Y		S	Y	S		
Transmission tower	L	L	L	L			
Water treatment plant	Y	Y	Y	Y			
Sewerage treatment plant	N	Y	N	Y			
Power generation plant	N	S	N	Y			
Substation/distribution equipment, indoor			S	Y	S	Y	
Substation/distribution equipment, outdoor			L	Y	L	Y	
TEMPORARY USES							
Seasonal market	L	L	L	L			
Temporary real estate sales office			L	L	L	L	
Concrete/batch plant, temporary	L	L	L	L			
Live entertainment special event	L	L	L	L			

2. LIMITED USE STANDARDS. a. Adult Family Home or Small Group Shelter Care Facility. 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 or small group shelter care facility

b. Small Foster Home. The use shall not be located within 2,500 feet of a community living arrangement, group home or group foster home, or another small foster home.

c. Group Home, Group Foster Home or Community Living Arrangement. c-1. 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.

c-2. Not more than 15 persons shall reside on the premises.

- c-3. The use has not been determined by the common council to be a nuisance under s. 62.23(7)(i), Wis. Stats.
- d. Day Care Center. d-1. The use is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use.
- d-2. The use shall not operate between the hours of 12 a.m. and 5 a.m.
- e. Cultural Institution. e-1. The use shall be located on an arterial or collector street.
- e-2. The area of the site shall be at least 10,000 square feet.
- f. General Office or Government Office. The structure to be occupied was constructed prior to the effective date of this ordinance [city clerk to insert date], was originally designed and intended to be occupied in whole or in part by a non-industrial use and has been continuously occupied by such non-industrial use.
- g. Outdoor Merchandise Sales. g-1. No portion of the outdoor area where goods are displayed for sale is located within 150 feet of a residential use.
- g-2. The premises contains at least one enclosed, permanent building.
- g-3. No used merchandise is offered for sale.
- h. Health Clinic. The use shall be located on an arterial or collector street.
- i. Animal Hospital/Clinic, Animal Boarding Facility or Animal Grooming or Training Facility. No outdoor run or outdoor kennels shall be provided on the premises.
- j. Light Motor Vehicle Rental Facility. Not more than 15 vehicles available for rent may be kept on the premises.
- k. Light Motor Vehicle Repair Facility or Light Motor Vehicle Body Shop. k-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- k-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- k-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- L. Heavy Motor Vehicle Repair Facility, Heavy Motor Vehicle Body Shop or Heavy Motor Vehicle Outdoor Storage. L-1. No junk motor vehicle, as defined in s. 80-49, shall be stored outdoors on the premises.
- L-2. No motor vehicle parts or motor vehicle repair equipment shall be stored or kept outdoors on the premises.
- L-3. Outdoor storage of motor vehicles shall be screened with type "E" or type "F" landscaping, as described in s. 295-405.
- L-4. If the use is located within 150 feet of a residential district, it shall be totally enclosed or it shall not operate between the hours of 7 p.m. and 7 a.m.
- m. Parking Lot, Principal Use. m-1. The width of the paved parking area shall not exceed 60 feet as measured from side lot line to side lot line.
- m-2. The parking lot shall not be immediately adjacent to another premises containing a parking lot as a principal use.
- m-3. No alley shall be relied upon for vehicular circulation purposes.
- n. Parking Lot, Accessory Use. The parking lot shall not be located between the street façade of a principal building and

a street lot line.

o. Parking Structure, Principal Use or Accessory Use. At least 50% of the street frontage of the street-level area shall be devoted to any other use or uses listed as permitted in the district or approved by the board.

p. Heavy Motor Vehicle Parking Lot, Principal Use. The parking lot shall not exceed 9,000 square feet or 30 parking spaces.

q. Commercial Hotel. The use shall be located on an arterial or collector street.

r. Tavern. The use shall be located on an arterial or collector street or on a lot with water frontage.

s. Sit-down Restaurant. s-1. The use shall be located on an arterial or collector street or on a lot with water frontage.

s-2. The floor area of the restaurant shall not exceed 6,000 square feet.

t. Fast-food/Carry-out Restaurant. t-1. The use shall be located in a building containing at least one other principal use listed as a permitted use in the zoning district in which it is located.

t-2. The use shall be located on an arterial or collector street.

t-3. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

u. Health Club. The use shall be located on an arterial or collector street.

v. Mixed-waste Processing Facility. If the use is located within 150 feet of a residential district it shall be totally enclosed or it shall not operate between the hours of 7 p.m. and 7 a.m.

w. Material Reclamation Facility. The use shall be contained entirely within a building.

x. Salvage Operation, Indoor. If the use is located within 150 feet of a residential district, special use approval shall be required.

y. Truck Freight Terminal. The use shall not be located within 500 feet of a residential zoning district.

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

z-2. The height of the tower shall not exceed 85 feet. A tower exceeding 85 feet may be permitted as a special use.

aa. Substation/Distribution Equipment, Outdoor. aa-1. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

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

bb. Seasonal Market. bb-1. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

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

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

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

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

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

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

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

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

cc-4. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

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

dd-2. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department.

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

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

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

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

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

ee-2. If the event will last 4 days or longer, the person, firm or organization coordinating the event shall obtain a festival permit in accordance with s. 262-103.

ee-3. If the event will include carnival rides, the property owner or carnival operator shall obtain a carnival site permit in accordance with s. 87-14.

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

ee-5. The duration of the event shall be limited to 15 days.

ee-6. A particular property may be used as the site of a live entertainment event not more than once every 3 months, regardless of the event sponsor.

ee-7. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

ee-8. When the event has been concluded, the site shall be left clean and restored to its previous condition or improved

condition, as appropriate.

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

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

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

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

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

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

c. Home Occupations. 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 subordinate to the residential use of the dwelling unit.

c-2. No one other than a resident of the dwelling unit shall be employed in the conduct of the home occupation.

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

c-4. There shall be no external alteration of the dwelling unit and the existence of the home occupation shall not be apparent beyond the boundaries of the site.

c-5. Not more than 20% of the total usable floor area of the principal building and the basement may be devoted to the home occupation.

c-6. The home occupation shall create no additional traffic and require no additional parking above that normally associated with a dwelling unit.

c-7. No signs relating to the home occupation shall be permitted.

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

e. Retail Sales. Accessory retail sales shall be permitted provided such activity does not occupy more than 10% of the gross floor area of the use.

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

295-805. Industrial Design Standards. 1. PURPOSE. The objective of the design standards of this section is to reduce or eliminate potential adverse effects and nuisances often associated with industrial activities and structures, particularly as these activities and structures impact surrounding residents and businesses. The standards set forth in this section

include setbacks, screening/buffering, height transitions and noise limitations.

2. PRINCIPAL BUILDING STANDARDS. a. Introduction. Table 295-805-2 indicates the design requirements for all buildings that are located in industrial districts. Table 295-805-2 also specifies which commercial or residential design standards of subchs. 5 and 6 apply to non-industrial buildings located in industrial zoning districts. The provisions of this subsection explain, qualify or specify exceptions to the design standards set forth in table 295-805-2.

b. Conversion of Non-residential Buildings to Residential Use. In the IM district, a non-residential building may be converted to residential use. The design standards for residential buildings specified in table 295-805-2 shall be applicable to any such conversion, except that the converted building shall not be subject to setback requirements.

Table 295-805-2 PRINCIPAL BUILDING DESIGN STANDARDS

Design Standards for Industrial Buildings; see table 295-805-4-d if the building site is adjacent to or across a street or alley from a residential, institutional, park or non-industrial planned development district.

	IO1	IO2	IL1	IL2	IM	IH							
Front setback, minimum (ft.)			none	none	none	none							
Side street setback, minimum (ft.)			none	none	none	none							
Rear street setback, minimum (ft.)			none	none	none	none							
Side setback, minimum (ft.)			none	none	none	none							
Rear setback, minimum (ft.)			none	none	none	none							
Height, maximum (see also s. 295-805-4-e)			none	85 ft. (new construction only)	none	none	none						
Design Standards for Non-industrial/Non-residential Buildings													
	IO1	IO2	IL1	IL2	IM	IH							
Refer to design standards in subch. 6 for this commercial district:							LB1	LB2	LB1	LB2	LB2	LB2	LB2
Design Standards for Residential Buildings													
	IO1	IO2	IL1	IL2	IM	IH							
Refer to design standards in subch. 5 for this residential district:							RM1	RM5	RM1	RM5	RM6	RM5	

3. ACCESSORY STRUCTURE STANDARDS. a. Accessory Industrial Buildings. Accessory industrial buildings shall comply with the following standards:

- a-1. The front setback of an accessory industrial building shall not be less than the front setback of the principal building.
- a-2. No side setbacks shall be required.
- a-3. The side street setback shall not be less than the side street setback of the principal building.
- a-4. The rear setback shall not be less than the rear setback of the principal building.
- a-5. If access to a garage is provided from an alley, a minimum rear setback of 4 feet shall be required. Otherwise, there shall be no rear setback requirement.
- a-6. The rear street setback shall not be less than the rear street setback of the principal building.
- a-7. The number of accessory structures shall not be limited.
- a-8. If the building is located adjacent to a residential district, it shall be subject to the height limitations of s. Sub. 4-e.

b. Accessory Commercial Structures. Structures accessory to commercial buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

c. Accessory Residential Structures. Structures accessory to residential buildings shall comply with the accessory structure standards for the zoning district referenced in table 295-805-2.

4. SITE STANDARDS. a. Applicability. Unless otherwise noted, the provisions of this subsection apply to all industrial uses. For commercial and residential uses, the site design standards applicable to the zoning district referenced in table 295-805-2 shall apply.

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

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

b-3. Location. Parking spaces shall not be located within 5 feet of a public street.

b-4. Landscaping. Parking lots shall be landscaped in accordance with the applicable provisions of s. 295-405.

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

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

d. Residential Buffers. d-1. When Required. A transition buffer shall be required when a site in the IO1, IO2, IL1, IL2 or IH district is used for a storage, recycling or wholesale trade use, a transportation use or an industrial use, either principal or accessory, and is adjacent to or across a street or alley from a residential, institutional, parks or non-industrial planned development district. The purpose of such buffers is to screen unsightly activities or buildings, and to reduce significant scale changes between industrial districts and surrounding neighborhoods. While setbacks, landscaping and fences are the primary methods used to achieve this objective, architectural techniques or features such as masonry walls may also be used to provide the buffer. The buffer area shall only include fences, walls, berms, landscaping, and access drives that traverse the buffer at right angles. Table 295-805-4-d contains setback and tree-planting requirements that shall be met whenever a residential buffer is required. Required evergreen trees shall be located and planted in a manner that most effectively obstructs views of industrial activities.

d-2. Alternative Buffer Standards. The width of a residential buffer may be reduced by up to 50% if the buffer meets a higher standard for screening and design, as specified by the alternative buffer standards included in table 295-805-4-d, and if the required buffer is not less than 10 feet wide. While the width of a buffer may be reduced, the number of required evergreen trees shall not be reduced and additional screening materials, such as fences and shrubs, shall be added as specified in table 295-805-4-d.

e. Height Adjustment. e-1. Height Limitation When Adjacent to Residential District. The maximum height of an industrial building at the required residential buffer line or, if there is no buffer requirement, at the property line, located adjacent to or across a street or alley from a residential or a non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the industrial building may be increased by one foot for every 2 feet the building is set back from the residential buffer line or the property line, as appropriate.

e-2. Exceptions to Height Limitations. All structures shall comply with the height limitations established in subd. 1, except the following:

e-2-a. Chimneys and flues.

e-2-b. Water towers or tanks other than those located on the roof of a building.

Table 295-805-4-d INDUSTRIAL DISTRICT RESIDENTIAL TRANSITION STANDARDS

Zoning District	IO1	IO2	IL1	IL2	IM	IH
Residential Buffer						
Min. buffer width			25 ft.	10 ft.	50 ft.	10 ft. no buffer reqr.'d 15 ft.
Evergreen trees (min.) per x					lineal ft. of	alley, street frontage or shared property line
n.a.			1 per 5 ft.			1 per 5 ft.
Evergreen tree spacing as IO1-IL2				2 staggered rows with trees a maximum of 10 ft. on center in each row		n.a. same
Min. tree height at planting			6 ft.		n.a.	6 ft.

Max. tree height at maturity	no limit	n.a.	no limit
Alternative Residential Buffer Standards (Note: Where an alternative residential buffer is permitted, the use or industrial process shall not produce dust, odor, vibration, noise or light exceeding the standards specified in ch. 80 or elsewhere in this code at the nearest residential property line.)			
Min. buffer width	12.5 ft.	alternative standards not permitted	25 ft. alternative standards not permitted
no buffer reqr.'d 10 ft.			
New building construction or addition	none	see s. 295-405, type "A" landsc.	n.a. none
Light motor vehicle parking	see s. 295-405, type "A" landsc.	see s. 295-405, type "A" landsc.	
n.a.	see s. 295-405, type "A" landsc.		
Dumpsters and trash collection equip.;	loading docks	see s. 295-405, type "G" landsc.	see s. 295-405, type "G" landsc.
n.a.	see s. 295-405, type "G" landsc.		
Outdoor storage, outdoor salvage,	outdoor operational space	see s. 295-405, type "E" landsc.	
see s. 295-405, type "E" landsc.	n.a.	see s. 295-405, type "F" landsc.	

e-2-c. Bulkheads, elevator enclosures, penthouses, skylights or water tanks occupying in the aggregate less than 25% of the area of the roof on which they are located.

e-2-d. Parapet walls or cornices extending above the height limit not more than 5 feet.

e-2-e. Monuments, television reception antennae, radio reception antennae, flag poles, spires, church roofs, domes, cupolas or belfries for ornamental purposes and not used for human occupancy.

e-2-f. Churches, convents, schools, dormitories, colleges, libraries and museums in zoning districts which limit height to 45 or 60 feet. Such a building or portion thereof may exceed the height limit of the district if the building, or portion of the building in excess of the limit, is setback from side lot lines a distance equal to one-half the height of the building or portion thereof.

e-2-g. Transmission towers which do not exceed 85 feet in height or have received special use approval from the board.

e-2-h. Airports. In any area within the city where the height limitations of the Milwaukee county airport approach height ordinances are applicable, such height limitations shall apply, except where the height limitations of this chapter are more restrictive. Exceptions permitted under s. 200-44 and objects of natural growth shall not exceed the height limitations established by the Milwaukee county general ordinances and by s. 114.136, Wis. Stats.

f. Dumpsters And Waste Storage. A dumpster or common waste storage facility visible from a public street or a non-industrially-zoned district shall be screened with type "G" landscaping, as described in s. 295-405.

g. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or a non-industrial district, the loading docks shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

h. Outdoor Storage. h-1. Screening. The objective of the screening standard is to hide exterior storage areas from the view of properties located outside the industrial district or from public streets. Where an outdoor storage area is visible from a public street or a non-industrial district, the outdoor storage area shall be screened with type "E" or "F" landscaping, as described in s. 295-405.

h-2. Stockpiles. All stockpile heights shall be limited to either the height of the fence enclosure provided or the average height of the landscape plant material, if greater. This limitation may be exceeded by 50% if the stockpile is located on the rear 25% of the site and not within 120 feet of a public street or any zoning district other than an industrial district. In a situation where a building completely screens the stockpile from the street, the 120-foot limitation shall not apply for as long as the building remains in place.

i. Fences. i-1. General. In industrial districts, all types of fences are permitted and may be located anywhere on a lot, including along a property line.

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

i-2-a. A fence may be erected to a height of 6 feet if it is set back at least 5 feet from the street property line and provided with trees and shrubs in accordance with the type "A" landscaping requirement of s. 295-405.

i-2-b. An ornamental metal fence or a combination ornamental metal fence and masonry wall may be constructed on the street property line provided the wall is no higher than 4 feet, the combined height of the wall and fence does not exceed 6 feet and the portion of the fence structure above 4 feet high is at least 50% open. An ornamental metal fence or a combination ornamental metal fence and masonry wall may be constructed to a height not exceeding 8 feet if it is set back at least 5 feet from the street property line and provided with trees and shrubs in accordance with the type "A" landscaping requirement of s. 295-405.

i-3. Fences along Side and Rear Lot Lines. A fence located along a side lot line or a rear lot line shall not exceed a height of 9 feet. A fence within 5 feet of a residential use shall be opaque up to at least 6 feet in height.

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

i-5. Public-Right-of-Way. A fence or retaining wall may extend into the public right-of-way to the extent allowed by a special privilege granted by the common council pursuant to s. 245-12.

i-6. Barbed Wire. Barbed wire may be used for fence purposes provided it is located not less than 6 feet above the grade directly below the fence and is not located within a residential buffer or within 15 feet of a street lot line. If visible from a public street, trees and shrubs shall be provided in accordance with the type "A" landscaping requirement of s. 295-405. Razor wire and concertina wire are prohibited in all circumstances.

i-7. Fences as Part of Required Screening. Notwithstanding any other provisions of this paragraph, a fence may be erected to the height necessary to comply with the screening requirement of s. 295-405.

j. Vision Triangles. A fence or other opaque or semi-opaque object located near the intersection of a street with an alley, access drive or another street shall be in compliance with the applicable vision triangle regulations of s. 295-405-3.

k. Noise. See ss. 80-60 through 80-75 for noise regulations applicable to industrial zoning districts.

L. Lighting. See s. 295-409 for lighting regulations applicable to industrial zoning districts.

5. SIGNS. a. General. The design standards for signs in industrial districts are set forth in table 295-805-5. As described in s. 295-407, signs are divided into 2 categories, type "A" and type "B". General standards for each of these categories are found in s. 295-407.

b. Sign Limitation Based on Lineal Footage. Where table 295-805-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building façade. In each 25-foot segment, the square footage of all wall signs shall not exceed the maximum area specified in the table, except the square footage allocation for 2 adjoining façade segments may be combined to allow a sign larger than the maximum amount specified.

c. Bonus Provision for Monument-style Freestanding Signs. If a monument-type base is provided and the sign does not exceed 8 feet in height, the maximum display area shall be 10 square feet more than the maximum display area specified in table 295-805-5.

d. Temporary Signs. The following temporary signs shall be permitted in all industrial zoning districts:

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

Zoning District	Max. Sign Area
IO1, IO2, IL1, IL2, IM	48 sq. ft.
IH	72 sq. ft.

d-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.

Table 295-805-5 INDUSTRIAL DISTRICT SIGN STANDARDS

Zoning District		IO1/IO2	IL1/IL2	IM	IH					
Freestanding Signs	permitted	permitted	permitted	permitted	permitted					
Maximum number	1 per street frontage	1 per site	1 per site	1 per site	1 per site					
Total type "A" and type "B" display area (sq. ft.)	40	50	40	50	80	100	80	100		
Maximum height	15	15	15	30						
Wall Signs	permitted	permitted	permitted	permitted	permitted					
Total type "A" and type "B" display area per 25 lineal feet (sq. ft.)	30	60	30	60	60	120	60	120		
Type "B" max. display area	per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.		
Projecting Signs	permitted	permitted	permitted	permitted	permitted					
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.		
Total type "A" and type "B" display area (sq. ft.)	25	30	25	30	50	60	50	60		
Type "B" max. display area (sq. ft.)	type "B" not permitted	10	type "B" not permitted	10	type "B" not permitted	10				
Awning Signs	permitted	permitted	permitted	permitted	permitted					
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.		
Total type "A" and type "B" display area (sq. ft.)	20	20	20	20	20	20	20	20		
Type "B" max. display area (sq. ft.)	type "B" not permitted	10	type "B" not permitted	10	type "B" not permitted	10				
Canopy and Hood Signs	permitted	permitted	permitted	permitted	permitted					
Maximum number	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.	1 per 25 lineal ft.		
Total type "A" and type "B" display area (sq. ft.)	25	30	25	30	50	60	50	60		
Type "B" max. display area (sq. ft.)	25	30	25	30						
Roof Signs	type "A" permitted only	permitted	type "A" permitted only	permitted	permitted					
Maximum number	1 per building	1 per building	1 per building	1 per building	1 per building					
Total type "A" and type "B" display area (sq. ft.)	NA	100	NA	100	50	no limit	50	no limit		
Type "B" max. display area (sq. ft.)	NA	100	NA	100						
Off-premise Signs	permitted	permitted	permitted	permitted	permitted					
Maximum number	1 per site	1 per site	1 per site	1 per site	1 per site					
Maximum display area per sign (sq. ft.)	672	672	300	672						
Minimum setback from all property lines	height of the sign									
Minimum distance between signs	500 ft. between any 2 ground or roof signs; 200 ft. between a ground or roof sign and a wall sign; 200 ft. between any 2 wall signs									
Maximum height, freestanding sign (ft.)	35	35	40	40						
Maximum height, wall sign (ft.)	40	40	60	60						
Maximum height, roof sign	25 ft. above roof									

SUBCHAPTER 9
SPECIAL DISTRICTS

295-901. Special District Purposes. Special districts are intended to identify areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. Special districts are base districts designed to protect or regulate the development of unique areas or to provide more flexible zoning districts which encourage good design and site layout. Special districts contain or provide all applicable zoning regulations.

295-903. Parks District (PK). 1. PURPOSE. The parks district is established to accommodate a wide variety of public and quasi-public open spaces and facilities providing recreational and cultural opportunities and supporting services for surrounding neighborhoods. The parks district will be shown on the zoning map with a "PK" designator.

2. USES. a. Use Table. Table 295-903-2-a indicates the use classifications for various land uses in the parks district. The uses in this table are defined in s. 295-201. The following are the use classifications indicated in Table 295-903-2-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

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

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

a-4. "N" indicates a prohibited use.

Table 295-903-2-a PARKS DISTRICT USE TABLE

Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use Zoning District

Uses PK

RESIDENTIAL USES

Single-family dwelling		N	
Two-family dwelling		N	
Multi-family dwelling		N	
Attached single-family dwelling		N	
Live-work unit		N	
Mobile home		N	
Watchman/service quarters		N	
Family day care home		N	
Group Residential			
Rooming house		N	
Convent, rectory or monastery		N	
Dormitory		N	
Fraternity or sorority		N	
Adult family home		N	
Foster Homes			
Foster family home		N	
Small foster home		N	
Group home or group foster home			N
Shelter Care Facilities			
Family shelter care facility		N	
Small group shelter care facility			N
Large group shelter care facility			N
Community living arrangement		N	

EDUCATIONAL USES

Day care center		L	
School, elementary or secondary			Y
College			Y
School, specialty or personal instruction		S	

COMMUNITY-SERVING USES

Library			Y
Cultural institution		L	
Community center		L	
Religious assembly		L	
Cemetery or other place of interment			N
Public safety facility			Y
Correctional facility		N	

COMMERCIAL AND OFFICE USES

General office		N	
Government office			Y
Bank or other financial institution			N
Currency exchange, payday loan agency or title loan agency			N
Retail establishment, general		L	
Garden supply or landscaping center			N
Home improvement center			N

Secondhand store	N		
Outdoor merchandise sales	N		
Artist studio	N		
Adult retail establishment	N		
HEALTH CARE AND SOCIAL ASSISTANCE			
Medical office	N		
Health clinic	N		
Hospital	N		
Medical research laboratory	N		
Medical service facility	N		
Social service facility	N		
Emergency residential shelter	N		
Nursing home	N		
GENERAL SERVICE USES			
Personal service	N		
Business service	N		
Building maintenance service	N		
Catering service	N		
Funeral home	N		
Laundromat	N		
Dry cleaning establishment	N		
Furniture and appliance rental and leasing		N	
Household maintenance and repair service		N	
Tool/equipment rental facility	N		
Animal Services			
Animal hospital/clinic	N		
Animal boarding facility	N		
Animal grooming or training facility		N	
MOTOR VEHICLE USES			
Light Motor Vehicle			
Sales facility	N		
Rental facility	N		
Repair facility	N		
Body shop	N		
Outdoor storage	N		
Limited wholesale facility		N	
Heavy Motor Vehicle			
Sales facility	N		
Rental facility	N		
Repair facility	N		
Body shop	N		
Outdoor storage	N		
General Motor Vehicle			
Filling station	N		
Car wash	N		
Drive-through facility	N		
Parking			
Parking lot, principal use	S		
Parking lot, accessory use	Y		
Parking structure, principal use		S	
Parking structure, accessory use		S	
Heavy motor vehicle parking lot, principal use		N	
Heavy motor vehicle parking lot, accessory use			N
ACCOMODATION AND FOOD SERVICE USES			
Bed and breakfast	N		
Hotel, commercial	N		
Hotel, residential	N		

Tavern N
Assembly hall L
Restaurant, sit-down L
Restaurant, fast-food/carry-out L
ENTERTAINMENT AND RECREATION USES
Park or playground Y
Festival grounds N
Recreation facility, indoor Y
Recreation facility, outdoor Y
Health club N
Sports facility S
Gaming facility N
Theater L
Convention and exposition center S
Marina L
Outdoor racing facility N
Adult entertainment establishment N
STORAGE, RECYCLING AND WHOLESALE TRADE USES
Recycling collection facility N
Mixed-waste processing facility N
Material reclamation facility N
Salvage operation, indoor N
Salvage operation, outdoor N
Wholesale and distribution facility, indoor N
Wholesale and distribution facility, outdoor N
Storage Facilities
Indoor N
Outdoor N
Hazardous materials N
TRANSPORTATION USES
Ambulance service N
Ground transportation service N
Passenger terminal L
Helicopter landing facility N
Airport N
Ship terminal or docking facility N
Truck freight terminal N
Railroad switching, classification yard or freight terminal N
INDUSTRIAL USES
Manufacturing, light N
Manufacturing, heavy N
Manufacturing, intense N
Research and development N
Processing or recycling of mined materials N
Contractor's shop N
Contractor's yard N
AGRICULTURAL USES
Plant nursery or greenhouse L
Raising of crops or livestock Y
UTILITY AND PUBLIC SERVICE USES
Broadcasting or recording studio N
Transmission tower L
Water treatment plant Y
Sewerage treatment plant N
Power generation plant N
Substation/distribution equipment, indoor S
Substation/distribution equipment, outdoor L

TEMPORARY USES

Seasonal market L
Temporary real estate sales office N
Concrete/batch plant, temporary L
Live entertainment special event L

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing an elementary or secondary school, college, library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-2. Cultural Institution, Community Center, Religious Assembly, Assembly Hall, Theater, Passenger Terminal, Plant Nursery or Greenhouse. The facility shall be owned and operated by a governmental agency or entity.

b-3. General Retail Establishment or Fast-Food/Carry-Out Restaurant. b-3-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-3-b. The establishment shall be located in a structure owned by a governmental entity.

b-3-c. The establishment shall be ancillary to park and recreational uses.

b-3-d. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

b-4. Sit-down Restaurant. b-4-a. The gross floor area of the establishment shall not exceed 1,000 square feet.

b-4-b. The establishment shall be located in a structure owned by a governmental entity.

b-4-c. The establishment shall be ancillary to park and recreational uses.

b-5. Marina. Indoor sales or storage shall not be permitted.

b-6. Transmission Tower. b-6-a. The tower shall comply with the applicable provisions of s. 295-413.

b-6-b. The tower shall not exceed 60 feet in height.

b-7. Substation/Distribution Equipment, Outdoor. b-7-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-7-b. No structures associated with the use shall be located within 25 feet of a property line.

b-8. Seasonal Market. b-8-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-8-b. If flowers, plants, Wisconsin-grown farm products or Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-8-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-8-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

b-8-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

b-8-f. The site shall be restored to its previous condition following termination of the market operation.

b-9. Temporary Concrete/Batch Plant. b-9-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

b-9-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department.

b-9-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

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

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

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

b-10. Live Entertainment Special Event. b-10-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-10-b. If the event will last 4 days or longer, the person, firm or organization coordinating the event shall obtain a festival permit in accordance with s. 262-103.

b-10-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

b-10-d. The duration of the event shall be limited to 15 days.

b-10-e. A particular property may be used as the site of a live entertainment event not more than once every 3 months, regardless of the event sponsor.

b-10-f. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-10-g. When the event has been concluded, the site shall be left clean and restored to its previous condition or improved condition, as appropriate.

3. DESIGN STANDARDS. a. Purpose. The objective of the design standards of this subsection is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this section include setbacks, screening/buffering and noise limitations.

b. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

c. Accessory Building Standards. All accessory buildings shall have setbacks of at least 25 feet from all property lines.

d. Site Standards. d-1. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

d-2. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type "G" landscaping, as described in s. 295-405.

d-3. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

d-4. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

d-5. Signs. d-5-a. Standards. Table 295-903-3-d-5 contains the regulations for on-premise and off-premise signs in the parks district. General regulations applicable to all signs can be found in s. 295-407.

d-5-b. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the parks district provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the parks district provided it does not exceed 6 square feet.

Table 295-903-3-d-5 PARKS DISTRICT SIGN STANDARDS
PK

Freestanding Signs (permitted)

Maximum number 1 per street frontage
Total type "A" and type "B" display area permitted (sq. ft.) 30
Type "B" max. display area (sq. ft.) 15; 22.5 if set on or in a base constructed of masonry materials
Maximum height[99]

Wall Signs (permitted)

Maximum number 1 per principal building
Total type "A" and type "B" display area permitted (sq. ft.) 60
Type "B" max. display area (sq. ft.) 30

Projecting Signs (permitted)

Maximum number 1 per principal building
Total type "A" and type "B" display area permitted (sq. ft.) 50
Type "B" max. display area (sq. ft.) 25

Awning Signs (permitted)

Maximum number 1 per principal building
Total type "A" and type "B" display area permitted (sq. ft.) 10
Type "B" max. display area (sq. ft.) [99]

Canopy and Hood Signs (permitted)

Maximum number 1 per principal building
Total type "A" and type "B" display area permitted (sq. ft.) 50
Type "B" max. display area (sq. ft.) 25

Roof Signs (not permitted)

Off-premise Signs (not permitted)

295-905. Institutional District (TL). 1. PURPOSE. The institutional district is established to accommodate largely institutional and institutional/residential uses, along with supporting uses, that occupy multiple buildings, often in a campus-like setting. The institutional district shall be shown on the zoning map with a "TL" designator.

2. USES. a. Use Table. Table 295-905-2-a indicates the use classifications for various land uses in the institutional district. The uses in this table are defined in s. 295-205. The following are the use classifications indicated in Table 295-905-2-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

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

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

a-4. "N" indicates a prohibited use.

Table 295-905-2-a INSTITUTIONAL DISTRICT USE TABLE
 Y = Permitted Use L = Limited Use S = Special Use N = Prohibited Use Zoning District
 Uses TL

RESIDENTIAL USES

Single-family dwelling	N	
Two-family dwelling	N	
Multi-family dwelling	N	
Attached single-family dwelling	N	
Live-work unit	N	
Mobile home	N	
Watchman/service quarters	Y	
Family day care home	N	
Group Residential		
Rooming house	S	
Convent, rectory or monastery	Y	
Dormitory	Y	
Fraternity or sorority	S	
Adult family home	N	
Foster Homes		
Foster family home	N	
Small foster home	N	
Group home or group foster home	N	
Shelter Care Facilities		
Family shelter care facility	N	
Small shelter care facility	N	
Large shelter care facility	N	
Community living arrangement	N	

EDUCATIONAL USES

Day care center	L	
School, elementary or secondary	Y	
College	Y	
School, specialty or personal instruction	Y	

COMMUNITY-SERVING USES

Library	Y	
Cultural institution	Y	
Community center	S	
Religious assembly	Y	
Cemetery or other place of interment	Y	
Public safety facility	Y	
Correctional facility	S	

COMMERCIAL AND OFFICE USES

General office	Y	
Government office	Y	
Bank or other financial institution	L	
Currency exchange, payday loan agency or title loan agency	S	
Retail establishment, general	L	
Garden supply or landscaping center	N	

Home improvement center	N	
Secondhand store	N	
Outdoor merchandise sales	N	
Artist studio	Y	
Adult retail establishment	N	
HEALTH CARE AND SOCIAL ASSISTANCE		
Medical office	Y	
Health clinic	S	
Hospital	S	
Medical research laboratory	Y	
Medical service facility	S	
Social service facility	S	
Emergency residential shelter	S	
Nursing home	Y	
GENERAL SERVICE USES		
Personal service	L	
Business service	L	
Building maintenance service	S	
Catering service	S	
Funeral home	Y	
Laundromat	S	
Dry cleaning establishment	S	
Furniture and appliance rental and leasing		N
Household maintenance and repair service		N
Tool/equipment rental facility	N	
Animal Services		
Animal hospital/clinic	N	
Animal boarding facility	N	
Animal grooming or training facility		N
MOTOR VEHICLE USES		
Light Motor Vehicle		
Sales facility	N	
Rental facility	N	
Repair facility	N	
Body shop	N	
Outdoor storage	N	
Limited wholesale facility	N	
Heavy Motor Vehicle		
Sales facility	N	
Rental facility	N	
Repair facility	N	
Body shop	N	
Outdoor storage	N	
General Motor Vehicle		
Filling station	N	
Car wash	N	
Drive-through facility	L	
Parking		
Parking lot, principal use	S	
Parking lot, accessory use	Y	
Parking structure, principal use		Y
Parking structure, accessory use		Y
Heavy motor vehicle parking lot, principal use	N	
Heavy motor vehicle parking lot, accessory use		N
ACCOMODATION AND FOOD SERVICE USES		
Bed and breakfast	S	
Hotel, commercial	N	

Hotel, residential	N	
Tavern	N	
Assembly hall	S	
Restaurant, sit-down	Y	
Restaurant, fast-food/carry-out	L	
ENTERTAINMENT AND RECREATION USES		
Park or playground	Y	
Festival grounds	Y	
Recreation facility, indoor	S	
Recreation facility, outdoor	S	
Health club	Y	
Sports facility	S	
Gaming facility	N	
Theater	N	
Convention and exposition center	S	
Marina	Y	
Outdoor racing facility	N	
Adult entertainment establishment	N	
STORAGE, RECYCLING AND WHOLESALE TRADE USES		
Recycling collection facility	S	
Mixed-waste processing facility	N	
Material reclamation facility	N	
Salvage operation, indoor	N	
Salvage operation, outdoor	N	
Wholesale and distribution facility, indoor	N	
Wholesale and distribution facility, outdoor	N	
Storage Facilities		
Indoor	N	
Outdoor	N	
Hazardous materials	N	
TRANSPORTATION USES		
Ambulance service	Y	
Ground transportation service	N	
Passenger terminal	Y	
Helicopter landing facility	S	
Airport	N	
Ship terminal or docking facility	N	
Truck freight terminal	N	
Railroad switching, classification yard or freight terminal	N	
INDUSTRIAL USES		
Manufacturing, light	N	
Manufacturing, heavy	N	
Manufacturing, intense	N	
Research and development	S	
Processing or recycling of mined materials	N	
Contractor's shop	N	
Contractor's yard	N	
AGRICULTURAL USES		
Plant nursery or greenhouse	N	
Raising of crops or livestock	N	
UTILITY AND PUBLIC SERVICE USES		
Broadcasting or recording studio	Y	
Transmission tower	L	
Water treatment plant	Y	
Sewerage treatment plant	Y	
Power generation plant	S	
Substation/distribution equipment, indoor	Y	

Substation/distribution equipment, outdoor L

TEMPORARY USES

Seasonal market L

Temporary real estate sales office L

Concrete/batch plant, temporary L

Live entertainment special event L

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing an elementary or secondary school, college, library, cultural institution or religious assembly as a principal use.

b-1-b. The use shall not operate between the hours of 12 a.m. and 5 a.m.

b-2. Bank or Other Financial Institution; Retail Establishment, General; Personal Service; Business Service. The use shall be located in a building containing at least one other principal use classified as a permitted use in this district.

b-3. Drive-Through Facility. b-3-a. A queuing lane of at least 200 feet shall be provided on the premises.

b-3-b. The drive-through shall not be operated between the hours of 10 p.m. and 7 a.m. This limitation shall not apply to an automatic teller machine.

b-3-c. The facility shall not be located within 150 feet of a residential use.

b-3-d. Any lights associated with the facility shall be controlled so as to prevent glare or spill light on residential properties, as prohibited by ch. 80.

b-3-e. If the facility is visible from a public street or a residential district, an opaque screen shall be provided along the visible portion of the drive-through queuing and operating lane.

b-4. Restaurant, Fast-Food/Carry-Out. b-4-a. The use shall be located in a building containing at least one other principal use classified as a permitted use in this district.

b-4-b. The use shall not operate between the hours of 12 a.m. and 5 a.m. if it is located within 150 feet of a residential district.

b-5. Transmission Tower. b-5-a. The tower shall comply with the applicable provisions of s. 295-413.

b-5-b. The tower shall not exceed the district height limit or the tower shall be accessory to an elementary or secondary school, not exceed 2 times the district height limit or 150 feet, whichever is less, and be set back from all property lines a distance at least equal to the height of the tower. Any other tower which does not exceed 2 times the district height limit or 150 feet, whichever is less, may be allowed as a special use.

b-6. Utility Substation/Distribution Equipment, Outdoor. b-6-a. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-6-b. No structure associated with the use shall be located within 25 feet of a street lot line.

b-7. Seasonal Market. b-7-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-7-b. If flowers, plants, Wisconsin-grown farm products or Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-7-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-7-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

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

b-7-f. The site shall be restored to its previous condition following termination of the market operation.

b-8. Temporary Real Estate Sales Office. b-8-a. The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out.

b-8-b. Signage shall comply with the requirements of s. 295-407 and the signage regulations of subch. 5.

b-8-c. Customer-accessible restrooms shall be provided.

b-8-d. A specific certificate of occupancy shall not be required for a temporary real estate sales office meeting these requirements.

b-9. Temporary Concrete/Batch Plant. b-9-a. The plant shall be located on the property it serves or adjacent to the roadway if it is serving a roadway project. Construction projects at other locations shall not be served by the facility.

b-9-b. The plant shall be located on property owned or leased by the operator of the plant. Alternatively, the plant operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a concrete/batch plant. If the operation utilizes the public right-of-way, the operator shall obtain appropriate permissions and permits from the commissioner of public works. No other occupancy permit shall be required by the department.

b-9-c. No dust from the operation shall blow onto adjacent properties or public right-of-way. The operator shall also provide for the daily removal of material tracked onto the public roadway by equipment coming to or going from the facility.

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

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

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

b-10. Live Entertainment Special Event. b-10-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-10-b. If the event will last 4 days or longer, the person, firm or organization coordinating the event shall obtain a festival permit in accordance with s. 262-103.

b-10-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

b-10-d. The duration of the event shall be limited to 15 days.

b-10-e. A particular property may be used as the site of a live entertainment event not more than once every 3 months, regardless of the event sponsor.

b-10-f. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-10-g. When the event has been concluded, the site shall be left clean and restored to its previous condition or improved condition, as appropriate.

3. DESIGN STANDARDS. a. Purposes. The purposes of the design standards of this section are to:

a-1. Maintain Compatibility with Neighborhood Context. One objective of these design standards is to ensure that buildings in institutional districts fit within the context in which they are built. Lot sizes, lot coverages, height and other design parameters vary by district to ensure that the requirements of this section closely match the existing built environment.

a-2. Allow Flexibility in Development. Flexibility in meeting design standards is achieved by providing ranges, exceptions and alternatives which are consistent with the spirit and intent of this chapter. These ranges, exceptions and alternatives allow various site-specific and project-specific issues to be addressed while still taking into account the intention of the zoning district.

a-3. Consistency with the Principles of Urban Design. These design standards strive to promote development that is consistent with the "Principles of Urban Design" adopted by the city plan commission as part of the city's comprehensive plan and maintained on file in the office of the commission and in the legislative reference bureau. Development and alteration of institutional facilities should not only be compatible with the character of the neighborhood, but also create pedestrian-friendly environments, allow a certain degree of land use diversity within the zoning district, and promote environments which support transportation diversity consistent with neighborhood context.

b. Principal Building Standards. b-1. General. Table 295-905-3-b contains the design requirements for principal buildings in the institutional district.

b-2. Height Limitation When Adjacent to Residential District. The maximum height of an institutional building at the minimum required setback located adjacent to or across a street or alley from a residential or a non-industrial planned development district shall be the average height of residential buildings on the adjacent blockface. The height of the institutional building may be increased by one foot for every 2 feet the building is set back from the required setback line.

Table 295-905-3-b PRINCIPAL BUILDING DESIGN STANDARDS

Type of use: Refer to design standards in residential or commercial subch. for this district:

Institutional	RM6 (s. 295-505-2)
Commercial or other non-industrial	LB2 (s. 295-605-2)
Residential	RM6 (s. 295-505-2)

c. Accessory Structure Standards. Accessory structures in the institutional district shall comply with the design standards of s. 295-505-3.

d. Site Standards. d-1. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

d-2. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type "G" landscaping, as described in s. 295-405.

d-3. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

d-4. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

d-5. Signs. d-5-a. General. Table 295-905-3-d-5 contains the regulations for on-premise and off-premise signs in the institutional district. General regulations applicable to all signs can be found in s. 295-407.

Table 295-905-3-d-5 INSTITUTIONAL DISTRICT SIGN STANDARDS

TL

Freestanding Signs (permitted)

- Maximum number 1 per street frontage per building
- Total type "A" and type "B" display area permitted (sq. ft.) 80
- Type "B" max. display area (sq. ft.) 40; 60 if set on or in a base constructed of masonry materials
- Maximum height (ft.) 14

Wall Signs (permitted)

- Total type "A" and type "B" display area permitted per 25 lineal feet (sq. ft.) 60
- Type "B" max. display area per 25 lineal feet (sq. ft.) 30

Projecting Signs (permitted)

- Maximum number 1 per 25 lineal ft.
- Total type "A" and type "B" display area permitted (sq. ft.) 50
- Type "B" max. display area (sq. ft.) 25

Awning Signs (permitted)

- Maximum number 1 per 25 lineal ft.
- Total type "A" and type "B" display area permitted (sq. ft.) 50
- Type "B" max. display area (sq. ft.) 25

Canopy and Hood Signs (permitted)

- Maximum number 1 per 25 lineal ft.
- Total type "A" and type "B" display area permitted (sq. ft.) 50
- Type "B" max. display area (sq. ft.) 25

Roof Signs (type "A" permitted only)

- Maximum number 1 per building
- Total type "A" and type "B" display area permitted (sq. ft.) 100
- Type "B" max. display area (sq. ft.) NA

Off-premise Signs (not permitted)

d-5-b. Sign Limitation Based on Lineal Footage. Where table 295-905-3-d-5 links the maximum number or area of signs to lineal footage, the lineal footage referred to is the length of the building façade. In each 25-foot segment, the square footage of all wall signs shall not exceed the maximum area specified in the table, except the square footage allocation for 2 adjoining façade segments may be combined to allow a sign larger than the maximum amount specified.

d-5-c. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the institutional district provided it does not exceed 48 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the institutional district provided it does not exceed 36 square feet.

295-907. Planned Development District (GPD/DPD). 1. PURPOSES. The planned development district is intended to:

- a. Allow flexibility in land development.
- b. Promote creativity, variety and environmental sensitivity.
- c. Encourage development compatible with its surroundings and consistent with the city's comprehensive plan.

2. PROCEDURES. a. General. A planned development district may be established through either a one-phase or a 2-phase process. If actual development of the project is to proceed in stages over an extended period of time, the applicant shall first submit a general plan covering the entire tract. Separate detailed plans shall then be submitted for each stage of development and shall follow the development concept established by the general plan. If development of the project is not to be done in stages, a general plan is optional and a single detailed plan may be submitted in lieu thereof.

b. Application Requirements; General Plan. The following items shall be submitted to the city plan commission as part of an application for approval of a general planned development:

b-1. A "General Plan Project Description and Owners Statement of Intent" containing a written description of the overall development concept and a statement as to how the plan provides for or complies with each of the district standards enumerated under sub. 3 where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract

where applicable:

b-1-a. Gross land area.

b-1-b. Maximum amount of land covered by principal buildings.

b-1-c. Maximum amount of land devoted to parking, drives and parking structures.

b-1-d. Minimum amount of land devoted to landscaped open space.

b-1-e. Maximum proposed dwelling unit density, if residential, and/or total square footage devoted to non-residential uses.

b-1-f. Proposed number of buildings.

b-1-g. Maximum number of dwelling units per building.

b-1-h. Bedrooms per unit.

b-1-i. Parking spaces provided, whether surface or in structures, and ratio per unit if residential, or per thousand square feet of building area if non-residential.

b-2. A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access and significant community facilities in the surrounding area.

b-3. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed general plan tract. Existing conditions, including wetlands, areas of severe topographic changes, buildings, trees and shrub groupings, with an indication of whether they are to be retained, removed or altered, shall also be shown.

b-4. A site plan showing the general location of proposed structures and a description of their intended use and approximate height, open spaces, setback dimensions and buffers adjacent to the boundaries of the tract and from existing or proposed public rights-of-way, pedestrian and vehicular circulation systems, parking areas, loading facilities and the location, type and size of all proposed signs.

b-5. A general narrative description of sign standards, including number, type and size of signs.

b-6. General landscaping standards for all buffers and parking lots.

b-7. Pictures of the site and surrounding context. These pictures may be submitted as photographs, scanned images or in a digital format, but shall not exceed 8.5 inches by 11 inches.

b-8. Thirteen sets of collated plans, 11 inches by 17 inches in size, along with written narrative. These items shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.

b-9. Two oversize sets of plans, at least 24 inches by 36 inches, shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.

c. Application Requirements; Detailed Plan. The following items shall be submitted to the city plan commission as part of an application for approval of a detailed plan development:

c-1. A "Detailed Plan Project Description and Owners Statement of Intent" containing a written description of the overall development and a statement as to how the plan provides for or complies with each of the district standards enumerated under sub. 3 where applicable. This statement shall also make reference to the plans or exhibits included in the plan and include a statistical sheet indicating the following in square feet, acres and percentage of the total tract where applicable:

c-1-a. Gross land area.

- c-1-b. Land covered by principal buildings.
- c-1-c. Land devoted to parking, drives and parking structures.
- c-1-d. Land devoted to landscaped open space.
- c-1-e. Proposed dwelling unit density, if residential, and/or total square footage devoted to non-residential uses.
- c-1-f. Proposed number of buildings.
- c-1-g. Dwelling units per building.
- c-1-h. Bedrooms per unit.
- c-1-i. Parking spaces provided, whether surface or in structures, and ratio per unit if residential, or per thousand square feet of building area if non-residential.
- c-2. A vicinity map showing the boundaries of the tract included in the general plan, the territory within 1,000 feet of the tract, its proposed access, and significant community facilities in the surrounding area.
- c-3. A plat of survey showing the exterior boundaries, including a legal description of the area of the proposed detailed plan tract. Existing conditions, including buildings, trees of 5 inches in diameter at 4 feet in height, shrub groupings, wetlands and other site features are also to be shown with an indication of whether they are to be retained, removed or altered.
- c-4. A site plan showing the location of proposed structures and a description of their intended use and height, all open spaces, setback dimensions, buffers, pedestrian and vehicular circulation systems, parking lots, structures and garages, with the number of spaces in each, loading facilities, refuse collection facilities and all exterior lighting facilities.
- c-5. A site grading plan indicating existing and proposed topography at 2-foot contour intervals and showing how positive runoff of surface waters will be achieved and the means by which ultimate disposal of the development's surface waters will be accomplished in conformance with ch. 120.
- c-6. A utility plan showing the proposed location of storm and sanitary sewers, water mains and laterals, parking and roadway storm inlets and elevations.
- c-7. A landscape plan showing the location, number, size and type of all landscape and screening elements. Plant material shall be of a quality consistent with the standards of the American Association of Nurserymen (ANSI 260.1). All planted material shall be maintained on a continuous basis, including tree and plant replacement.
- c-8. Elevations of each side of the exterior of any new building or structure being proposed, including materials, colors and window specifications. If the project is a rehabilitation of or an addition to an existing building, both existing and proposed elevations shall be provided if any exterior modification is proposed.
- c-9. Plans showing the location, size and type of any existing and proposed signs. Detailed information about all proposed freestanding and wall signs, including the materials, proposed message and exact dimensions of each sign face, shall be provided.
- c-10. Pictures of the site and surrounding context. These pictures may be submitted as photographs, printed scanned images or in a digital format, but shall not exceed 8.5 inches by 11 inches.
- c-11. Thirteen sets of collated plans, 11 inches by 17 inches in size, along with written narrative. These items shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.
- c-12. Two oversize sets of plans, at least 24 inches by 36 inches, shall be submitted to the department at least 2 weeks and one day prior to the scheduled city plan commission meeting.

d. Creation. Creation of a planned development district shall be by amendment to the zoning map, pursuant to s. 295-307.

e. Plan Commission Review. The commission shall hold a public hearing and review the ordinance to create a planned development within 30 days of receipt of the application, its introduction to the common council and the submission of all required documents, plans and maps unless an extension is requested by the applicant. The commission shall base its recommendation upon:

e-1. Consistency with the comprehensive plan.

e-2. Consistency with the purposes of this chapter.

e-3. Conformance with the standards set forth in sub. 3.

e-4. Findings and recommendations of the commissioners of city development and public works.

e-5 All verbal and written comments received by the commission.

f. Plan Commission Report. After making a decision to recommend approval or denial, the commission shall forward a report of its decision to the common council.

g. Council Action. If the common council passes the ordinance to create the planned development district, the standards and provisions of the plan shall constitute the zoning regulations for that planned development district. The official zoning map of the city shall be amended to show the district zoned general planned development or detailed planned development, as appropriate. The common council shall act on the application within 90 days of receiving the report from the commission unless the applicant agrees to a time extension. Failure of the common council to act within the 90-day period or the agreed-upon extended time shall constitute denial of the application.

h. Zoning Map Designators. Each general planned development district shall be shown on the zoning map with a "GPD" designator and an appropriate number. Each detailed planned development district shall be shown on the zoning map with a "DPD" designator and an appropriate number.

i. Minor Modifications. The common council may by resolution approve modifications to approved detailed plans which are consistent with the spirit and intent of the general planned development (GPD) or a previously approved detailed planned development (DPD) provided the common council finds that the modification will not:

i-1. Change the general character of the planned development.

i-2. Cause a substantial relocation of principal or accessory structures.

i-3. Cause a substantial relocation or reduction of parking, loading or recreation areas.

i-4. Cause a substantial relocation of traffic facilities.

i-5. Increase the land coverage of buildings and parking areas.

i-6. Increase the gross floor area of buildings or the number of dwelling units.

i-7. Reduce the amount of approved open space, landscaping or screening.

j. Limitation on Permit Issuance. Within any planned development district, no building permits may be issued and no site work may be commenced until a detailed plan has been approved by the common council and a copy of the ordinance has been certified by the city clerk. Existing buildings located in a general planned development may receive building permits if the permits are for building modifications which do not include the addition of more usable floor area or the establishment of uses not permitted by the plan. Exterior site improvements in an approved general plan may receive building permits if the improvements have been shown in detail on the approved general plan and the "Project Description and Owner's Statement of Intent" indicates that early building permits would be sought for such improvements.

3. STANDARDS. Every planned development shall meet the following standards:

- a. Uses. All permitted uses and related operating standards or restrictions shall be specified in the detailed plan.
- b. Design Standards. Conceptual design elements and standards shall be provided in the general plan. Specific design elements and standards shall be specified in the detailed plan.
- c. Density. Residential densities shall be consistent with those prescribed in the comprehensive plan.
- d. Space Between Structures. Spaces between structures shall not be less than required by the building code.
- e. Setbacks. A planned development exceeding 5 acres in size shall provide a setback of at least 25 feet around the perimeter of the site, unless a smaller setback is approved by the common council because adjacent buildings have setbacks that are less than 25 feet. Setback areas shall be landscaped and used only for recreation, direct access to the development, utility rights-of-way, sidewalks, ponds, water detention basins and drainage channels.
- f. Screening. Residential uses shall be screened from existing or proposed business or industrial uses on or adjacent to the site. Screening shall consist of decorative walls, fences, berms, hedges, shrubs, trees or combinations thereof appropriate to the surrounding neighborhood.
- g. Open Spaces. All open spaces designated on a planned development plan shall be landscaped and maintained so as not to create a nuisance or hazardous conditions. The location and development of recreation facilities shall be coordinated with the overall development of the project.
- h. Circulation, Parking and Loading. Traffic circulation facilities shall be planned and installed consistent with the comprehensive plan. Adequate access for pedestrians and public and private vehicles shall be provided. Parking and loading facilities shall be located near the uses they support and shall be adequately screened and landscaped in a manner which meets or exceeds the requirements of this chapter. Private streets shall be constructed to comparable public street standards.
- i. Landscaping. All required vegetation shall be of a quality consistent with the standards of the American association of nurserymen (ANSI 260.1). All required vegetation shall be maintained on an ongoing basis, including seasonal tree and plant replacement.
- j. Lighting. See s. 295-409 for lighting regulations applicable to planned development districts.
- k. Utilities. All utility lines shall be installed underground. Transformers and substations shall be installed within buildings or otherwise screened from view. This requirement may be waived by the common council upon finding that utilities on adjacent properties are located above-ground.
- L. Signs. The following signs are permitted in planned development districts:
 - L-1. One project identification sign located at or near each entrance to the tract or premises. Such a sign may be freestanding or attached to a structure, and shall not exceed 32 square feet.
 - L-2. Signs not exceeding 18 square feet each that identify nonresidential tenants or individual buildings.
 - L-3. Signs specified in a master sign program and approved as part of the planned development.
 - L-4. Either of the following types of temporary signs:
 - L-4-a. A sign pertaining to the construction of a building or the sale or lease of vacant land, provided it does not exceed 48 square feet.
 - L-4-b. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate, provided it does not exceed 36 square feet.

L-5. Signs listed in s. 295-407-4.

m. Sign Illumination. Signs allowed under par. L may be illuminated. If illuminated, the source of illumination shall not be visible or intermittent.

SUBCHAPTER 10

OVERLAY ZONES

295-1001. Overlay Zone Purposes. Overlay zones are intended to identify areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. Overlay zone designations are intended to protect these areas from incompatible development or to establish development standards which will insure that new developments will not adversely affect surrounding areas. Overlay zones may add new standards over and above those of any base or underlying zoning district except a planned development district. They may also alter the standards of any base zoning district except a planned development district.

295-1003. Neighborhood Conservation Overlay Zone (NC). 1. PURPOSE. The neighborhood conservation overlay zone is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. A neighborhood conservation overlay zone takes effect through adoption of a neighborhood conservation plan and a set of guidelines that will facilitate maintenance and protection of the neighborhood character and the development of vacant or underused lots. Incompatible mixes of uses will be reduced or prohibited by adding limitations to the list of permitted, limited and special uses of the base district.

2. PROCEDURES. a. Preparation of a Neighborhood Conservation Plan. Prior to the city plan commission's consideration of a proposed neighborhood conservation overlay zone, a neighborhood conservation plan shall be completed by neighborhood property owners, the commissioner or both neighborhood property owners and the commissioner, and shall include the following:

a-1. A statement of purpose and an explanation of how the criteria of par. b are met.

a-2. An ordinance and map indicating the boundaries of all lots in the proposed neighborhood conservation overlay zone and the base zoning districts contained within the proposed overlay zone.

a-3. A neighborhood conservation plan consisting of a map and such other textual and graphic material as may be necessary to indicate land uses, building types and features, site development requirements, signing, circulation, off-street parking and modifications to base district standards.

b. Plan Criteria. The neighborhood conservation plan shall demonstrate that the neighborhood conservation overlay zone meets one or more of the following criteria:

b-1. Distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material.

b-2. Distinctive features or articles associated with the streetscape, such as light fixtures and devices, signs, benches, curb markers, kiosks and bollards.

b-3. Distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creekbeds, parks and gardens.

b-4. Distinctive land uses or land use patterns, such as mixed or unique uses or activities, not permitted by base district without modification.

c. Creation. Creation of a neighborhood conservation overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and shall include common council approval of a neighborhood conservation plan at the same time the map amendment is adopted. The plan shall establish standards and conditions for development consistent with the purposes of the plan and may include changes in land use controls and development standards.

d. Zoning Map Designator. Each neighborhood conservation overlay zone shall be shown on the zoning map by an "NC"

designator and an appropriate number.

e. **Limitation on Permit Issuance.** No building or grading permit for a project within a neighborhood conservation overlay zone shall be issued by the commissioner unless the use, alteration or construction meets the standards set forth in, or prepared pursuant to, sub. 3.

3. **STANDARDS.** a. **Size.** Each neighborhood conservation overlay zone shall include a minimum contiguous area of 2 acres, including intervening streets and alleys, and shall contain at least 3 separate parcels.

b. **Uses.** Provisions for specific uses included in any base zoning district except a planned development district may be modified by the neighborhood conservation plan to accommodate unique or mixed uses serving the neighborhood or to restrict uses which adversely affect the neighborhood.

c. **Performance Criteria.** Performance criteria for permitted, limited or special uses may be modified by the neighborhood conservation plan.

d. **Development and Design Standards.** Development and design standards may be created to enhance the neighborhood's identity and character.

295-1005. **Interim Study Overlay Zone (IS).** 1. **PURPOSE.** The interim study overlay zone is intended to allow discretionary review of development proposals in areas where changes in zoning provisions are contemplated or under study. This zone will allow new developments to proceed through a review process that will insure that the development is compatible with the city's comprehensive plan rather than establishing a moratorium during a time when new or modified zoning provisions are being put into place.

2. **PROCEDURES.** a. **Creation.** Creation of an interim study overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and may occur only in a location for which an area-specific comprehensive plan element has been adopted by the city plan commission.

b. **Study Plan.** Prior to approving the establishment of an interim study overlay zone, the city plan commission and the common council shall approve, by resolution, a study plan that identifies regulatory problems and states land use and development issues to be resolved for the area proposed for reclassification.

c. **Zoning Map Designator.** Each interim study overlay zone shall be shown on the zoning map with an "IS" designator and an appropriate number.

d. **Special Use Permit Required.** Upon the establishment of an interim study overlay zone, all uses listed in the existing or proposed district as permitted, limited or special uses shall be special uses for which approval of special use permits by the board of zoning appeals is required. In addition to the findings required for special uses, the board shall find that a proposed use will not conflict with or exacerbate the land use and development issues identified by the study plan approved for the area at the time the interim study overlay zone was created.

e. **Time Limits.** An ordinance establishing an interim study overlay zone shall contain a provision terminating the interim study overlay zone designation at a specified time, but not more than 2 years from its effective date. An ordinance establishing an interim study overlay zone may be amended, reenacted, or superseded by a zoning map amendment adopted as prescribed by s. 295-307.

f. **Resubmittal of Development Proposals.** Notwithstanding the provisions of s. 295-307, a special use permit application that has been denied, or approved subject to conditions unacceptable to the applicant, may be resubmitted on or after the effective date of a zoning map amendment superseding an interim study overlay zone designation.

295-1007. **Development Incentive Overlay Zone (DIZ)** 1. **PURPOSES.** The specific purposes of the development incentive overlay zone are to:

a. Provide opportunities to create new development projects which are more compatible with existing development on adjacent sites.

- b. Create a pedestrian-friendly environment in both design and scale.
- c. Encourage creativity, variety and excellence in project design and layout.
- d. Utilize a development review and approval process that meets these purposes without causing undue delays.

2. PROCEDURES. a. Creation. Creation of a development incentive overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Performance Standards. Upon receipt of an application for creation of a development incentive overlay zone, the commissioner shall prepare performance standards for review and approval by the common council at the same time the map amendment is adopted.

c. Zoning Map Designator. Each development incentive overlay zone shall be shown on the zoning map by a "DIZ" designator and an appropriate number.

d. Development Plan Review and Approval. Once a development incentive overlay zone has been established, all development plans for site work within the zone shall be submitted to the city plan commission for review and approval. The performance standards prepared pursuant to par. b shall be used by the commission in its review of development plans within the zone. The city plan commission shall review all development plans and shall approve, conditionally approve, or deny a development plan within 60 days after submission of the plan. Unless the applicant for plan approval requests a time extension, failure of the commission to act within 60 days shall constitute approval of the proposed development plan as submitted.

e. Limitation on Permit Issuance. No building or grading permit for a project within a development incentive overlay zone shall be issued by the commissioner until development plan approval has been granted or specified conditions have been met. The development of single-family or 2-family dwellings shall be exempt from this requirement.

3. STANDARDS. a. Performance Standards. The commissioner shall prepare performance standards applicable to each development incentive overlay zone. Such performance standards may include, but shall not be limited to, design requirements, signage, fencing and landscaping, buffers, open space, pedestrian and vehicular access, and building height, bulk, placement, materials, façade treatment and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the performance standards do not specify new standards, those of the underlying district shall be maintained. The commissioner shall also include, within the performance standards, modifications to the lists of permitted, limited, and special uses in the underlying zoning district. Such modifications may include a list of all uses which will be permitted and which will be prohibited.

b. Required Findings. Prior to the approval or conditional approval of any site work within a development incentive overlay zone, the city plan commission shall find that the development plan:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the performance standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

295-1009. Site Plan Review Overlay Zone (SP). 1. PURPOSE. This overlay zone adds design and building placement standards over and above those required by the base district. These standards are intended to provide improved buffers, pedestrian and vehicular access, and neighborhood compatibility and transition.

2. PROCEDURES. a. Creation. Creation of a site plan review overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Design Standards. Upon receipt of an application for creation of a site plan review overlay zone, the commissioner shall prepare design standards for review and approval by the common council at the same time the map amendment is adopted.

c. Zoning Map Designator. Each site plan review overlay zone shall be shown on the zoning map by a "SP" designator and an appropriate number.

d. Development Plan Review. Once the site plan review overlay zone has been established, plans for all site work within the zone shall be submitted to the city plan commission for its approval. The approved design standards shall be used by the commission in its review of development plans within the zone.

3. STANDARDS. a. Design Standards. The commissioner shall prepare design standards applicable to each site plan review overlay zone. Such design standards may include, but shall not be limited to: signage; fencing and landscaping; buffers; open space; pedestrian and vehicular access; building height, bulk, placement, façade treatment, materials and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the design standards do not specify new standards, those of the underlying district shall be followed.

b. Required Findings. Prior to the approval or conditional approval of any site work within a site plan review overlay zone, the city plan commission shall find that the development plan for such site work:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the design standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

295-1011. Flood Plain Overlay Zones (FP) 1. PURPOSES. The purposes of the flood plain overlay zones are to identify flood-prone areas in the city with respect to establishing corrective and preventive measures to reduce flood damage and alerting the public to the flood-related hazards it may face in such areas. Two flood plain overlay zones, floodway and flood fringe, are established. Floodways are characterized by deeper, faster-moving water, while flood fringe areas typically contain shallow, slow-moving water. The purpose of the floodway overlay zone is to insure that the flow of water is not impeded during periodic flooding, and that flood heights upstream are not increased. The purpose of the flood fringe overlay zone is to allow limited development so long as adequate floodproofing measures are followed, flood storage areas are not reduced during periodic flooding and flood heights are not increased upstream.

2. PROCEDURES. a. Creation. Creation of a flood plain overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307. Such an amendment shall not be final until approved by both the Wisconsin department of natural resources and the federal emergency management administration.

b. Zoning Map Designator. Each flood plain overlay zone shall be shown on the zoning map by either an "FP1" designator indicating a floodway area or an "FP2" designator indicating a flood fringe area.

c. Variances and Special Uses. Pursuant to s. 295-305-4-f-2-a, the board of zoning appeals shall take no action on any application for a variance or special use permit in a flood plain overlay zone for 30 days following the date of receipt of the application or until the Wisconsin department of natural resources has made its recommendation, whichever is sooner.

3. STANDARDS. a. Land Use Regulations in the Floodway Overlay Zone. a-1. Permitted Uses. The following are permitted uses in the floodway overlay zone:

a-1-a. Farming, truck gardening and nurseries, but not structures.

a-1-b. Impoundments and wildlife preserves.

a-2. Special Uses. The following are special uses in the floodway overlay zone:

a-2-a. Navigational structures.

a-2-b. Water measurement and control facilities.

a-2-c. Bridges.

a-2-d. Marinas.

a-2-e. Utility poles, towers, and underground conduit for transmission of electricity, telephone, cable television, natural gas and similar products and services.

a-2-f. Parks, playgrounds and other recreational areas, but not campgrounds.

a-2-g. Off-street surface parking and loading areas accessory to permitted uses in adjoining districts, but not new or used motor vehicle sale or storage areas.

a-2-h. Filling or dumping material in conjunction with the establishment of bulkheads or bridge approaches, as authorized by the Wisconsin department of natural resources.

a-2-i. Municipal water supply and sanitary sewerage systems, provided they are floodproofed and designed to eliminate or minimize infiltration of floodwater into the system.

a-3. Prohibited Uses. The following uses are prohibited in a floodway zone:

a-3-a. Dumping and filling not authorized by the Wisconsin department of natural resources. However, incidental grading activities normally associated with the development of open space, outdoor recreation, yards, parking or loading is permitted.

a-3-b. The storage of material that is buoyant, flammable, explosive, or harmful to human, animal or plant life.

a-3-c. Solid waste disposal, soil absorption sanitary sewer systems or construction of wells providing water for human consumption.

a-3-d. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages, or velocities, or would itself be subject to flood damages.

a-3-e. Any development that in itself or in combination with existing or future similar uses would increase the regional flood elevation by 1/10 of a foot is not allowed. Calculations for this purpose are made by applying the principles of equal degree of hydraulic and hydrologic encroachment.

b. Land Use Regulations in the Flood Fringe Overlay Zone. b-1. Permitted Uses. The following are permitted uses in the flood fringe overlay zone:

b-1-a. Farming, truck gardening and nurseries, but not structures.

b-1-b. Impoundments and wildlife preserve.

b-1-c. Any use listed in par. a-2.

b-2. Limited Uses. A residential, business or manufacturing use permitted in the underlying zoning district shall be allowed provided it meets the following standards:

b-2-a. The commissioner has determined that the use or improvement will not: impede drainage or cause ponding; increase flood flow velocities; increase the regional flood elevation; retard the movement of flood water; diminish flood

plain storage capacity; result in structures or uses that will catch or collect debris or be damaged by floodwater.

b-2-b. If the use is placed on fill, the fill elevation shall be at least 2 feet above the regional flood profile elevation and extended at least 15 feet beyond the limits of a structure. The fill elevation shall be contiguous to lands outside the flood plain where the depth and duration of floodwaters are sufficient to cause rescue and relief problems. The finished surface of the lowest floor of any building, including the basement, shall be at or above fill elevation.

b-2-c. Where existing streets or sewer lines are at elevations making compliance with subpar. b impractical, structures may be erected or substantially improved where access is provided from streets at lower elevations than the flood profile elevation if they are floodproofed and the commissioner has received written assurance from the fire and police departments and other emergency services providers that rescue and relief can be provided based on the anticipated depth, duration and velocities of the regional flood. Floodproofing of structures shall be extended at least to the flood protection elevation. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

b-3. Accessory Uses. An accessory use permitted in the underlying zoning district shall be allowed provided any accessory structure:

b-3-a. Is not attached to the principal structure.

b-3-b. Is not designed for human habitation.

b-3-c. Has a low flood damage potential.

b-3-d. Is erected and placed to provide minimum obstruction to flood flows and, whenever possible, oriented so that its longitudinal axis parallels the flow of floodwaters.

b-3-e. Is firmly anchored to prevent it from floating away and restricting bridge openings.

b-3-f. Has all service facilities, such as electrical and heating equipment, at an elevation at least 2 feet above the regional flood profile elevation.

b-4. Prohibited Uses. Solid waste disposal, soil absorption sanitary sewer systems and construction of wells providing water for human consumption are prohibited in flood fringe overlay zones.

c. Development Regulations Applying to Both Floodway and Flood Fringe Overlay Zones. c-1. Removal of Uses. Residential, business and manufacturing uses placed on fill may be removed provided the fill is at least 2 feet above the regional flood elevation and contiguous to lands outside of the flood plain and a zoning map amendment is approved pursuant to s. 295-307.

c-2. Maintenance and Drainageways. Development shall not adversely affect channels, floodways, or banks of any tributaries of the city's watercourses, or land outside of the flood plain.

c-3. Permits Required. It shall be unlawful to use any structure or land, or to erect, alter, relocate, extend or substantially improve any structure prior to the issuance of a permit. Furthermore, it shall be the responsibility of the permit applicant to secure all necessary permits required by local, state or federal agencies, including but not limited to:

c-3-a. Any permit, certificate or license, including any flood plain fill permit, in accordance with ch. 200.

c-3-b. Water use permits, in accordance with chs. 30 and 31, Wis. Stats.

c-3-c. Wetland fill permits, in accordance with s. 404 of the federal water pollution control act.

c-4. Certification of Floodproofing. As a precondition of issuance of a certificate of occupancy, certification of floodproofing for a structure or use shall be submitted to commissioner. This certification shall consist of a plan or document from a registered engineer certifying that the floodproofing measures taken are consistent with the flood velocities, forces, depths and other factors associated with the regional flood.

c-5. Rivers and Streams. No river or stream shall be altered or relocated until a flood plain overlay zone zoning map amendment is approved by the common council in accord with s. 295-307.

c-6 Warning; Disclaimer. The degree of flood protection provided in this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur on rare occasions or the flood level may be increased by artificial or natural causes, such as ice jams or bridge openings restricted by debris. The provisions of this chapter are not intended to imply that the areas outside of the delineated flood plain, or the land uses permitted within the flood plain, are totally free from flooding and associated flood damage. These provisions shall not create a liability on the part of nor a cause of action against the city of Milwaukee, or any office or employe thereof, for any flood damage that may result from reliance upon them.

295-1013. Shoreland-Wetland Overlay Zone (WL). 1. PURPOSES. The shoreland-wetland overlay zone, which includes all wetlands in the city that are 2 acres or more in area, as defined by the "FINAL" Wisconsin Wetland Inventory Maps dated March 29, 1989, is intended to:

- a. Maintain the storm and flood water storage capacity of wetlands.
- b. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- c. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat.
- d. Prohibit certain uses detrimental to shoreland-wetland areas.
- e. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

2. PROCEDURES. a. Creation. Creation of a shoreland-wetland overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each shoreland-wetland overlay zone shall be shown on the zoning map by a "WL" designator and an appropriate number.

3. STANDARDS. a. Permitted Uses. In a shoreland-wetland overlay zone, the following are permitted uses, provided that no wetland alteration occurs:

- a-1. Hiking.
- a-2. Fishing.
- a-3. Swimming.
- a-4. Boating.

b. Special Uses. The following are special uses in the shoreland-wetland overlay zone:

b-1. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

b-2. Silviculture, including the planting, thinning and harvesting of timber, and limited temporary water level stabilization measures as necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

b-3. Raising of minnows or other wetland or aquatic animals.

b-4. Maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the

minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.

b-5. Construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.

b-6. Installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zone provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.

b-7. Maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

b-8. Construction and maintenance of roads as necessary to provide continuity in the city's street system, essential utility and emergency services, or access to uses listed under this subsection, provided that:

b-8-a. The road cannot, as a practical matter, be located outside the wetland.

b-8-b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.

b-8-c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

b-8-d. Road construction activities are carried out only in the immediate area of the roadbed.

b-8-e. Any wetland alteration shall be only that necessary to accommodate construction or maintenance of the road.

b-9. Construction and maintenance of a nonresidential building provided that:

b-9-a. The building cannot, as a practical matter, be located outside the wetland.

b-9-b. The building does not exceed 500 square feet in floor area.

b-9-c. Only limited filling and excavating necessary to provide structural support for the building shall be allowed.

b-10. Establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

b-10-a. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures shall be allowed.

b-10-b. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

b-11. Construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines, provided that:

b-11-a. These utility facilities and lines cannot, as a practical matter, be located outside the wetland.

b-11-b. Only limited filling or excavating necessary for construction or maintenance shall be allowed.

b-11-c. Construction or maintenance shall be performed in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.

c. Use of Boathouses and Houseboats. The use of a boathouse for human habitation and the construction or placement

of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters is prohibited.

d. Exemptions. d-1. Filled Wetlands Exempted. Wetlands filled prior to June 16, 1992, in a manner that affects their wetland characteristics to the extent that the area can no longer be defined as wetlands shall not be subject to the provisions of this section.

d-2. Wetlands Landward Of A Bulkhead Line Exempted. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under s. 30.11, Wis. Stats., and the Milwaukee harbor as defined in s. 118-80, shall not be subject to the provisions of this section.

295-1015. Lakefront Overlay Zone (LF). 1. PURPOSE. The lakefront overlay zone is established to accommodate a wide variety of public and quasi-public facilities providing recreational and cultural opportunities and supporting services that require lakefront sites.

2. PROCEDURES. a. Creation. Creation of a lakefront overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. The lakefront overlay zone shall be shown on the zoning map with an "LF" designator.

3. STANDARDS. a. Use Table. Table 295-1015-3-a indicates the use classifications for various land uses in the lakefront overlay zone. These use classifications replace the classifications of the underlying zoning district. Any use not listed in the table is a prohibited use in the lakefront overlay zone. The following are the use classifications indicated in Table 295-1015-3-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

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

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

Table 295-1015-3-a LAKEFRONT OVERLAY ZONE USE TABLE

Y = Permitted Use L = Limited Use S = Special Use Overlay Zone

Uses LF

EDUCATIONAL USES

Day care center L

COMMUNITY-SERVING USES

Library Y

Cultural institution Y

Community center L

COMMERCIAL AND OFFICE USES

Government office Y

Retail establishment, general L

MOTOR VEHICLE USES

Parking lot, principal use S

Parking lot, accessory use Y

Parking structure, principal use S

Parking structure, accessory use S

ACCOMMODATION AND FOOD SERVICE USES

Tavern S

Assembly hall L

Restaurant, sit-down L

Restaurant, fast-food/carry-out L

ENTERTAINMENT AND RECREATION USES

Park or playground Y

Festival grounds Y
Recreation facility, indoor S
Recreation facility, outdoor S
Theater S
Marina L

TRANSPORTATION USES

Passenger terminal Y
Helicopter landing facility S
Ship terminal or docking facility S

UTILITY AND PUBLIC SERVICE USES

Transmission tower L
Water treatment plant Y
Substation/distribution equipment, indoor S
Substation/distribution equipment, outdoor L

TEMPORARY USES

Seasonal market L
Live entertainment special event L

b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing a library or cultural institution as a principal use.

b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.

b-1. Community Center or Assembly Hall. The facility shall be owned and operated by a governmental agency or entity.

b-2. General Retail Establishment, Sit-down Restaurant or Fast-food/Carry-out Restaurant. b-2-a. The area devoted to the use shall not exceed 1,000 square feet.

b-2-b. The use shall be located in a structure owned by a governmental agency or entity.

b-2-c. The use shall be ancillary to park and recreational uses.

b-3. Marina. Indoor sales or storage of boats shall not be permitted.

b-4. Transmission Tower. b-4-a. The tower shall comply with the applicable provisions of s. 295-413.

b-4-b. The tower shall not exceed the height limit of the underlying zoning district.

b-5. Substation/distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.

b-6. Seasonal Market. b-6-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.

b-6-b. If flowers, plants, Wisconsin-grown farm products or Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.

b-6-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-6-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.

b-6-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.

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

b-7. Live Entertainment Special Event. b-7-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

b-7-b. If the event will last 4 days or longer, the person, firm or organization coordinating the event shall obtain a festival permit in accordance with s. 262-103.

b-7-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

b-7-d. The duration of the event shall be limited to 15 days.

b-7-e. A particular property may be used as the site of a live entertainment event not more than once every 3 months, regardless of the event sponsor.

b-7-f. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.

b-7-g. When the event has been concluded, the site shall be left clean and restored to its previous condition or improved condition, as appropriate.

c. Design Standards. c-1. Purpose. The objective of the design standards of this paragraph is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this paragraph include the provision of setbacks and the use of screening/buffering techniques to limit the visibility of certain activities.

c-2. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

c-3. Accessory Building Standards. Accessory buildings shall have setbacks of at least 25 feet from all property lines.

c-4. Site Standards. c-4-a. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

c-4-b. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type "G" landscaping, as described in s. 295-405.

c-4-c. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

c-4-d. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

c-4-e. Signs, Generally. Table 295-1015-3-c-4-e contains the regulations for on-premise and off-premise signs in the lakefront overlay zone. General regulations applicable to all signs can be found in s. 295-407.

c-4-f. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the Table 295-1015-3-c-4-e SIGN REGULATIONS FOR THE LAKEFRONT OVERLAY ZONE

LF

Freestanding Signs (permitted)

Max. number	1 per activity		
Total type "A" and type "B"	display area permitted (sq. ft.)	30	
Type "B" max. display area	(sq. ft.) 18; 27 if set on or in a base constructed of masonry materials		
Max. height	8 ft.		
Wall Signs (permitted)			
Max. number	1 per building		
Total type "A" and type "B"	display area permitted (sq. ft.)	50	
Type "B" max. display area	(sq. ft.) 25		
Projecting Signs (permitted)			
Max. number	1 per 25 lineal ft.		
Total type "A" and type "B"	display area permitted (sq. ft.)	25	
Type "B" max. display area	(sq. ft.) 10		
Awning Signs (permitted)			
Max. number	no limit		
Total type "A" and type "B"	display area permitted (sq. ft.)	10	
Type "B" max. display area	(sq. ft.) 99]		
Hood Signs (permitted)			
Max. number	1 per 25 lineal ft.		
Total type "A" and type "B"	display area permitted (sq. ft.)	60	
Type "B" max. display area	(sq. ft.) 30		
Canopy Signs (permitted)			
Max. number	1 per 25 lineal ft.		
Total type "A" and type "B"	display area permitted (sq. ft.)	25	
Type "B" max. display area	(sq. ft.) 10		
Roof Signs (not permitted)			
Off-premise Signs (not permitted)			
lakefront overlay zone provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the lakefront overlay zone provided it does not exceed 6 square feet.			

295-1017. Master Sign Program Overlay Zone (MSP). 1. PURPOSE. This overlay zone allows the use of different sign regulations in place of or in addition to the sign regulations of the base zoning district for the purpose of allowing overall flexibility in the application of sign regulations, yet encouraging consistency of sign design within a defined geographical area.

2. PROCEDURES. a. Creation. Creation of a master sign program overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each master sign program overlay zone shall be shown on the zoning map by an "MSP" designator and an appropriate number.

c. Limitation on Permit Issuance. Permits may be issued for signs in an area covered by an approved master sign program only if such signs conform to the standards of the program.

d. Standards. Along with the application for creation of a master sign program overlay zone, the applicant shall submit a master sign program for review and approval by the common council at the same time the map amendment is adopted. The master sign program shall include the following:

d-1. A site plan, drawn to scale, delineating the area proposed for inclusion within the master sign program and the general location of all proposed signs.

d-2. Scale drawings or sketches indicating the location and characteristics of all existing signs.

d-3. Scale drawings or sketches indicating exterior surface details of all buildings on the site on which wall signs, directory signs, freestanding signs or projecting signs are proposed.

d-4. A graphic and written program specifying sign standards, including color, size, construction details, illumination and placement.

d-5. A statement of the reasons for any requested deviations from the standards or regulations of this section.

e. Allowable Deviations. A master sign program may include more than one freestanding sign per parcel or other deviations from the standards of this section, such as but not limited to the maximum size or height of individual signs, provided the master sign program meets the intent of the provisions of this section.

f. Required Findings. No master sign program shall be approved unless the commission finds all of the following to be true:

f-1. The design quality of the site and surrounding area will be greater with the master sign program than with application of the regulations and standards of this section.

f-2. The proposed signs are compatible with the style or character of other existing or proposed improvements on the site and with one another.

f-3. The proposed sign program will accommodate the signage needs of both current and future occupants of the site.

f-4. The total display area of all signs on the site does not exceed 150% of the total display area otherwise allowed.

f-5. The number of freestanding signs does not equal one more than, or 50% more than the number of signs otherwise permitted, whichever is greater.

g. Conditions of Approval. In approving a master sign program, the commission may impose, upon the applicant and the site to which the program would apply, any reasonable conditions necessary to carry out the intent of this subsection while still providing each sign user with opportunities for effective identification and communication.

Part 113. Wherever the term "ground signs" appears in the following sections of the code, the term "freestanding signs" is substituted:

244-7-1
244-7-4-a
244-7-4-b
244-7-4-c
244-7-4-e

Part 114. This ordinance shall be effective October 1, 2002.

Part 115. Whenever a permit is required by the Building and Zoning Code as of any date between the date of publication of this ordinance and October 1, 2002, and/or required by ch. 295 as of October 1, 2002, the permit applicant may elect to have the work for which the permit is required be subject to the provisions of either ch. 295 in effect as of the date of publication of this ordinance or ch. 295 as of October 1, 2002, with the understanding that if the applicant selects the former code and the work will not meet the requirements of the latter code, the work shall have legal nonconforming status as of October 1, 2002.

..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

..Drafter

LRB00094-3

JDO

5/8/02